

ALASKA CONSTITUTIONAL CONVENTION

December 13, 1955

THIRTY-SIXTH DAY

PRESIDENT EGAN: The Convention will come to order. The Reverend B. P. Wilson of the Assembly of God Church is with us and will give our daily invocation.

REVEREND WILSON: Our God and Heavenly Father, we thank Thee for Thy goodness to our land. We thank Thee for Thy blessing upon us and for Thy mercy towards its people. Thou hast said in Thy word, "that righteousness exalteth a nation but sin is a reproach to any people. Thou hast been gracious to us and shown mercy to us. Now we pray for Thy special grace and Thy special blessing upon the framers of this constitution as they labor with the problems that come before them and they need wisdom and grace from Thy hand. Thou hast promised in Thy Word that the meek will He guide in judgment, the meek will He teach His way and if any of you lack wisdom let him ask of God that giveth to all men liberally and upbraideth not and it shall be given him. Give that understanding and that wisdom that God only can impart so that this shall be a righteous document and will be pleasing and acceptable in the sight of God Almighty. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

PRESIDENT EGAN: The Chair would like to state Mr. Ralph Rivers has a sore throat and perhaps will be here later in the day.

CHIEF CLERK: One absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with the regular order of business. Does the special Committee to read the journal have a report to make at this time? Mr. White.

WHITE: Mr. President, the Committee to read the journal asks unanimous consent to delay the report until tomorrow.

PRESIDENT EGAN: If there is no objection the report of the Committee to read the journal will be delayed until tomorrow. The Chair would like to state at this time that in the event, in the course of offering amendments, that many delegates offer amendments from their desks and the Sergeant at Arms is called to pick them up and bring them to the desk of the Secretary, that there is hardly anything the Chair can do if another delegate rises, is recognized and offers another amendment. Just because the amendments have been offered to the Secretary does not preclude the right of any other delegate to get up

on the floor and be recognized and offer an amendment. The Chair cannot see how it would be possible to determine, when the Sergeant at Arms brings in a handful of amendments, which were handed to him first. Although, if no other amendments would be offered from the floor, if no other delegate rose and was recognized by the Chair, of course the Chair would ask if there are amendments on the Secretary's desk. But it should be up to the delegate to try to stay on top of his amendment that he has offered and attempt to get the floor and be recognized. The Chair feels that the delegates can recognize the difficulty there would be in the affairs of the Chair if he had to assume that other amendments were there and that someone rose from the delegation and offered a different amendment. It would be pretty hard to tell a delegate to sit down, that someone had just merely sent an amendment up to the Secretary's desk. Are there any petitions, memorials or communications from outside the Convention? Are there reports of standing committees? Reports of select committees? Are there any proposals to be introduced at this time? Are there any motions or resolutions? Mr. Coghill?

COGHILL: Mr. President, after the fine display last night of two documentary films, I move and ask unanimous consent that the Secretary be instructed to write Mr. Whaley of the Alaska Visitors Association and Colonel Farrell of the Corps of Engineers, thanking them for the opportunity of the delegates to view these pictures and also a letter of appreciation to the Dean of Mines for the use of his building.

PRESIDENT EGAN: If there is no objection the letters will be written. Is there any other unfinished business? Mr. Barr?

BARR: Mr. President, I move and ask unanimous consent that our permanent Rule No. 38 be referred to the Rules Committee for study and interpretation. That is, the one saying the mover has the right to speak last on the subject. In view of the fact that the word "mover" is in the singular, I believe we should have a ruling on whether that includes one or more being able to speak last.

PRESIDENT EGAN: Mr. Barr, last night the President went through the rules, too and came to the very definite conclusion that if, as occurred here yesterday several people put their name on the same amendment that this rule would mean that the mover of the motion would be the last to speak and that regardless of whether there were four or five on the particular proposed amendment or motion. Would that answer your question?

BARR: That will.

PRESIDENT EGAN: When the question was brought up yesterday the Chair had not given enough thought to this particular

problem, but that will be the ruling of the Chair, that the actual mover of the motion, regardless of how many names are on a particular amendment or proposal.

BARR: I will withdraw my motion.

PRESIDENT EGAN: We are now back to Committee Proposal No. 1. Mr. Smith.

SMITH: Mr. President, I would like to announce that there will be a luncheon meeting of the Resources Committee, if that is in order at this time.

PRESIDENT EGAN: A luncheon meeting of the Resources Committee at 12:15.

