

ALASKA CONSTITUTIONAL CONVENTION

December 10, 1955

THIRTY-THIRD DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Mr. Harry O. Arend, President of the Fairbanks branch of the Church of Jesus Christ of Latter Day Saints. Mr. Arend will give us our daily invocation.

MR. AREND: Our Heavenly Father, it is good that we pause in our councils to recognize Thy land in the affairs of men. We thank thee, Heavenly Father, for this great land of America, for the freedom and brotherhood that symbolizes it. We ask Thee to bless the leader of the land, Mr. Eisenhower. We thank Thee for preserving him unto us in this time of world tension. We thank Thee, Heavenly Father, especially at this time for these, Thy sons and daughters, who have gathered here to devote their time and their talents to the creation of a constitution for a new state. As the Christmas season approaches, and they prepare to go to their various homes and firesides, we ask Thee to take them there in safety and if necessary temper the elements that they may have a safe voyage home and back again. Heavenly Father, we dedicate this land of Alaska and the work that is being done here to a new state in the great union of the United States of America. This we do in the name of Jesus Christ. 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. The Convention will proceed with the regular order of business.

V. RIVERS: Mr. President, we have an order of business on the floor. We have Proposal No. 2 in second reading. I ask that Proposal No. 2 be continued in second reading until Monday.

PRESIDENT EGAN: If there is no objection Proposal No. 2 will be continued in second reading until Monday. The Chair would like to bring to the attention of the delegates at this time that in the gallery we have the Anchorage High School Eagles Basketball team. Many of their supporters and also their coach is with them in the gallery. The Chair would like to call upon Mr. Ned Imlach, if he would like to come forward and say a few words to the delegates. (Applause)

MR. IMLACH: Mr. President, delegates and guests. As spokesman for the Anchorage High School basketball team I wish to express our appreciation and gratitude for the honor of attending

this Convention and viewing these proceedings. The students of Anchorage High School are well aware of the significance of your work here and realize that what is achieved will have a direct bearing on our future lives here in Alaska. This awareness was increased by the recent speeches given our student body by Delegate Bartlett and Senator Knowland. We are indebted to these distinguished men for increasing our knowledge of the needs of our Territory and future State of Alaska. In observing the proceedings of the Constitutional Convention will give us a much greater insight into the problems and difficulties involved in drawing up a state constitution. All of us realize that this is probably the last time that a Constitutional Convention will be held in the United States. We are aware that this opportunity is one which will probably never be granted to young people of future generations. We are very grateful for the invitation extended to us by you, the delegates, and I am sure that this is an occasion none of us will forget the rest of our lives. Thank you. (Applause)

JOHNSON: Mr. President, I move and ask unanimous consent that the talk we just heard be spread upon the journal of today's proceedings.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the talk which we just heard be spread upon today's journal. Is there objection? Hearing no objection it is so ordered. Thank you, Mr. Imlach, and we are happy to have the visitors in the gallery. Mr. Doogan, do you have a report to make from the special Committee to read the journal?

DOOGAN: I understand that because of the press of business today that we would hold it over until Monday and I ask unanimous consent.

PRESIDENT EGAN: If there is no objection the reading of the journal will be held over until Monday. Are there any petitions, memorials, or communications from outside the Convention? Are there reports of standing committees? Mr. Coghill?

COGHILL: Mr. Chairman, your Committee on Administration met last night, and we will have a full report Monday. However, there are two subjects which are pending and should be taken into consideration by this body. The first one is, we have a film by the Alaska Visitors Association and one by the Corps of Engineers. Mr. Whaley is going to be leaving Fairbanks Tuesday and that film will have to be shown before that time. We would like to suggest to the delegates that probably a date of Sunday evening would be satisfactory in the auditorium of the Mines Building. The other subject is in regard to the transportation, that all delegates going to home or to hearings during this recess, in order to obtain the correct travel orders for this trip, we must have a definite schedule of your

travel. If you will give that to Mrs. Dolores Goad up in the message center room we can then send out to Juneau and have those travel orders speeded to the Convention Hall. But I think the most pressing is the film, Mr. President.

PRESIDENT EGAN: Is there any objection to notifying Mr. Whaley that we would be happy to view his film on the Arctic sometime on Sunday evening, say at 7:30 p.m. in the Mines Building? Does someone have a motion? Mr. Sundborg?

SUNDBORG: I will move and ask unanimous consent that arrangements be made to show these two pictures at 7:30 o'clock Sunday evening in the Mines Building auditorium.

PRESIDENT EGAN: Mr. Sundborg, so far as the Chair knows, Colonel Farrell's pictures are not available right here now. The Chair is not quite clear on that. Probably on Sunday evening we would just be able to have Mr. Whaley's.

