

ALASKA CONSTITUTIONAL CONVENTION

November 22, 1955

FIFTEENTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Victor Alfsen of the Presbyterian Church in Fairbanks. Reverend Alfsen will give our daily invocation.

REVEREND ALFSEN: Let us pray. Almighty God, unto Whom all hearts are open, all desires known, and from Whom no secrets are hid, deliver this assembly, O Lord, from arrogance and from impatience, from wilful misunderstanding of each other's difficulties. And grant unto each member a full measure of kindness and love, through Christ, Our Lord. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Two absent.

PRESIDENT EGAN: A quorum is present. We will proceed with the regular order of business. Mr. White, the reading of the journal of the 11th day?

WHITE: Mr. President, the Committee to read the journal recommends the approval of the journal for the 11th Convention day, November 18, with the following changes: On Page 2 --

PRESIDENT EGAN: Does everyone have a copy of the journal for the 11th day? Mr. White, would you mind deferring that until the members all have a copy of that? How many do not have a copy of the journal of the 11th day? If there is no objection we might just pass that order of business until later in the session. The presentation of petitions, memorials and communications from outside the Convention. Are there any communications, petitions or memorials?

SECRETARY: Mr. President, there is a letter from the Mayor of Skagway discussing certain provisions of a right-to-work clause in a possible constitution.

PRESIDENT EGAN: The communication can be made available to the Committee on Preamble and Bill of Rights. Are there other communications?

JOHNSON: Mr. President, I would like a copy of that communication also if it is going to be mimeographed, for my own information.

PRESIDENT EGAN: If there is no objection the Secretary will run off a few copies of that communication. So ordered. Are

SECRETARY: No other communications.

MARSTON: May I make a communication direct?

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

MARSTON: At the suggestion of Delegate Truman Emberg, I move and ask unanimous consent that this organization extend to the Air Force appropriate appreciations for the party and the fine instructions they gave us out there. I wish to comment on that. I notice that he said one-fifth of our information came from the Natives along the coast line on enemy operations. I think that is a civilian operation and that young man, Sergeant Walunga, who has been decorated by the Navy just yesterday, I swore his father into the Alaska Territorial Guard as an officer 13 years ago. The General said, and I think we should take heed of what he said and take it back to our respective villages, that if you want to lay down a propaganda or good will missionaries to America, you make friends with these 80,000 soldiers here and coming each year to our shores. He also said that you look out for yourself. This Army is not out here to defend us as individuals. They are there to defend that piece of ground they are on for America, for all of America and not us. General Simon Buckner told me during the war, "You tell the people of Anchorage they are on their own -- I am here to defend this plot of ground." He said we should look out for our civilian defense. That is a warning we should take back home to all the people of Alaska as delegates. I think these things should be made note of and that we as representatives of this group carry the information back. That is all.

PRESIDENT EGAN: Mr. Marston, were you asking unanimous consent that a proper communication be written by the secretariat and sent to General Atkinson and General Bennett, the Commander at Ladd Air Force Base and General Ruggles of the Army?

MARSTON: Yes, that is the request.

PRESIDENT EGAN: If there is no objection so ordered and a proper note of appreciation will be sent to the generals. Are there reports of standing committees? Mr. Smith?

SMITH: Mr. President, I would like to announce that the Committee on Resources will meet at 11 a.m., our scheduled time, in this room rather than our committee room.

PRESIDENT EGAN: Mr. Smith announces a meeting of the Committee on Resources at 11 a.m. in this room here.

SMITH: I might say further that the reason for that is that

we will have present at our meeting this morning Delegate Bartlett to discuss the relationship between the various enabling acts and the constitution, and it was thought that a considerable number of delegates might wish to hear this discussion, and that was the reason for holding the meeting in this room, and that of course is provided that no other dispensation of this room at that time has been made. I have one other announcement to make in regard to the Resources Committee. The Resources Committee will hold its first public hearing Saturday afternoon, a week from this coming Saturday. I do not have a calendar so I don't know the date, but it will be a week from this coming Saturday afternoon, and I will try to get a time to you later.

PRESIDENT EGAN: Mr. Smith announces that the Resources Committee will hold a public hearing one week from this coming Saturday. Mr. Rosswog?