SMITH: In the small anteroom in the cafeteria.

PRESIDENT EGAN: Mr. Smith announces he will have a luncheon meeting of his Committee. We have before us Committee Proposal No. 1. Mr. McNealy's motion to reconsider is before us at this time. Mr. McNealy.

MCNEALY: Mr. President, unless the Chair has called attention to it I feel obliged to move to have my vote of yesterday reconsidered at this time.

PRESIDENT EGAN: Mr. McNealy serves notice that his reconsideration be taken up at this time.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Johnson seconds the motion. The question is, "Shall the word or figure '19' be changed to read '21'?" The motion is debatable. Mr. Johnson.

JOHNSON: Mr. President, I have what is in the nature of a question to put to some of the legal beagles in the Convention regarding this proposal that is now before us -- that is regarding the motion to reconsider and the question of whether or not the figure "19" should be changed to "21". Since yesterday I had occasion to look at the United States Constitution and I think, as most of you will remember, the 14th Amendment provides, among other things, that, "The electors for the members of Congress shall be 21 years of age and male." Now the only other mentions on suffrage in the Federal Constitution that I was able to find are the 15th and 19th Amendments. The 15th Amendment, as you may recall, provides that, "There shall be no discrimination as to voting on account of race, creed or previous condition of servitude." There is no mention of age in that particular amendment. The next amendment that deals with suffrage is the 19th which gave the right to vote to women. This amendment likewise is silent on

the question of age. Therefore, it occurs to me that so far as the Federal Constitution is concerned and so far as voting for president and members of Congress, an elector must be at least 21 years of age. Now it was pointed out yesterday that many states in the Union have the age limit fixed at 21. I was unable to find any record of any state except Georgia that did not have the age limit at 21. However, I was told this morning that recently the State of Kentucky has reduced it. But the question that occurs to me is that suppose we reduce the age to 19 or anything less than 21, would these people still have the right to vote for president and for members of Congress from the State of Alaska as long as the Federal Constitution fixes that age at 21? I have not been able to find an answer to that question. However, it occurs to me and it seems to me one that is rather serious. The President of the United States, Mr. Eisenhower, in 1954 requested Congress to pass an amendment to the Federal Constitution reducing the age from 21 to 19. A bill amending the Federal Constitution was introduced and in the session of Congress then attending and it was defeated in the Senate by a vote of 34 to 24 on May 21, 1954. Now, what I wish to call attention to particularly is that apparently it was thought necessary that in order to change the voting age it would require an amendment to the Federal Constitution, so it seems to me that 21 years of age is fixed by our Federal Constitution. We have already adopted the Federal Constitution so far as it applies to Alaska, and it seems to me that if we are going to vote for president and for members of Congress in the State of Alaska we would still have to be 21 years of age. I simply raise this point because there is that question in my mind, and I don't know what the Congress will say if we go back there with a provision that voters may be less than 21 years of age.

RILEY: Point of order, Mr. President. Far be it from me to limit debate or suggest it, but I think we ought to be operating under a suspension because our own rules say that motion for reconsideration shall not be amendable or debatable. That is rule 33.

PRESIDENT EGAN: Mr. Riley, the Chair will have to take the advice of the Chairman of the Rules Committee. The Chair was just proceeding under the regular rule on reconsideration. Mr. Marston?

MARSTON: Mr. President, how are we going to delete this talk here?

PRESIDENT EGAN: The Chair will hold that the talk is out of order.

HURLEY: I will move and ask unanimous consent that the rules be suspended and the argument hold forth.

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Hurley moves and asks unanimous consent that the rules be suspended. Mr. Metcalf seconds the motion. Is there objection? If there is no objection, debate will be forthcoming. Mr. Hellenenthal.