SUNDBORG: I ask permission to change my unanimous consent request.

HURLEY: Point of information. The regular bus schedule leaves at 6:30 in town and 9:50 back to town. If we could start at 7:00 it would be more convenient for the bus company.

PRESIDENT EGAN: Mr. Hurley, that is an enlightening observation. Mr. Walsh?

WALSH: Further point of information. I am wondering if we have already ascertained whether or not the Mines Building would be available to us at that time.

COGHILL: Mr. Chairman, in answering that question, before I could determine whether it would be available I would have to find out what the wishes of the Convention are. It has been told to the Administration Committee by Mr. Beistline, Dean of Mines, that we can have that auditorium at any time.

HURLEY: The regular ASUA shows are held in the Mines Auditorium from 4:00 - 6:00 and 6:00 - 9:00 on Sunday.

PRESIDENT EGAN: Mr. Coghill, that seems to preclude the use of the Mines Building for tomorrow evening. Mr. Sundborg?

SUNDBORG: I would like to ask permission to change my unanimous consent request to provide that the showing would be arranged for Monday evening at sometime which would be announced by the Administration Committee on Monday morning.

PRESIDENT EGAN: Then Mr. Sundborg asks unanimous consent that Mr. Whaley be notified that the delegates will be happy to view his film some time on Monday evening, the most likely

place being the Mines Building out here at the University, the time to be announced Monday by the Chairman of the Administration Committee. Also the Chairman of the Administration Committee will make certain that Mr. Whaley is notified. Mr. Marston?

MARSTON: Mr. President, this is a great picture and this delegation ought to see it. It will bring us up to date on Alaska and the great future. I am afraid if we have it out here at the Mines Building you won't be there. It would be great to have it in right here, this room right here. Could it be held down town so you could get to it easier? I am just trying to survey different courses.

PRESIDENT EGAN: Of course Mr. Marston, the question arises as to what the situation might possibly be on Monday night relative to committee meetings. Mr. McNeese?

MCNEESE: Point of information. What is the duration of this film?

PRESIDENT EGAN: I believe that Mr. Whaley said approximately one hour, Mr. McNeese.

MCNEESE: I would think we could squeeze it in some afternoon, maybe delay our departure from here, get into town an hour later.

PRESIDENT EGAN: At any rate, the Administration Committee will report back to the Convention on Monday morning. Mr. Coghill?

COGHILL: The Chairman of the Administration Committee wants to get it clear whether the delegation here wishes to use plenary session time for this film. We figured in the evening and also by bringing it up to see how many people would be there, if there is going to be a half dozen here attend there is no sense in going to the trouble.

BARR: It seems that would be a wonderful opportunity on Monday evening since transportation will be available anyway to hold committee meetings. If this film only lasts an hour and then you have an hour and a half for committee meetings, you'd be gaining a lot of time that way.

PRESIDENT EGAN: You have a very fine idea there, Mr. Barr. Is there other discussion? Mr. Walsh?

WALSH: For the information of the delegates, I have seen parts of that picture and I think it is very, very interesting and very important, and if it could be arranged that the delegates could attend and not interfere with their committee meetings (the Committee on Administration might check into

that) I think every delegate should have an opportunity to see it and regret it if they don't.

PRESIDENT EGAN: Is it the general feeling of the delegates that the film should be shown in the evening? Mr. Coghill, you may report back Monday morning. Are there reports of other committee meetings?

AWES: The Committee on Bill of Rights has been considering Proposal 6 which has been referred to it and wishes to report back that certain of the provisions are not within the function of the Bill of Rights Committee. Among these are Sections 8, 10, 11 and 12 which we recommend be referred to the Finance Committee and Section 13 which we recommend be referred to the Resources Committee.

PRESIDENT EGAN: If there are no objections these portions of Proposal No. 6 are referred to the committees that Miss Awes, as Chairman of the Bill of Rights Committee, recommends. Hearing no objection it is so ordered. Are there reports of other committees? Mr. Sundborg?

SUNDBORG: Your special committee on arrangements for hearings during recess, wishes to call the attention of the delegates to the fact that the committees which were designated to conduct hearings at the larger towns were directed by the resolution which we have adopted to organize to select a chairman and secretary of each, and every committee was directed by that resolution to schedule specific dates and times and places for the hearings, if possible, and announce them to the Convention. We would just like to suggest that as early as possible, those committees should arrange to get together and make those determinations.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: Mr. Chairman, I would like to announce again for the Local Government Committee that our public hearing will be immediately following this session.

PRESIDENT EGAN: The public committee hearing of the Local Government Committee will be held immediately following this session. Are there other standing committee reports? Mr. McLaughlin?

MCLAUGHLIN: Mr. President, the Judiciary Committee will meet immediately after recess.

