

ALASKA CONSTITUTIONAL CONVENTION

December 2, 1955

TWENTY-FIFTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Charles Alston, pastor of St. John's Baptist Church in Fairbanks. Reverend Alston will deliver our daily invocation.

REVEREND ALSTON: Almighty God, we thank Thee for this opportunity. Bless those who have given themselves in service of our fellow men. We invoke upon this delegation Thy blessing. Father, grant unto them clear vision, true judgment, with great daring as they seek to right the wrong. Remember the nation to which we belong, that in righteousness and truth we may be established -- through Jesus Christ. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Six absent. Two excused absences.

PRESIDENT EGAN: A quorum is present. We will proceed with the regular order of business. Does the Committee to read the journal have a report to make at this time? If not, we will hold it over until this afternoon's session. Presentation of petitions, memorials and communications from outside the Convention?

SECRETARY: None.

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

RILEY: Mr. President, I have a resolution to present on behalf of the Rules Committee which requires a little explanation. A situation confronts the Convention whereby its Secretary must leave, take a medical leave of absence, and that in turn will call for a modification of the operative effect of our Rule 3 which has to do with the delegation of duties of the Secretary and some of the secretariat. I would like to present the resolution for reading at this time.

PRESIDENT EGAN: The Chief Clerk will read the resolution.

CHIEF CLERK: "Resolution No. 8.

WHEREAS, the Secretary of the Alaska Constitutional Convention has, on medical advice, requested a leave of absence;

NOW, THEREFORE, BE IT RESOLVED

1. That the Convention hereby approves the Secretary's request for a leave of absence;

2. That the Convention hereby authorizes the President of the Convention to delegate, during the absence of the Secretary, such authority and duties of the Secretary of the Convention as he may deem necessary to such person or persons as are serving the Convention, and

3. That the Delegates hereby express to the Secretary their best wishes for a speedy recovery and a speedy return to the Convention.

PRESIDENT EGAN: What is the pleasure of the Convention?

RILEY: I move and ask unanimous consent that the Resolution as read be adopted.

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

SUNDBORG: Mr. President, I object only momentarily to say that according to our rules, a resolution must take the regular course of business and be referred to a committee, etc. Am I correct?

PRESIDENT EGAN: No, Mr. Sundborg. Resolutions may be treated as a motion if it is so desired.

SUNDBORG: I stand corrected. Thank you.

PRESIDENT EGAN: If there is no objection then the Resolution is ordered adopted as read. Are there reports of other committees? Are there reports of select committees? Are there any proposals to be introduced? Are there any other motions or resolutions? Mrs. Hermann?

HERMANN: Mr. President, I notice the presence of Dr. Bartley in the gallery. I thought we might have the privilege of hearing a few words from him.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, Mrs. Hermann was just a little faster on her feet than I was. I meant to say that Professor Ernest R. Bartley, whose services were requested by the Resources Committee, is present. Professor Bartley is Professor of Political Science at the University of Florida. He is Director of Research, Florida Board of Constitutional Revisions Committee, author of several staff papers for PAS, Alaska Constitutional Project, the State Constitution within the American Political System, The Constitution and Natural

Resources, the Judicial Department, and he is co-author of the American National Government and Administration. He has special interest in judiciary, natural resources and executive branch. Again for Mrs. Hermann's benefit, I met Dr. Bartley about five minutes before the plenary session. I monopolized his time up to the plenary session.

PRESIDENT EGAN: If there is no objection the Chair would ask Dr. Bartley to come before us at this time, if he would like to do so, and say a few words to the delegates. Dr. Bartley.

DR. BARTLEY: Ladies and gentlemen of the Convention. It is a very real pleasure to be back in Alaska. I know a great many of you already, and I know that it was one of the tremendous pleasures that I have had during my professional career to be up here last summer and to meet with you then. This morning, of course, there are many whom I don't know personally. I am sure that in the next few days while I am here that I will get to meet and know the rest of you. I thank you again for doing me the honor of asking me to come up here, and there are very few things, very few instances that I have ever experienced, which have given me more satisfaction than the opportunity which I have had, to work with you. (Applause)

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I would make a suggestion that the secretaries of the committees who would like to have Mr. Bartley consult with their committees, get together and try to arrange a schedule so his time can be put to the best use. I don't know the procedure in other committees, but I am very thankful that the Secretary of the Resources Committee is handling the scheduling, and I feel that if the other committees will get in touch with Mr. Riley, a schedule can be worked out.