HELLENTHAL: In answer to Mr. Johnson's statement, the matter of elections, of the presidential election, is governed by state law, and to state that the 14th Amendment prescribes the voting age is incorrect. The 14th Amendment does not prescribe the voting age for the states. I am quite familiar with this problem because during the war I was the soldier voting officer for the entire Pacific Ocean Area's Command, and at that time we arranged for the voting of some 300,000 soldiers stationed through the entire Pacific. Each soldier voted according to the laws of his particular state. The matter of suffrage is a state problem under the Federal Constitution and is not governed by the Federal Constitution. Now it is possible, according to some legal theories, that the Federal government could prescribe the age and other conditions of voting for the states. However, as Mr. Johnson stated, the Federal government has hesitated to assume that responsibility -- first, because it would be of questionable legality and second, it is primarily under our form of government a matter for each state to determine. Now to refresh your memory on the point, you will recall in the Constitution that electors are chosen by the states who in turn elect the president of the United States. This is a much criticized and clumsy provision of the Constitution. Now those electors don't even have to be elected by the people of the state. They could be chosen by a caucus of the state legislature. However, the state legislatures have hesitated to do this and generally they have resolved the matter by electing through the state but according to state laws, not according to anything in the 14th Amendment. Now I think that the confusion results from the fact that in the 14th Amendment, in dealing with an entirely different topic, not with the qualifications of voters, but dealing with another topic, the United States Constitution states "That should any state," this is a penal provision, "should any state deprive a man of the age of 21 of his vote," in other words, restrict it to people over 30 or people over 25, should that be done, then the basis of representation of that state in the Union shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens 21 years of age in the state. But that is an entirely different thing. That is a penal provision for restricting the ballot to those over 21 and it certainly would not apply where the state in the exercise of its true state function lowered the voting age to less than 21. So if you will bear those points in mind, that suffrage is a state concern under the United States Constitution, the 14th Amendment does not and cannot prescribe the voting age

for the states, that presidents are chosen by electors and not necessarily by the people of the state. Bearing those points in mind I think Mr. Johnson's objections can be answered.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. Chairman, I wonder if we could stand at ease for a moment to let this class into the gallery.

PRESIDENT EGAN: If there is no objection the Convention will sit at ease. (Class entered gallery.) The Convention will come to order. We have in the gallery this morning a portion of the junior class of the Fairbanks High School. We hope you will enjoy the progress of the Convention that you see here this morning. We have before us the reconsideration of Mr. McNealy's vote. Is there a further discussion? Mr. White.

WHITE: Mr. President, there may be some doubt on the question raised by Mr. Johnson, as Mr. Hellenthal points out. I think the fact remains that the United States Congress found it necessary to consider this question, considered it worthy of bringing it to a vote on May 21, 1954, in spite of some popular pressure towards lowering the voting age constitutionally, from 21 to 19, voted it down in the United States Senate by a vote of 34 to 24. That impresses me. It also impresses me that in that vote 38 senators appear to have been absent from the floor, which suggests to me what I felt all along, that this is a politically loaded question and that the vote on the subject tends to become difficult. I think we should consider very carefully before we lower the age.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. Chairman, I might be wrong, but I thought that in the Hawaii Constitution that the voting age is 20. That is certainly different than 21, and I don't recall any questions raised about the voting age in Hawaii. That was not a legal question then. I think it becomes a legal question when it gets 19 for example. I don't think that this provision in the 14th Amendment even gives our vote a color of illegality. I think it is just a political question. In my opinion and I don't care what Congress did or how many senators voted on it, if what I learn in constitutional law is correct, and I hope that it is, the power of the state over election is residual. They have absolute control over it. It is left strictly to the states. Now what Congress was trying to do was trying to correct some of the abuse of some of the states to American citizens. It did not have anything to do with the voting age except I can see where at that time it would have looked rather ridiculous to put 18 in because you were certainly not depriving anybody 18 years old of the right to vote. No state had that provision.

GRAY: Mr. Chairman, I might call to Mr. White's attention that this body also voted down the 18-year-old and we compromised at 19. It may have happened that the extreme of 18 occurred to the Senate much like it did to this delegation.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Mr. Chairman, if you will allow me to speak further in opposition to lowering the age of 21, I realize I am not a pleasing speaker. That has not been my business as it has some of you other folks. I brought up the question yesterday of the minor's right of suing or being sued. As you know, that is my understanding of the law, that a person under 21 cannot be sued on contract. One of my objections to lowering the age to 21 is this - that possibly taxes may be incurred by the minor. According to this law he can't be sued by the state to recover the taxes. He will be put in the position of voting and sanctioning and voting for legislatures that will be spending public money, and yet the state could not sue him to collect taxes. Objection number two - I believe the insurance rates that are put out by the insurance companies are much higher for that segment of people under 25, especially for the insurance of driving cars. Now, why do insurance companies do that? My conclusion is that their judgment is not quite as mature as an adult who has been seasoned. Next objection - from my recollection of crime statistics, I believe your ratio of the appearance of crime appears higher in the lower age group which points out or brings out that judgment is not mature. That is all.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, there have been several references here in the course of the argument to the Hawaiian Constitution, including the one just made by Mr. Buckalew. I would like to know if the Hawaiian Constitution has ever been approved by Congress. If it has not I think it is a bad example to quote as proof that we are doing right because Hawaii did it. It is also my recollection that following the writing of the Hawaiian Constitution and its approval by the people, I think they called in a consultant who is shortly going to be a consultant of ours I hope, and he found so many things wrong with it that they have been very sorry they did not call him in before they wrote it. Now I don't know whether this is a case in point or not, but I think in view of the fact that we are being constantly cited to the Hawaiian Constitution, it is probably better to ascertain if it has been approved by Congress, and I don't believe it has.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I merely want to say that the Hawaiian Constitution has been approved by the House Committee and by a