ROSSWOG: Mr. Chairman, the Local Government Committee No. XII will hold their meeting at 11 o'clock this morning because of a conflict with one of the other committees this afternoon. We may hold our regular meeting but this will be a special meeting this morning.

PRESIDENT EGAN: You have heard the announcement. Committee No. XII will meet at 11 o'clock this morning rather than in the afternoon. Mr. Collins?

COLLINS: Committee on Direct Legislation and Revision, No. XIII, will meet as scheduled.

PRESIDENT EGAN: Committee No. XIII will meet as scheduled today, the Committee on Direct Legislation. Mr. Coghill?

COGHILL: The Committee on Administration will meet on schedule.

PRESIDENT EGAN: The Committee on Administration will meet on schedule. Mr. Cross:

CROSS: The Committee on Resolutions, No. XIV will meet in the gallery immediately after this session.

PRESIDENT EGAN: The Committee on Resolutions will meet in the gallery immediately after this session. Mr. Sundborg?

SUNDBORG: Committee No. III, Style and Drafting, will meet at 11 o'clock as usual.

PRESIDENT EGAN: Committee No. III, Style and Drafting, will meet at 11 o'clock. Are there other reports? Introduction of first reading of proposals. Are there any proposals to be introduced at this time? Mr. Robertson?

ROBERTSON: Question. Is Proposal No. 12 ready for distribution yet?

PRESIDENT EGAN: Proposal No. 12? Is it ready for distribution?

CHIEF CLERK: I don't think it is ready. It is not assembled yet.

PRESIDENT EGAN: Evidently it is not quite ready, Mr. Robertson. If there are no proposals, are there any motions and resolutions to come before us at this time?

SECRETARY: Mr. President, "Resolution introduced by Mr. Yule Kilcher restoring the original name of 'Denali' to the mountain now called 'Mt. McKinley'."

PRESIDENT EGAN: A resolution by Mr. Kilcher restoring the name of -- Mr. Kilcher?

KILCHER: I move and ask unanimous consent that the rules be suspended and this resolution advanced to third reading.

PRESIDENT EGAN: Mr. Kilcher moves and asks unanimous consent that the rules be suspended and that this resolution be advanced to third reading.

SUNDBORG: I object.

PRESIDENT EGAN: Objection is heard.

KILCHER: I so move.

PRESIDENT EGAN: Mr. Kilcher so moves.

PERATROVICH: I second the motion.

PRESIDENT EGAN: Mr. Peratrovich seconds the motion. On a suspension of the rules it cannot be debated. A suspension of the rules is undebatable. Mr. Taylor?

TAYLOR: I rise to a point of order. I don't believe that under the rules of parliamentary procedure you can advance a resolution from direct to third reading, from first and bypass second reading.

PRESIDENT EGAN: Mr. Taylor, your point of order from first reading to third reading on a suspension of the rules, the Chair will have to admit -- if there is no objection the Convention will stand at recess for one minute. The Convention is at recess.

PRESIDENT EGAN: The Convention will come to order. The Chair

would feel that in the absence of any definite restriction that a suspension of the rules on anything in this body, due to the absence of any organic act governing the action of this body, that a suspension of the rules would technically be in order, but as to the propriety of such a move the Chair is in doubt. The question is, "Shall the rules be suspended?"

DAVIS: I call for a roll call vote.

PRESIDENT EGAN: The Chief Clerk will call the roll. "Shall the rules be suspended and Mr. Kilcher's resolution be advanced to third reading?"

BARR: Is there anything in Robert's Rules of Order about jumping from first reading to third reading? I can understand how it could be advanced to second reading and then the rules be suspended and advanced to third reading. Is there anything to allow that?

PRESIDENT EGAN: Mr. Barr, so far as the Chair can determine, there is nothing in Robert's Rules of Order that covers that question. In certain other assemblies there are such things as the Alaska Organic Act that takes care of that, but here we don't have such a restriction. The question is, "Shall the rules be suspended and Mr. Kilcher's resolution be advanced to third reading?"

ROBERTSON: Mr. President, may we have the resolution read.

PRESIDENT EGAN: The Secretary will read the resolution in its entirety.