PRESIDENT EGAN: You have heard Mr. Smith's suggestion. If there is no objection, then those secretaries who might feel that they desire the aid of Mr. Bartley before their committee will contact him and try to arrange a schedule among the various secretaries as to when they will have the services of Dr. Bartley. Is there other business to come before the Convention? Mr. Davis?

DAVIS: Mr. President, I would like to request consent to absent myself tomorrow. I would like to be excused.

PRESIDENT EGAN: If there is no objection Mr. Davis may be excused for tomorrow. Mr. Gray?

GRAY: I likewise would like to be excused for tomorrow. I am going down to Juneau and I will be back Monday.

PRESIDENT EGAN: If there is no objection Mr. Gray, you may be

excused tomorrow also until Monday. Is there other business to come before the Convention? Mrs. Sweeney.

SWEENEY: Mr. Chairman, I move we recess and ask unanimous consent that the Convention recess until 1:30 p.m.

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that the Convention recess until 1:30 p.m. Hearing no objection the Convention is recessed until 1:30 this afternoon.

RECESS

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

DOOGAN: Mr. President, on page 1 --

PRESIDENT EGAN: Is that the 23rd Convention day?

DOOGAN: Journal of the 23rd Convention day, November 30, on page 1, third paragraph from the bottom, where it says, "Mr. Cooper", change to "Mr. Rosswog asked for a roll call." On page 2, the third paragraph from the bottom, at the end of the sentence add "so they would have an official document from the Convention for their scrapbook." On page 7, fifth paragraph from the bottom, "Mr. Rivers and Mr. Barr", it should be "Mr. Victor Rivers". With those corrections I move and ask unanimous consent that this journal for the 23rd day be approved.

PRESIDENT EGAN: Mr. Doogan moves and asks unanimous consent that the journal of the 23rd Convention day be approved with the corrections as noted by the special Committee to read the journal. Is there objection? Hearing no objection it is so ordered. Mr. Doogan?

DOOGAN: Mr. President, I think everybody has on their desk the journals for the first three Convention days. These will be read and reported on on Monday, and since there was quite a little confusion the first three days in getting organized, if everybody will attempt to read them and note any corrections or errors and report them to the Chief Clerk, we will get this taken care of on Monday.

PRESIDENT EGAN: You have heard the report of Mr. Doogan. Is there any discussion? Hearing none, is there other business at this time? Mr. McLaughlin?

MCLAUGHLIN: Mr. Chairman, I move that the present Convention schedule of committee meetings be dispensed with, that the afternoon plenary session be dispensed with and that alternative (a) of the schedule which was included in Secretariat Memorandum 24/a, dated December 1, 1955, be substituted

therefore, until such time as the Chair again recommends revision.

PRESIDENT EGAN: Mr. McLaughlin moves and asks unanimous consent that alternative (a) of the proposed changes in committee meetings be adopted until such further notice might be announced by the Chair.

MCLAUGHLIN: Mr. Chairman, before I hear any objections, I believe this was agreed upon by unanimous consent of all chairmen of committees in private sessions, that it would be more acceptable to the committees.

SUNDBORG: Mr. President, I wonder if Mr. McLaughlin would find it acceptable to have included in that a date in which this would take effect.

MCLAUGHLIN: Effective tomorrow morning.

PRESIDENT EGAN: The motion is amended so that the motion will show that the alternative committee sessions will take effect tomorrow morning.

MCLAUGHLIN: Mr. Chairman, before that is acted upon, are we having public hearings tomorrow?

PRESIDENT EGAN: There are some public hearings scheduled for tomorrow, as the Chair recalls.

MCLAUGHLIN: I shall amend it to read "effective Monday morning."

PRESIDENT EGAN: Then the correction is ordered made in the journal in the notes of the Clerk that it will take effect Monday morning. The Chair wants to let everyone understand that this schedule will do away with the afternoon plenary session until further notice. Mr. Barr?