Senate Committee.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, the several suggestions here by the delegates are somewhat confused by the question of voting rights and majority. Voting rights has nothing to do with the age of majority. As a matter of fact, in the Territory of Alaska a female reaches the age of majority as soon as she marries. I as an attorney have had occasion to go into court where I have had an 18-year-old wife, who because by virtue of her marriage had attained majority, and I made her a guardian for her 20 year old husband in order to accomplish something for her husband. The insistence that majority has something to do with voting rights is utter nonsense. Tomorrow the Territory of Alaska could determine that the age of majority for children is 16 years of age. The question of contract has nothing to do with the voting rights. Tomorrow you could reduce the age or you could make infants, that is, anyone under the age of 21 liable on their contract - from the year one. As a matter of fact we have somewhat changed the law that we are making now that parents are responsible for the torts they're in. Infants are responsible for their torts when they're under the age of 21. A question of emancipation comes in. There is no relationship between the age of majority, the right to contract or the right to avoid a contract and the right of election. The suggestion is made here that this has something to do with it. The germ is being placed in the mind that if you reduce the age to 18 or 19 or 20 that all the infants are going to dash into the saloons. It has nothing to do with the right to drink. Under the police powers of the Territory you can prohibit anyone up to the age 65 from drinking, and frankly, there are some members of this Convention who would like to do it. It has no relationship this question of what age you are as to the age you go into a saloon. Women over the age of 21 can be prohibited from certain types of work. It has nothing to do with their electoral rights. There is a suggestion here also that this question is loaded. It has been twice suggested that it is dangerous politically. I might point out to these people who are complaining about the dangerous political plans, that when they propose the Tennessee Plan they might keep the question of political dynamite well in mind. And when they say these things haven't been tried or that it has only been tried once, that it is no justification for our present action, they might keep in mind that what Tennessee did may not be good for Alaska either. When we talk in terms of political dynamite, we might as well remember that we do have an extra precedent, that the State of Georgia has reduced it to 18. It's right in its Constitution. It isn't fiction, it isn't theory, it is fact.

PRESIDENT EGAN: Mr. Marston has been trying to get to the floor. The Convention will be at ease while the stenotypist repairs

her machine.

RECESS

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

MARSTON: Mr. President, I thought all that could be said was said yesterday, but I have some new evidence right here locally, and I have been talked to, people take this very seriously. I have thought it through and I appreciate being talked to on this issue. I am not a worshiper of the old, and I think 21 years is a thing we seem to worship. There are some problems that will come up, but I think the gain is greater than the loss by far, and I have faith in the youth of America, and I am objecting this morning to this gerrymandering maneuvering to stop a decision made yesterday. I am not happy with it or my friends over there, and I am going forward to get the decision yesterday on the records if I can. I have faith in the youth of America, and when we finish high school with our children, most of them get no more schooling, and when they have finished if they are not ready to vote then it is our fault. The big majority will finish right here in high school, and I want to start them in then. I have faith in America and the youth of America and this school right here, I talked to them about this and they were not interested in it and they did not come to attention, and the opinion this morning is that 19 would satisfy the people right here in the College of Alaska, and I want to get that on the record. I have faith in the youth of America, and I am going to stick with the 19, and I hope the rest of the people do that.

PRESIDENT EGAN: Mr. Barr.

BARR: It has been brought up two or three times that Georgia allows 18-year-old citizens to vote, and that is brought up as if to point out that if they can do it, it is probably all right. I ask you -- does the State of Georgia allow Negroes over 21 years old to vote, and is that all right?