PRESIDENT EGAN: The Judiciary Committee will meet immediately after recess. Mr. Collins?

COLLINS: Mr. President, the Committee XIII, Direct Legislation, I wish the Committee to meet immediately on adjournment

for the purpose of hearing our reports before we submit it. We have it ready.

PRESIDENT EGAN: Mr. Collins announces the Committee No. XIII will meet immediately upon recess. Are there other reports? Mr. Robertson?

ROBERTSON: Mr. President, I would like to ask the Chairman, Mr. Cross, Committee No. XIV if we are going to have a meeting this morning?

CROSS: There will be no meeting this morning.

HELLENTHAL: Committee No. VI will meet on schedule this afternoon.

PRESIDENT EGAN: Committee No. VI will meet on schedule this afternoon. Mr. Smith?

SMITH: Mr. President, the Committee on Resources will meet on schedule this afternoon.

PRESIDENT EGAN: The Resources Committee will meet as scheduled this afternoon. Mr. Coghill?

COGHILL: Your Committee on Administration will meet at 11 o'clock.

PRESIDENT EGAN: The Committee on Administration will meet at 11 a.m. Mr. McNealy?

MCNEALY: A short meeting of Committee No. IV on Ordinances following recess.

PRESIDENT EGAN: Committee No. IV on Ordinances will meet upon adjournment.

AWES: There will be a meeting of Bill of Rights Committee at 9:30.

PRESIDENT EGAN: The Bill of Rights Committee will meet at 9:30. Are there other committee reports? Mr. Sundborg?

SUNDBORG: Mr. President, I was waiting until after I had heard an announcement of committee meetings to determine whether any committee meetings had been scheduled for tomorrow. I would like to suggest that since there were none scheduled that we have a meeting of the plenary session tomorrow in order to continue with our calendar. As it now appears, we are not going to take up the calendar again until Monday. Undoubtedly many other matters will be crowding for attention by that time. I think every standing committee has set up a target date to report an article on the constitution to us

next week at the latest and I am afraid we are going to be hopelessly behind unless we do tear into this calendar. There is no doubt at all that we are going to have to utilize Sundays toward the end of the session in order to finish with our work. I would be much more in favor of utilizing Sundays now so we could get on top of the situation and not be hopelessly bogged down by our work. I would like to move and ask unanimous consent that when we adjourn today we adjourn until some hour that suits the delegates tomorrow afternoon for a plenary session and that we continue with the calendar at that time.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Convention when it adjourns today adjourn until some time tomorrow afternoon. Mr. Victor Rivers?

V. RIVERS: On that point, the Executive Committee was going to meet tomorrow and we have lost two of our regular meeting times although we sandwiched in one. It seems to me that in the regular conduct of our business we are going to have to do like all bodies of this type. We are going to have to devote a portion of each day to our plenary session and the rest of it to committee meetings as we would do normally. I see no special reason yet why we should conduct evening meetings and plenary sessions or on Sundays. I think that is a very good time though to fill in the incidental business. At the same time, it gives our stenographic and our clerical staff a chance to get caught up on their work. I personally would have to object to the Sunday meeting, both from the point of view of its need and its expediency and also from the point of view of our previously announced committee meetings.

PRESIDENT EGAN: Objection of Mr. Victor Rivers is heard. Mr. Sundborg?

SUNDBORG: At what hour had you scheduled that meeting?

V. RIVERS: We have set it up for tomorrow afternoon, probably at 2 o'clock.

SUNDBORG: Would it be practical for you to hold it tomorrow morning?

V. RIVERS: I don't think so, it might be.

PRESIDENT EGAN: Reverend Armstrong?

ARMSTRONG: I think it is completely out of order to suggest that we have any meetings on Sunday morning. I will go along with other things in the form of a compromise to my own feelings about it. But I object to our even considering Sunday morning.

PRESIDENT EGAN: Mr. Nerland?

NERLAND: The Finance Committee has a meeting scheduled from 12:00 until 3:00 tomorrow afternoon. It was not announced because the members are aware of it.

PRESIDENT EGAN: Mr. Sundborg, objection is heard. There is nothing before us at this time. Mrs. Hermann?

HERMANN: Mr. President, Mr. Sundborg tentatively had scheduled a meeting of the Style and Drafting Committee yesterday to receive a report from Mr. Elliott, and the influx of visitors kind of destroyed that proposition, and I just wanted to ask if he plans to have it today.

SUNDBORG: I would certainly be glad to have it today, but the schedule which we are working on does not provide any time on which we can meet without conflicting with meetings.

HERMANN: What about the lunch hour?

SUNDBORG: Oh, the lunch hour? Yes, well then, I would like to announce a meeting of the Style and Drafting Committee --

MCLAUGHLIN: If I may, Mr. Sundborg. I believe Mr. Elliott has a prior commitment as to many members of the Style and Drafting.