SECRETARY: Resolution by Yule F. Kilcher, "Restoring the original name of Denali to the mountain now called Mt. McKinley.

WHEREAS Alaska's mountains command our love and and admiration, and Whereas one mountain more than any other is identified with Alaska, and

WHEREAS the beautiful, ancient name of this mountain is familiar to all Alaskans

THEREFORE BE IT RESOLVED:

That the original name of Denali be restored to Alaska's most majestic mountain and North America's highest peak, now called Mt. McKinley."

HELLENTHAL: Mr. President, I rise to a point of order. It would appear to me that this body has no jurisdiction over the subject matter of this resolution. We adopted a resolution that the constitution would be confined to basic matters, matters of principle, rather than matters of minute legislation.

Surely this patently on its face, violates the resolution of this body. It would seem to me the expeditious and quick way of disposing of it would be to rule that it was beyond the jurisdiction of the body and then perhaps there could be an appeal from the ruling of the Chair. That is my point of order. We have no jurisdiction over this matter.

PRESIDENT EGAN: Mr. Hellenthal, the Chair would feel that a resolution would not necessarily become a part of the constitution, and regardless, that it might be a directive or request of this Constitutional Convention that some matter be taken under consideration. The Chair could not quite see that under those circumstances that the Chair could declare it completely out of order. The question is on the suspension of the rules to advance this resolution from first to third reading at this time, and the Chief Clerk will call the roll.

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

Ayes: 6 - Collins, Harris, Kilcher, Peratrovich, Stewart, Smith

Nays: 49 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Sundborg, Sweeney, Taylor VanderLeest, Walsh, White, Wien, Mr. President.)

CHIEF CLERK: Six ayes and 49 nays.

MCNEES: I would like to explain my vote on that. I am heartily in sympathy with the idea, but the proposer of the resolution told me he had done it without purpose.

PRESIDENT EGAN: The motion has failed and the resolution will be referred to the Committee on Resolutions. Are there other resolutions to come before us at this time?

SECRETARY: No further resolutions, Mr. President.

PRESIDENT EGAN: Is there any unfinished business? Are there special orders of the day or general orders of the day?

PRESIDENT EGAN: Mr. White, are the journals before the delegates at this time?

WHITE: Mr. President, I understand the Sergeant at Arms has

copies of the journal. I wonder if with unanimous consent we might return to the order of reading of the journal.

PRESIDENT EGAN: If there is no objection we will return to the order of business of the reading of the journal at this time.

WHITE: Mr. President, the Committee on reading the journal recommends the approval of the journal for the 11th Convention day, November 18, with the following changes: On Page 2, paragraph 2, before the name "Rivers" insert "V." Same page, first paragraph under Committee Reports, line 6, last word, change "memorandum" to "memoranda". That is all the changes, Mr. President.

PRESIDENT EGAN: You have heard the report of the Chairman of the Committee that has been designated to read the journal. You have heard his suggestions for corrections. Is there objection? Mr. Doogan?

DOOGAN: Not an objection, but I would like to be shown present on the roll call even if I was a little late.

PRESIDENT EGAN: If there is no objection, Mr. Doogan will be shown present on the roll call even though he was a few minutes late. The Chair has been asked to ascertain whether each delegate is satisfied with his new seating arrangement. If there should be any changes that you would like to have made during the recess or during an adjournment that undoubtedly could be accomplished, and later all your seating places will be marked. Mr. Sundborg?

SUNDBORG: I would just like to observe that one of our two "Fischers" has ended up stranded between two "Rivers".

PRESIDENT EGAN: Quite an observation, Mr. Sundborg. Mr. Taylor?

TAYLOR: Mr. President, I move that we unanimously approve the installation of the tables and chairs here, much as we are sorry to get rid of the little chairs we have had.

JOHNSON: I ask unanimous consent to that motion.

PRESIDENT EGAN: Unanimous consent has been asked that approval be given to the Committee on Administration for the manner in which they have made the new seating arrangements. Hearing no objection it is so ordered. Is there any other business to come before the Convention at this time? If there is no objection, the Secretary has a statement he would like to make to the Convention at this time.