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I would just like to ask a question of Mr. Hellenthal, if I may. As a matter of fact, Mr. Hellenthal, do you know from your experience as voting officer in the army whether those between the ages of 18 and 21 from the State of Georgia were permitted to vote in the senatorial, congressional and electoral elections?

HELLENTHAL: To be perfectly frank, I have no recollection at that time, which was 1943, of Georgia even permitting those under 21 to vote. I just have no recollection of it. They

may have done it and they may not have done it, but I am convinced had they done it they would not have been denied the ballot. They would have been given the ballot in accordance with state law.

SUNDBORG: You know now then as Chairman of our Committee on Suffrage whether as a matter of the fact the votes which are cast by citizens of Georgia between the ages of 18 and 21 are counted in presidential and congressional elections?

HELLENTHAL: Definitely, they are counted.

METCALF: Mr. Chairman, may I ask Mr. McLaughlin a question for information?

PRESIDENT EGAN: If there is no objection, you may direct your question.

METCALF: Mr. McLaughlin, if the age limit is lowered from 21 to 19, can a male at the age of 19 be sued on contract in the courts for things that he purchased?

MCLAUGHLIN: Under our present law, no until they change that act of the Territory that says an infant is anyone under the age of 21 and can avoid his contracts and cannot be sued but the next session of the Legislature without further ado can say that all infants from the age of seven on, can be sued on their contract.

METCALF: I don't want to leave it to the next session of Legislature. I would like to have it settled now.

MCLAUGHLIN: It is settled now. For practical purposes an infant cannot be sued. If this were our constitution now, that is providing that they could vote at the age of 19 and we still had the same laws on the books in the Territory, it would mean that a man of 19 could vote, but as long as he was 21 under our Territorial law he could avoid his contract.

METCALF: He could spend money for the state and yet could avoid his taxes, is that right?

MCLAUGHLIN: An infant can be taxed. There is no relationship between taxes and contracts. They are two different things.

METCALF: They could not sue him under contract? Am I ignorant or stupid, tell me?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, there are others who would probably like to speak on this, and I will waive any right to speak last upon the subject. I think that Delegate White has most amply

covered the very heart of this subject as supported by Delegate Metcalf. I do want to point out one or two things in connection with statements of Mr. McLaughlin. Now, there has been a great deal of talk here in regard to the State of Georgia allowing voting at the age of 18. All I know is what I read in the papers and what I read in the papers does not make Georgia to me a proper precedent for us to follow. I am thinking here just a few days back in regard to Georgia and the University of Pittsburgh playing in the Orange Bowl and the objection coming from the governor that Pitt had a Negro on the team.

MCCUTCHEON: Point of order, Mr. President. I can't see where the matter of racial prejudice one way or the other affects this question.

MCNEALY: Mr. President, as long as they have referred to the State of Georgia in this connection, I see no reason why I can't make reference there.

PRESIDENT EGAN: The Chair will have to hold that the question of racial prejudice does not have any connection with this case. The reference to Georgia was made only to the showing that the State of Georgia has lowered their age limit. The debate will have to be confined to the question under discussion. Mr. Barr, your point of order.

BARR: Mr. President, I don't like to appeal the ruling of the Chair, but actually we were speaking on suffrage. That has to do not only with age limit but with different groups of people, and it seems to me that this should be brought out.

PRESIDENT EGAN: Mr. Barr, this act has nothing to do with denying anyone the right of suffrage over the particular age stated in the act. Mrs. Hermann.

HERMANN: Mr. President, I think I agree with Mr. Barr on that. Mr. McNealy has a right to compare Alaska with the State of Georgia as to its progressiveness, its general advancement, and its laws in general, since it has been cited here so many times as an example of one state having it.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I believe that Mrs. Hermann and Mr. Barr are entirely right in their stand. I think if we are holding up some particular state as a criterion of what we should do, I think the opponents of that argument can bring in the backwardness of that state, their desires to set aside the Constitution of the United States, in a pertinent and particular matter to show they are not a law-abiding state and they practice discrimination contrary to the laws of the United States and contrary to statutes we have. I think that should be shown here to

show that we should not take the statutes of the State of Georgia with much concern.

PRESIDENT EGAN: The Chair will leave the question up to a consideration of the Rules Committee. The Convention is at recess.

RECESS

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

RILEY: Mr. President, reporting for the Rules Committee on the matter referred to it before recess, the Committee wishes to inform the Chair that it finds Mr. McNealy's comment not to have been out of order.

