

ALASKA CONSTITUTIONAL CONVENTION

December 1, 1955

TWENTY-FOURTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Chaplain Martin Shaner of Ladd Air Force Field who will give us our daily invocation.

CHAPLAIN SHANER: Almighty God our Heavenly Father, of Whose righteous will all things are and were created, Who liftest the islands out of the deep and prearest not in vain the habitable world. Thou hast gathered our people in a great land and in a great nation. Thou hast given to us the great heritage of the past. We would ask Thee this day to instill into each of us and especially to invoke Thy blessings upon this Convention, upon each individual severally and collectively. We ask for wisdom. We ask for strength, and, O God, we ask for courage that we may do those things in the preparation of this constitution which shall be in accord to Thy purpose and will and plan for mankind. May the precepts and principles of truth, of righteousness and justice ever be in our thinking and permeate our thoughts as we put together this document so that it shall be used as a means to govern Thy people here in this great land and in this State. We humbly pray in our Master's name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

PRESIDENT EGAN: The Secretary will show all members as being present. The absent members are attending a funeral and were properly excused. A quorum is present. We will proceed with the regular order of business. Are there any petitions, memorials or communications from outside the Convention? Reports of standing committees? Reports of select committees? Are there any proposals to be introduced at this time? Mr. Metcalf?

METCALF: I have a proposal.

PRESIDENT EGAN: Are there other proposals to be read? The Chief Clerk will proceed with the reading of the proposal.

CHIEF CLERK: "Delegate Proposal No. 29 introduced by Mr. Metcalf, INITIATIVE, REFERENDUM, AND RECALL -- AMENDMENT & REVISION."

PRESIDENT EGAN: It would be the Committee -- what committee would you suggest?

METCALF: I would suggest it be submitted to Committee No. XIII, Direct Legislation.

PRESIDENT EGAN: That is the feeling of the Chair. It is referred to Committee No. XIII, Committee on Direct Legislation. Are there other proposals? Are there any motions or resolutions? Mr. Smith?

SMITH: Mr. President, I believe the Chief Clerk has the resolution which I had prepared yesterday.

PRESIDENT EGAN: Would you like that read at this time?

SMITH: Yes.

CHIEF CLERK: "Resolution No. 7, RESOLVED, that the Committee on Resolutions and Recommendations be charged with the responsibility of making certain that proposals covering the seven requirements of H.R. 2535 are submitted to this Convention."

PRESIDENT EGAN: The resolution is referred to Committee No. XIV on Resolutions and Recommendations. Mr. Hurley?

HURLEY: Mr. Chairman, point of information on that. I believe my Chairman is not here today but the Ordinance Committee is already considering the majority of those. We have prepared a great number of them already.

PRESIDENT EGAN: Mr. Smith, if there is no objection then the Chair would change that reference and refer it to the Committee on Ordinances.

SMITH: It does not make any difference to me as to which committee receives this Resolution. My whole purpose and intent was to make it the responsibility of some committee and that was my only interest.

PRESIDENT EGAN: If there is no objection then under those circumstances the resolution is referred to the Committee on Ordinances rather than the Committee on Resolutions. Are there other resolutions? Is there any unfinished business to come before the Convention at this time? If not, the Chair will entertain a motion for recess. Mrs. Sweeney?

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

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that the Convention stand at recess until 1:30 this afternoon. Is there objection? The Chair would like to advise the delegates before stating the question that the checks are available in the Secretary's office, so the Convention is at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. Does the special Committee assigned to reading the journal have a report to make at this time? Mr. Knight?

KNIGHT: Mr. President, I move and ask unanimous consent that the journal for the 22nd Convention day be approved by the Convention as read.

PRESIDENT EGAN: Mr. Knight moves and asks unanimous consent that the journal for the 22nd Convention day be approved as read by the select committee. Is there objection?

NORDALE: I put a note on the Secretary's desk. I would like to know if they thought I was wrong. I understood we were to put a slip on the Secretary's desk if we thought anything was wrong with the journal, and I did that upstairs in his office over half an hour ago.

CHIEF CLERK: It should be the Chief Clerk.

PRESIDENT EGAN: Then if there is no objection, the journal of the 22nd Convention day will be ordered approved. Is there other business to come before the Convention at this time? Mr. Hurley?

HURLEY: Mr. President, I ask unanimous consent that we return to the introduction of proposals at this time.