SUNDBORG: May I ask, Mr. President, I wonder if I could have a recess of several minutes to get together with the members of Style and Drafting Committee to determine when we can have a meeting.

PRESIDENT EGAN: If there is no objection the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to announce particularly for the benefit of the out-of-town visitors that everyone is -- we are pleased to have any of you attend the committee meetings at any time you choose during the morning or during the day. Mr. Sundborg?

SUNDBORG: Mr. President, Committee No. III, Style and Drafting, will meet at 12:15 Monday in the cafeteria special lunch room.

PRESIDENT EGAN: The Committee on Style and Drafting will meet at 12:15 Monday in the lunch room upstairs. Mr. Victor Rivers.

V. RIVERS: I request the Chair to announce to the visitors, also, that the meeting of the Local Government Committee is a

public hearing today.

PRESIDENT EGAN: The meeting that will be held immediately upon adjournment by the Local Government Committee is not just a committee meeting, it is a public hearing and anyone who has any testimony they would like to present before that hearing we will be glad to have them do so. Mr. Davis?

DAVIS: Where is that meeting going to be held?

PRESIDENT EGAN: The Chair assumes in the gallery. Is that right, Mr. Rosswog?

ROSSWOG: In the gallery.

PRESIDENT EGAN: Are there other reports? Mr. Walsh?

WALSH: Could I make a brief statement? Two days ago when this Convention decided to recess from the 19th of this month to the 3rd, I notified the Chief Clerk that I did not intend to go home to Nome during the recess but by choice I stayed here and will spend Christmas here, as we've done before, and as I would have done had I not been a member of the Convention. I also stated to the Chief Clerk that I was not entitled, nor would I accept, per diem because it is of my own volition to remain here. It was suggested to me this morning that I should make that statement from the floor, and I am now making that statement, that I am not in my opinion, entitled to per diem and will not accept per diem during the recess period because I am staying in Fairbanks by choice and not because I am a member of the Convention.

PRESIDENT EGAN: Thank you Mr. Walsh. The Chief Clerk will so note. Mr. Robertson?

ROBERTSON: I did not know that was necessary, but in order to be consistent, and inasmuch as I voted against Sections 3, 4 and 5 of the resolution of Mr. Coghill's Committee, while I will attend the committee hearings in Juneau that I have been assigned to, I don't desire my transportation home or my per diem.

PRESIDENT EGAN: The Chief Clerk will note Mr. Robertson's comment.

COGHILL: For clarification the Chief Clerk will convey that information on to the payroll clerk so she will keep consistent on it.

PRESIDENT EGAN: Yes, she will. Mrs. Nordale?

NORDALE: Since I will not be going to Juneau nor will I be remaining in Fairbanks, I shall not be entitled to either

transportation or per diem.

PRESIDENT EGAN: The Chief Clerk will note Mrs. Nordale's comments. The Chair would like to state at this time for the benefit of all the delegates that the President will receive verbatim from the Assistant Attorney General the opinion as it has been written by him in Juneau. Owing to the fact that he could not get it on the plane evidently, he is going to give that opinion over the phone. It is going to be taken in shorthand. The actual written opinion will arrive later, so everyone will be aware that we will have the written opinion relative to the recess on hand. Are there any motions or resolutions to be presented to the Convention? Is there any other unfinished business? Is there any business to come before the Convention at this time? Mr. Hilscher.

HILSCHER: Mr. President, just as a matter of correcting the record, I ask Mr. Sundborg's indulgence on a correction which he made of a statement of mine two days ago in the record. I stated that there were 22 state constitutions which did not specify the location of the capital. And Mr. Sundborg immediately informed me that I was in error on that. I have since checked back and have been advised by our consultants that 22 original constitutions did not specify the location of the capital but that as a result of political expediency or other circumstances, when constitutions were revised, the location of the capital was placed in it. so Mr. Sundborg and I are substantially correct in both of our statements.

SUNDBORG: I too would like this opportunity to correct a statement that I made during the heat of debate several days ago. I said there were only eight constitutions which were silent on the location of the capital. I have since checked my sources and I find that there are nine state constitutions which are silent.

PRESIDENT EGAN: The Chair will entertain a motion for adjournment. Mr. McLaughlin.

MCLAUGHLIN: Mr. President, on behalf of Delegate Ada B. Wien, I move that the Convention adjourn until 9 o'clock on Monday.

PRESIDENT EGAN: Mr. McLaughlin moves on the behalf of Mrs. Wien that the Convention adjourn until 9 o'clock Monday and asks unanimous consent. Is there objection? If there is no objection it is so ordered and the Convention stands adjourned.