PRESIDENT EGAN: The finding of the Rules Committee will be the ruling of the Chair. Mr. McNealy, you may proceed with your statement.

MCNEALY: Thank you, Mr. President. As stated before, the arguments of Mr. Metcalf impressed me a great deal, and I don't believe that this can be considered progress except progress in the wrong direction. Now I want to cover the points briefly on contracts, on the juries, and we might throw in saloons as we go along, but there is no question in my mind as an attorney that the fact for all legal purposes the age of majority is 21 years, and it is so written largely in the statute books and understood in common law. But the important thing, and I mentioned it yesterday and I wish to mention it more fully today, that if those between the ages of 19 and 21 are granted the right to vote, there is no question in my mind what will ultimately follow the granting of that right. Certainly at the first session of the Legislature, and if not at the first session certainly at subsequent sessions, it will take more than this and I speak not as a statesman but as a minor politician. At this moment, a very small segment of the voters between the age of 19 and 21 can go to any particular candidate for the house or candidate for the senate, and say we want a bill in granting us the right to contract. We have the right to vote and we feel we should be able to buy an automobile without our parents' name on it, we should be able to go down and buy a watch or diamond ring or fur coats, any luxury or anything we see fit, and we are bound by that contract. Now you are getting into a serious proposition there, fellow delegates. It runs back time beyond when the memory of man runneth not to the contrary that the age has been at 21 for the purposes of contract, and the reason is that it takes a little more mature judgment to enter into contracts and dealings. Why even those of us who are older get taken in many times on contracts. In fact, it is one of the things that keeps the attorneys busy, you might say. Now

then if this right is granted, political pressure is brought on, the respective senator or representative goes down to Juneau to the Legislature. He introduces a bill and the first step in this is he introduces a bill there to lower the contracting age of minors down to the age of 19 years. How many of those elected representatives and senators are going to vote against that because when it comes out in the paper, if they do vote against it, at the next election all those of 19 and 20 years of age are going to carry on a campaign against the party who voted against it, something that they felt they had a right to because they have the right to vote. That is the first step. The second step is they say that we have the right to vote then we have the right to serve on a jury. Speaking as a practicing attorney, I am not saying that by this that those between the ages of 19 and 21 are incompetent - far be it from that - but I am saying that some things take sound and mature judgment, judgment which often times is not gained until later years in life. And to sit on a jury deciding cases involving great amounts of money or cases involving the life or liberty -- had that been a good practice it seems to me that would have been a practice 100 or 200 years ago. The military here in which we are concerned very much within the Territory of Alaska, you talk to any of the higher echelons of the military who are attempting to protect those under the age of 21 in the armed services as an obligation that they owe to the parents of these children who come here from all the states in the Union. Certainly I cannot see where they should favor this type of thing which would open the doors to allowing the young people coming in from the other states to have rights in this state which they don't have in states at home. You add a problem to the military, and the military is with us, and we have to recognize it and get along with it whether we like it or whether we don't like it. I could go on talking a great deal of time, but practically everything has been said. There is little use of taking up more time in the Convention. I regret myself that the Committee bill setting the age at 20 was not accepted. Therefore, I am supporting this amendment for the age of 21 and again I want to close on just a little point of levity. In taking a small poll of three or four high school girls last night at very near this 18-year-old voting age, they studied the question over a little bit and then said to me, Well, possibly the girls should be allowed to vote at the age of 19 but we hardly think the boys should because they are not very mature at that age."

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I would like to speak for the age of 21. I don't think that we as a body of 55 have any moral right to change the age of 21. I am sorry it was ever brought up at the Convention here. I am sorry that it was ever brought up by anybody politically. I think it has become a political football,