PRESIDENT EGAN: Mr. Hurley asks unanimous consent that we revert to the introduction of proposals at this time. If there is no objection it is so ordered. Mr. Hurley, you may present your proposal.

CHIEF CLERK: "Delegate Proposal No. 30, by Mr. Hurley, STATE LANDS AND NATURAL RESOURCES.

PRESIDENT EGAN: The Committee on Resources, No. X. Are there other proposals? Is there other business to come before the Convention? Mr. Riley?

RILEY: Mr. President, I would wish to call a very brief meeting of the Rules Committee immediately after adjournment. It will be sufficiently brief that it will conflict with no other committee meeting.

PRESIDENT EGAN: Mr. Riley announces a brief meeting of the Rules Committee immediately upon adjournment. Are there other announcements? Will the delegates please come in and take their seats in the Convention Hall, please. Mr. Sundborg? (Delegates came in from gallery.)

SUNDBORG: Mr. President, I would like to inquire about the origin of a very interesting report which I found on my desk yesterday entitled, "Reapportionment for Representation for 1955". I am wondering if this is a committee report? It hasn't been referred to on the floor.

PRESIDENT EGAN: Mr. Sundborg, the Chair feels from hearing discussion that was just a tentative report in order to allow all the delegates to see what type of proposal the committee was working upon. That is not the final report at all and it was merely to allow each of you an opportunity to get an idea of the lines they are working along.

SUNDBORG: Is it from the Committee on Apportionment?

PRESIDENT EGAN: It is not a committee report, Mr. Sundborg. I believe it came from a member, it was drawn up by a member of the Committee.

SUNDBORG: I find it very interesting and helpful.

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

ARMSTRONG: Mr. President, I would like to ask unanimous consent for the writing of a letter by our Secretary, through the command at Eielson Air Force Base, to the families and personnel of those who have been bereaved through the disastrous crash of the F-84. I feel that they should know that in our deliberations we are thinking of them and our sympathy goes out to them. I would ask unanimous consent, sir.

PRESIDENT EGAN: You have heard Reverend Armstrong's unanimous consent request. Hearing no objection it is so ordered, and, Reverend Armstrong, will you work with the Secretary and Mrs. Hermann, please, in drawing up such a letter to send to the command at Eielson Air Force Base? Is there other business to come before the Convention? Mr. McNealy.

MCNEALY: Mr. President, I would like to, out of regard for my fellow delegates from the Second Division, I would like to have the unanimous consent of this body to withdraw Proposal No. 27 entitled, "ELECTION IN DISTRICT OTHER THAN PLACE OF RESIDENCE", which proposal was submitted by me. If I might just add with your permission that the reason for withdrawing it or the reason for filing it was not the reason a number of delegates thought was the reason. I had no one in mind except McNealy when I filed it and because other situations have arisen I would like to ask unanimous consent that this proposal be withdrawn from the Committee and from the Convention.

PRESIDENT EGAN: You have heard the unanimous consent request of Mr. McNealy asking that his Proposal No. 27 be withdrawn. Is there objection? Hearing no objection, Mr. McNealy, then

you may withdraw that Proposal, and the committee that has the Proposal in its possession can return the same to Mr. McNealy. Is there other business to come before the Convention? Mr. Smith?

SMITH: Mr. President, I would like to announce that Mr. Vincent Ostrom, of the staff for the Center for Advanced Study in the Behavioral Sciences, Stanford University, formerly associated with various organizations including the Northwest Regional Project in Educational Administration, Social Science Research Council, Wyoming Legislative Interim Committee, Oregon Bureau of Municipal Research Services, and the Haynes Foundation of Los Angeles, who was also formerly a member of the faculty at the University of Wyoming and at Oregon State College, author of Water and Politics, Water Supply and various articles and studies on natural resources policy and administration, local government and state and local finance taxation, has arrived and I looked around to see if he was in the gallery. I do not believe he is but I wanted to let the various committees know that he is here and I also wanted to put in first claim to his services for the Resources Committee.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, it seems to me we have a number of these consultants here or arriving here very shortly and I don't think the committees should be selfish and keep them locked up with them. I would like very much to have all of them introduced to the body as a whole and all of us given an opportunity to talk with them and have them say a few words to the Convention. I think that might be done tomorrow when the other two arrive, but I think it should be that the whole assembly should greet them rather than just committees with which they are planning to work.