SECRETARY: We received reports that in some of the constitutional

studies issued on behalf of the Statehood Committee, there were pages either upside down or improperly printed. Not to apologize, but there were difficulties in the operation of the machine at the beginning of the production process. There are now extra copies available if anyone has a faulty copy they may be obtained through the librarian, a replacement for a copy you may have that is not perfect.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I noted on reading the daily newspaper last night in the schedule of events that this Convention is apparently invited to attend some kind of affair at Eielson Air Force Base tonight, and that is some miles out of town. I wonder if any arrangements have been made or if there is such an invitation.

PRESIDENT EGAN: We had attempted to learn something about that yesterday. Mr. Secretary, do you have a report on that?

SECRETARY: I apologize. We received a report late last night that the entertainment scheduled had been cancelled or postponed.

PRESIDENT EGAN: Is there any other business at this time? Mr. Johnson?

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

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

RECESS

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

JOHNSON: I move and ask unanimous consent that the Convention revert to the order of business on introduction and first reading of proposals.

PRESIDENT EGAN: If there is no objection, Mr. Johnson asks unanimous consent that the Convention revert to the introduction of proposals. Hearing no objection it is so ordered. Mr. Johnson, you have a proposal?

CHIEF CLERK: "Delegate Proposal No. 16, introduced by Mr. Maurice T. Johnson, A SUGGESTED PREAMBLE."

PRESIDENT EGAN: Committee on Preamble and Bill of Rights, the proposal is referred to.

CHIEF CLERK: "Delegate Proposal No. 17, introduced by Warren A. Taylor, PUBLIC WELFARE."

PRESIDENT EGAN: The proposal will be referred then to the Committee on the Executive Branch. Are there other proposals?

DOOGAN: Point of order, Mr. Chairman. I believe that should be referred to the Committee on Preamble and Bill of Rights.

PRESIDENT EGAN: The Chair is taking your suggestion under advisement, Mr. Doogan. Mr. Taylor, you suggested that you would like to have it go to the Committee on the Executive Branch, but perhaps Mr. Doogan is correct that the Committee on Preamble and Bill of Rights would be where those sections might appear. Miss Awes?

AWES: Maybe I can say something on that. The other day there was a proposal dealing with both education and welfare, which was referred to Preamble and Bill of Rights. There was another proposal on education which was referred to Mr. Collins' committee, and Mr. Collins and I talked it over and he said he was going to refer it to our committee so it would all be in one committee, and I would suggest this on welfare, whether it's our committee or some other committee, it should all be in the same one.

PRESIDENT EGAN: Let the journal stand corrected then and the statement of the Chair is that the proposal is referred to the Committee on Preamble and Bill of Rights. Are there other proposals? The Chair would like to announce at this time that the President would like to meet with the secretaries of all standing committees tomorrow afternoon at 1 in Room 208 on the third floor. Do you have any communications?

CHIEF CLERK: A letter from Acting Governor Waino E. Hendrickson.

(The Chief Clerk read a letter from Acting Governor Waino E. Hendrickson requesting a leave of absence for John B. Coghill to attend the President's White House Conference on Education.)

PRESIDENT EGAN: The leave that would be requested for Mr. Coghill would be from this last Saturday until coming Monday a week about a nine day period of time, and if there is no objection the Chair will adhere to the request from the Governor of Alaska and allow Mr. Coghill a leave of absence in order to attend this important conference at the White House. Is there objection? Hearing no objection it is so ordered. Mr. Coghill is granted a leave of absence during that period of time. Are there other communications?

CHIEF CLERK: I don't have any more.

PRESIDENT EGAN: Is there any unfinished business to come before the Convention at this time? Mr. Johnson?

JOHNSON: Mr. President, I move and ask unanimous consent that the prayer given this morning be spread upon the journal of today's proceedings in its entirety.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the prayer given this morning be spread upon the journal of today's proceedings in its entirety. Is there objection? Hearing no objection it is so ordered and the prayer will take its proper place in the journal. Is there any other unfinished business to come before the Convention? Mr. McNealy?

MCNEALY: I have just one. The Committee on Ordinances will meet in the gallery immediately following this session.

PRESIDENT EGAN: Are there other announcements or anything else to come to the attention of the Convention? If there are none the Chair will entertain a motion for adjournment. Mr. Johnson?

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

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