and I don't think that any political body can give it honest consideration. I think that the only way that a voting age or the age of majority or the privileges that are accorded people when they have in the past become 21 should be changed without a referendum vote. I think if we could take a referendum vote here of this body we would find they would leave it at 21. Since all of the people who are political timber have already spoken that that be the case, that they have it in the record for the young people that they might be soliciting that vote, but it is my opinion that we should return this to 21 and possibly put something in the constitution so that no political body can ever handle it, that it should be done on a referendum vote of the people if and when it is done.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I believe that the fellow delegates here at the Convention that are advocating this amendment to change from 19 to 21 have sure tried this morning to confuse the issue. They have brought in quite a few of the ramifications and we discussed this quite thoroughly yesterday. It is quite apparent that the delegates have no faith in their youth and in turn no faith in their educational system. It is going to be a pretty glum future for Alaska if we can't have faith in our educational system and our youth. I think a child that comes out of high school is well deserved to become a legal voter of our land. I think it has no connection with the bars, as Mr. McLaughlin pointed out. It is strictly a state of confusion. I see that in the legislature there are other pressure groups. Are you going to bar them too? The pressure groups of the 19-year-olds, according to our statistics, would only be three and one-half per cent of the voters of the new State of Alaska. I see through that argument quite well. The history of the country shows that the rights of individual people was in part from the first time the Constitution was written for the United States. We have progressed quite thoroughly through the years allowing the women to vote. Now we are trying in a new state and new future country of Alaska to lower the standards so as to give the young people, the people who want to come up to this country and settle, a chance to partake in their government.

PRESIDENT EGAN: Mrs. Wien.

WIEN: Mr. President, I would like to read two or three sentences from the manual prepared from Hawaii, which I think has a direct bearing on the subject. "In Russia today the age is 18. Great Britain, Canada, and the Union of South Africa have recently considered the lowering of the voting age below 21 but all three nations have rejected proposals for change." Then a little further, "During 1942-43 bills designed to reduce the voting age were introduced in 31 state legislatures, but only one state, the state of Georgia, lowered the minimum

age qualification to 18 years. The other 47 states continued to maintain the minimum age requirement for voting at 21." First, I would like to have us in a class, not with Russia or with one state of the Union but with the majority of the states of the United States and with such countries as Great Britain, Canada, and the Union of South Africa, rather than Russia. And, secondly, since we are going to ask Congress to become a state, they have to approve of our constitution. Since the voters of 47 states feel that 21 is the proper age and it is going to be their senators and representatives who have to look over our constitution and partly decide on that as a basis of whether we become a state or not, I feel sure that they might frown upon our lowering of the voting age. And, thirdly, I have the highest regard for the young people of today. Nothing irritates me more than to hear a reference to the delinquency of our youth because I feel it is a delinquency of the parents, not of the youth, and that they are the most wonderful youth that the world has ever known, but I don't feel that those youth are requesting that we lower the age even below 21. I was willing to go for 20 but the longer I go into this subject and the more I hear, the more firmly I believe that we should keep it at 21.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Mr. President, Kentucky has also joined the ranks of Georgia in the lowering of the voting age to 18. I am not one of those that says we should not break precedent. If this nation had not broken precedent we would have never become a nation. I am also a firm believer in the fact that responsibility of action is most often achieved by the delegation of responsibility. I feel that our high school students of today, our 18-and 19-year-olds, are more qualified to vote than the 21-year-old was perhaps even a few years back when I was that age and I felt very much at the time that I could have voted and voted responsibly at that time. Our youth of today is better educated than it has ever been before. That goes for both young men and young women. I feel that also that these bugaboos that have been thrown at us constantly this morning, particularly this one with reference as to how Congress will respond in the event that Alaska comes up with a 19-year-old franchise age, I am not the least bit concerned about that, primarily for this reason, I know that there have been other constitutions referred back on maybe one point or two points only requesting a change. We will be judged by the over-all constitution we write and on no one particular point. I feel that if this body were to act in favor of granting the voting privilege to our 19-year-olds that a period of two or three or four to five years at the very most, and possibly as others have pointed out we will not achieve statehood prior to that time, but we will find that our actions probably will not be criticized even in our own eyes, and I think that this body will probably be the harshest critics in the years to come

of this constitution that we are here to write. I am going to hold with this 19-year-old age and I feel that if the body as a whole goes that way, and I am confident we are going to, that we will never regret it.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, I would like to point out one thing. I spoke yesterday for the 18-year-old voting age, and I am today supporting the 19-year-old, not because Russia has 18 years voting age, not because Georgia has it or Kentucky. That makes no difference to me. I think those arguments are extraneous. The discrimination angle we have a nondiscrimination clause in the Russian constitution. Just because of that will we be for discrimination? Never. I think the important thing is what do we want, and as has been pointed out, the arguments for 21 have largely been based upon issues of doubt, "What will happen if? We know very well that our legislature can protect the people as well as anybody, and the point is -- if we feel that 19-year-old voting is right, let's vote for it.

PRESIDENT EGAN: Mr. Harris.

HARRIS: We spent considerable time discussing this yesterday and again today we have spent considerable time. I think everybody has had their say one way or another, so therefore, I move the previous question.