BARR: I object but only to find a reason for that schedule being adopted. Schedule (b) would fit my plans better but that is only for personal reasons. Now if it is explained to me that schedule (a) benefits the Convention more, of course I'll go along with it but I would like to know why.

PRESIDENT EGAN: Is there a second to Mr. McLaughlin's motion?

SUNDBORG: I'll second it.

PRESIDENT EGAN: Mr. Sundborg seconds the motion. Is there discussion? Will someone rise in explanation? Mr. Sundborg.

SUNDBORG: Mr. President, I think we should say here for Mr. Barr and others who have not had the benefit of the discussion

we had in the meetings of committee chairman for several days on this subject, that it was objected by several committee chairmen a week or so ago that the daily committee sessions were too brief and that the members no more than got into serious discussion of a subject than the time allotted to them expired and they dropped it and went on to an entirely different meeting and had a hard time taking it up at the exact point again. So starting with that the committee chairmen asked the staff to try to devise a new schedule which would give longer meetings, and after several days of discussion, two alternatives were proposed to the committee chairmen. The chairmen were asked to poll their respective committees and try to determine which alternative was preferable. At today's meeting of committee chairmen every chairman who reported, reported that (a) was preferable to (b), and so the committee chairmen, without a voice in opposition being raised, agreed that they would bring on the floor this afternoon the proposal that alternative (a) would be adopted. If there is serious objection to that from the members of the committees, I think that we should thrash it out here before going into a new schedule.

MCNEES: May I ask how long this schedule will be effective?

SUNDBORG: If I might answer, it is the thought of the committee chairmen this will be effective from Monday morning until such time as the Convention finds it needs to revise it. It is a temporary schedule until conditions change. The one thing we have in mind is that proposals will be coming out of committees, probably quite soon, and at that time we are going to need longer plenary sessions. Also, some of the committees, after they report, presumably will have nothing more to meet about, so we can use the time which would otherwise be theirs, to accommodate the committees which are still at work, so it is something that is for the time being and until the Convention would decide otherwise.

MCNEES: I do see some distinction in the amounts of time allocated to various committees here. In other words, the committee in the morning from 9:30 until 12:20 with shorter sessions for the other two. I was wondering, would it be possible for a rotational program to be put into effect -- say we do run three weeks into December -- let these rotate so that each one gets a turn at the various schedules for the longer session at a time.

SUNDBORG: Mr. President, this was not my proposal and I did not draw up the schedule. In fact, I had very little to do with it. All I know is what I have heard in the discussion of the meetings of committee chairmen. The proposal that we might rotate, that is have one set of committees meeting on Monday and an entirely different set on Tuesday was made and it was objected to because it was thought it would lead to

confusion among the delegates as to just where they were supposed to be at certain hours. I yield to anybody who wants to speak on it.

PRESIDENT EGAN: Mr. McNees, the President's recollection of the meeting today was that a certain discussion centered around and was agreed upon around that subject and that it was generally agreed that supposing your committee wanted to exchange a time with another committee, that you could by mutual consent change your times. It would be entirely satisfactory.

MCNEES: My suggestion primarily wasn't that we change on a day-to-day basis but on a week-to-week basis.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, I am myself greatly concerned with the fact that the committees are taking as much time as they are. I realize that we have had told us that the target dates are now set and that the proposals are coming out of committees in very short order, but as when tomorrow ends we will have spent three weeks on straight committee work, and while there may be some subjects that require greater amount of time than others, it seems to me those reports ought to be coming in, and I am a little bit worried about the urgency of work on the floor and the need of time to give due attention to work that is going to have to be done on the floor and also that is subsequently to be done by Style and Drafting Committee after the work on the floor has been completed. So I am giving due warning to everybody here that if we don't get some of the work out by the first of the week I am going to become the nagging wife of this Convention. I am going to get up and remind you of it everytime I can get the floor. It is unfortunate that three members of this Convention, Mr. Sundborg, Mr. Davis, and I are on committees that have nothing at all to do except visit the other committees. Maybe the other committees would just as soon have a little relief from our visits.