SMITH: Mr. President, if the President would send the Sergeant at Arms to find Mr. Ostrom, I am sure he would be glad to come at this time and I am sure the Committee on Resources would be glad to have him come.

MCLAUGHLIN: Mr. President, the Judiciary Committee, with more efficiency, has its expert available and we can fill the interim if the Chair desires.

PRESIDENT EGAN: Are you referring to Mr. Sheldon Elliott, Mr. McLaughlin?

MCLAUGHLIN: Yes.

PRESIDENT EGAN: Is it the wish of the Convention that Mr. Ostrom come before us at this time or, as Mrs. Hermann suggests, that perhaps we extend the research men an invitation to visit with us in the morning? What is the consensus of the

delegates relative to this question? Mr. McNees?

MCNEES: Mr. President, I would like to support Mrs. Hermann's suggestion, and I think there is no sense in wasting time. If there is time today, I would like to have those introduced that are here because we can take advantage of their services immediately.

PRESIDENT EGAN: The Chair notes that in the gallery we have Mr. Sheldon Elliott and would like to, if there is no objection, ask Mr. Elliott to come in with us for a few moments, if he would like to say a few words to the delegates, and maybe, Mr. -- Sergeant at Arms, you could attempt to find Mr. Ostrom. Mr. Elliott.

SHELDEN ELLIOTT: Thank you very much, Mr. President, and ladies and gentlemen. I think I have had the pleasure of being introduced to a great number of you already, and during the all too short span of this, my first visit to Alaska, I hope to have the pleasure of getting to know the rest of you. I am from New York but only recently so, having started out as a native son of Southern California. I am a lawyer, as my affiliation with your Judiciary Committee might indicate. I have been a member of the California State Bar for nearly a quarter of a century. I have served in the Legislative Council Bureau of the California Legislature. I have served as a secretary to a committee of bar examiners, and I have been a practicing lawyer and then a law teacher both in Southern California and in New York. My present affiliation is with New York University, and I also serve as Director of the Institute of Judicial Administration. The Institute was established as a non-profit corporation in 1952 and has its headquarters at the law center of New York University. I shall give credit where credit is due. The inspiration for its establishment and the spade work in getting the money from Rockefeller Foundation and getting it going both came from Chief Justice Arthur T. Vanderbilt of New Jersey, whose name I am sure is known to many of you. It has been my privilege to work with him in this area of court organization and administration on a state-by-state and now country-by-country basis. I don't pretend to be an all knowledgeable expert in the field. I have had an eye on developments in many directions and in many areas, and to the extent that my acquaintance with what is going on may be of assistance in counseling your committee. I know they will feel free to call on me. I don't have any magic formulas. I am sure that you in Alaska know fundamentally what is best for your State to be. I should confess, also as a secondary matter, that I have taught the subject of legislation for many years and have co-authored some materials in the field with some emphasis on legislative style and drafting. I am not asking for more work. I will be here until next Friday. If in either of those categories of qualifications I can be of any assistance to any of you here, I hope you will

feel free to call on me. My primary duty of course is first to the Judiciary Committee and to Mr. McLaughlin. I thank you very much for giving me the privilege of a few words before you. I shall be here until Friday of next week. I hope to get to know all of you while I am here. I am tremendously impressed with Alaska. Thank you.

PRESIDENT EGAN: Thank you, Mr. Elliott. The Chair notes that Mr. Ostrom is present. Mr. Ostrom, would you mind coming forward and being introduced to the delegates. Mr. Vincent Ostrom, would you like to say a few words?

MR. OSTROM: This is also my first trip to Alaska, and I am somewhat amazed at the countryside. I have spent three years in Wyoming and in many ways the Alaska climate represents some of the rather severe winters we had in Laramie, Wyoming, when I was there. The difference in the section here is that there is not the elevation in Alaska that we had in Wyoming, but the 7,000 feet apparently makes up for the rather extreme differences in latitude we had. Something about my background, which I gather is what you want communicated to the members of the group here, my primary work in terms of work in university and graduate training, etc., has been in the field of political science and in that field primarily focusing upon local governments, state governments and aspects of regional development, primarily those that have been concerned with the development of natural resources. The first serious study that I did in the area of local government had to do with school board politics in the Los Angeles area. This in itself was, I think a very interesting study to see the impingement of a variety of factors and forces in the shaping of educational policies in a large public school system. After going to Wyoming my interest became fairly heavily concentrated in the natural resources field. Here was an area that had tremendous potentiality in terms of large land areas and yet the matter of water was of all-controlling importance, and it presented a particularly sharp contrast with the situation in Southern California say, where likewise the shortage of water existed, but here had grown the largest metropolis in the Western United States. The question was what made this metropolis possible in conditions that prevailed throughout the Western United States in general. This opened a variety of questions that have had to do with resources in many, many areas, and by and large I think the best statement that we have had are those of Frederick Jackson Turner and a good many of the other persons who have contributed quite significantly in the formulation of problems of resource policies and thinking about the institutions which have developed in the Western United States, in particular in regard to the utilization of natural resources and making possible the developments that have taken place in those areas. Frederick Jackson Turner and John W. Powell, I think are the two great pioneers in this area, pointed out quite vividly that the developments that have taken place in

the western frontier, particularly in the arid West, involved quite different institutions, quite different requirements than those which existed in the eastern portions of the United States, so there were developments, developments of whole systems of water law, for example, that came in the Western United States that had not previously existed in the eastern portions of the nation. I think the problem you are posed with here is very much the same kind of problem that, say, a Frederick Jackson Turner or a John W. Powell was concerned with. They were concerned with what are the conditions in human intelligence and human capacity to be able to organize themselves to provide rules for themselves so that they could accomplish or establish a good life in these rather adverse conditions of the arid west. It would seem to me that your problem here is that not facing, in effect, the western frontier but rather facing the northern frontier, and what are the special requirements that exist in facing the northern frontier, and it would seem to me that it is among you and among the legislators and administrators who are going to be taking charge of the stewardship of Alaska that will give rise to those who will be the lawmakers, the formulators of the conditions of life in the northern frontier. And I think this is a very stimulating opportunity that you have here at the present time, and I would hope that during the course of my visit here I might be able to raise some questions about problems of resource policy, provide some contribution in this area that has to do with the development of natural resources but I think above all else, recognize what we say about natural resources is not limited simply to lands and to fish and to minerals and metals out there, but rather being concerned with how we as human beings are going to utilize those so that they become a part of the continuing future development of an area like Alaska, how it makes possible the development of a better livelihood, a better existence on the part of the people who do comprise this land. In this sense almost every section of a constitution becomes related to the question of resource development, the whole matter for example of the organization of the administrative arrangement, the executive branch, I think is of some crucial significance in the matter of resource development in the area. Likewise the whole matter of the development of local government organization involves some very crucial questions in relation to resource development. One of the factors in the Western United States that involves some fairly important innovations was the development of such vehicles as irrigation districts and other kinds of local government agencies that were able to accomplish public purposes in the development of resources in that area. And I would suspect that in an area of the northern frontier we would face many of these problems of what kinds of public agencies, what kinds of local governmental instrumentalities, can make possible most effective utilization of the resources in this area. I am sure you are not interested simply in storing these resources to posterity but rather in

bringing them into use in the development of some kind of public purpose that will realize the important goals that you all want for Alaska. Thank you. (Applause)

PRESIDENT EGAN: Thank you, Mr. Ostrom. Mr. Buckalew?

BUCKALEW: Mr. President, I would like to ask Mr. Ostrom one question through the Chair if I may.

PRESIDENT EGAN: If there is no objection.

BUCKALEW: Mr. Smith read out your qualifications and he mentioned the term, "Behavioral Sciences". I wonder if you would define that for me.

MR. OSTROM: I am sorry I was doing some homework at the early part of this and did not have the background to speak to it. My present formal position has been, for some five or more years, that of being a member of the political science department at the University of Oregon. During this year I happen to be a Fellow at the Ford Foundation Center for Advanced Studies in the Behavioral Sciences. What they mean by "behavioral sciences" are simply those sciences concerned with the study of human behavior and in this sense includes such things as biology representing the most extreme range related say to the study of the biological organism on over to include such things as anthropology, sociology, psychology, political science, economics and the other fields that are traditionally classified in the social sciences. I think it is simply a new word that is brought in that sounded good and therefore someone had to attach it to a title.

PRESIDENT EGAN: Thank you, Mr. Ostrom. The Chair notes another distinguished visitor in the gallery, the Attorney General of Alaska, Mr. J. Gerald Williams. He has been of great help to the staff of the Convention in resolving certain legal problems that have come before us. We are happy to have you here with us, Mr. Attorney General. Is there other business to come before the Convention? Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that we stand adjourned until 9 o'clock tomorrow morning.

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