BARR: Mr. President, I think everything Mrs. Hermann has done she has done well so if she is going to become the "nagging wife" I am going to run for cover. As I said before, I understand a need for in the committees, though personally I prefer alternative (b). I did not know it was a general agreement. I thought perhaps the majority of the chairmen had agreed on this. However, I think I will now renew my objection just in order to get a vote on it.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I wanted to point out, if my memory is correct, at yesterday's meeting of the committee chairmen, each committee chairman was requested to take this up with his committee. I did so in the Resources Committee. They stated a

preference for alternative (a).

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall alternative (a) be adopted to supersede the present committee schedules until further notice?" All those in favor of the question will signify by saying "aye", all opposed by saying "no". The ayes have it and it is so ordered. Is there other business to come before the Convention? Mr. McCutcheon?

MCCUTCHEON: Mr. Chairman, I would like to revert to reports from committees.

PRESIDENT EGAN: If there is no objection we will now revert to committee reports.

MCCUTCHEON: Committee No. VII on the Legislative Branch has had under its consideration Proposal No. 11 and Resolution No. 4. The Committee wishes to report the Resolution and Proposal back to the floor with the recommendation they be forwarded to the Committee on Resolutions inasmuch as they already have proposals of the same nature under consideration. I ask unanimous consent.

PRESIDENT EGAN: Mr. McCutcheon asks unanimous consent that Proposal No. 11 and Resolution No. 4 be referred to the Committee on Resolutions. Is there objection? If there is no objection the Chair refers the Proposal No. 11 and Resolution No. 4 to the Committee on Resolutions. Is there other business to come before the Convention? Mr. Sundborg?

SUNDBORG: Mr. President, I would like to ask unanimous consent to revert to the order of business of introduction of resolutions.

PRESIDENT EGAN: If there is no objection we will now revert to the order of business of introduction of resolutions.

SUNDBORG: I have a resolution which I would like to read, and then move for its adoption.

"The Alaska Constitutional Convention takes note of the fact that Anthony J. Dimond Day, as designated by act of the twenty-second Territorial Legislature, occurred for the first time on November 30, 1955, the anniversary of the birth of this great Alaskan.

Anthony J. Dimond served Alaska well as pioneer citizen, lawyer, legislator, Delegate in Congress for six successive terms and as District Judge.

His career, not only as a public servant, but as a private

citizen, husband and father, furnished example and inspiration to all Alaskans, including the Delegates to this Constitutional Convention.

His advocacy of, and devotion to, statehood for Alaska was well known and contributed to the advancement of that cause to the point that we are now assembled here writing a Constitution for the State of Alaska.

Now therefore be it resolved by the Alaska Constitutional Convention that upon adjournment of the last plenary session of this week, such adjournment be taken out of respect to the memory of that great Alaskan and outstanding American, the late Anthony J. Dimond."

Mr. President, I move that the resolution without reference to any committee be adopted by the Convention and that it be spread upon the journal of this day's session.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the resolution be adopted by the Convention and that its contents be spread upon today's journal.

V. RIVERS: I am heartily in accord with the resolution, but as I was rather strictly reminded by Tony Dimond one time, he was not a Delegate to Congress but a Delegate in Congress from Alaska. I would ask unanimous consent that the word "to" be changed to "in".

PRESIDENT EGAN: If the author will accept that change

SUNDBORG: I do so.

PRESIDENT EGAN: If there is no objection, it is so ordered. Is there objection to having the resolution in full in the day's journal? Hearing none it is so ordered and the resolution is ordered adopted. Mr. Collins?

COLLINS: Mr. President, I would like to have opportunity to call attention to the Committee XIII, on Amendments, will meet promptly at the Northward Building, Studio KFRB at 3:45 p.m. this afternoon, promptly.

PRESIDENT EGAN: Committee No. XIII will meet promptly at Studio KFRB at 3:45 this afternoon, in the Northward Building. Are there other announcements? Is there any other business to come before the Convention at this time? If not, the Chair will entertain a motion for adjournment. Mr. Victor Rivers?

V. RIVERS: Mr. Chairman, I move and ask unanimous consent that we adjourn until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous

consent that the Convention adjourn until 9 o'clock tomorrow morning. Is there objection? Hearing no objection it is so ordered and the Convention stands adjourned until 9 a.m. tomorrow.