DAVIS: I second the motion.

PRESIDENT EGAN: Mr. Harris moves the previous question, seconded by Mr. Davis. The question is, "Shall the previous question be ordered?" All those in favor of ordering the previous question will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

MCLAUGHLIN: Mr. President, may I inquire -- are we voting on the previous question or are we voting as to whether we should have --

PRESIDENT EGAN: We are voting as to whether we should order the previous question.

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

Yeas: 27 - Awes, Barr, Coghill, Collins, Cross, Davis, H. Fischer, Harris, Hellenthal, Hilscher, Hinckel, Kilcher, King, Knight, McLaughlin, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Rosswog, Stewart, Taylor, VanderLeest, Wien.

Nays: 27 - Armstrong, Boswell, Buckalew, Cooper, Doogan, Emberg, V. Fischer, Gray, Hermann, Hurley, Johnson, Laws, Lee, Londborg, McCutcheon, McNees, Metcalf, Reader, Riley, V. Rivers, Robertson, Smith, Sundborg, Sweeney, Walsh, White. Mr. President.

Absent: 1 - R. Rivers.)

SWEENEY: Mr. Chairman, I would like to change my vote from "yes" to "no".

BUCKALEW: Mr. President, I would like to change my vote from "yes" to "no".

PRESIDENT EGAN: Mrs. Sweeney and Mr. Buckalew change their vote from "yes" to "no".

CHIEF CLERK: 27 yeas, 27 nays and one absent.

PRESIDENT EGAN: So the question has failed of passage.

EMBERG: I would like to make a few remarks, I haven't so far. Many of them have been covered in the debate so far. Many of the objections toward establishing the age of 19 are based upon the idea that a lowering of the traditional age will dilute the quality of responsibility in the electorate, that it will change a traditional system that establishes an electorate that presumably is responsible in every sense, but how does this present system work? We are lucky if we get 50 per cent right now to turn out for an election in Alaska. So I don't feel that we should be too reluctant to change this traditional attitude. If we can get the young folks voting earlier, getting them in the habit of voting, then I am for letting them have the opportunity. I would also like to point out that this isn't a compulsory provision, that in effect it only extends suffrage to those who interest themselves in government and will inform themselves in politics and take the time and trouble to go and vote. That is the real test in my mind of political maturity, and I think if the youngsters of 19 and 20 meet that test, we should let them vote.

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

WHITE: Mr. President, I am sorry to prolong this but I don't feel our time is wasted. I'll be very brief. In answer to Mr. McLaughlin, I would like to say that I for one never once in this debate have maintained that those other things would automatically follow the lowering of voting age to 18, 19, or any other age with the possible exception of serving on juries. I heartily subscribe to Mr. McNealy's remarks that to be logical you are of necessity going to lower the age for these things to coincide with the age of voting. I see no

escape from the logic to that argument. In answer to something Mr. Gray said, I would like to point out that I for one do not believe that the 19-year-old vote represents a true opinion of this body. I think it is a fluke for the way the voting went, and I think it should be either 18 or 21. I have deliberately refrained from bringing up Georgia or Kentucky before, but since they have been brought up again and again, I would merely like to remark that I see nothing in the internal politics of those two states that should recommend them to our attention in this matter. In closing, the only other thing I would like to repeat is that although the Territorial Legislature on a previous occasion voted to ask Congress to lower the Territory voting age to 18, Congress turned it down or did not act on it, and I think we must consider the fact that on the vote in Congress of May 21, 1954, 38 statesmen in the United States Senate saw fit to absent themselves from the floor on this very important question, and even so it failed by a vote of 34 to 24. I think that should suggest something to us.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Mr. Chairman, may I make one more brief remark? Mr. Coghill asked a question of those who oppose the 19-year-old restriction. He asked the question, "Have we no faith in our educational system?" And I would like to point out to the body, while Fairbanks and cities here in Alaska have certainly wonderful schools but out in the outlying precincts, way out beyond the cities where there are only 12 children or less. the ANS doesn't provide any schools whatsoever, so I show that in rebuttal to his question.

ROBERTSON: Mr. Chairman, I would like to challenge the suggestion made by several of the previous speakers that those of us who are in favor of 21 years thereby evince a lack of faith in our children. I submit that we have just as much faith in our children as those who want to reduce the age to 19. It is only a question of maturity of judgment, and I submit that all of us become more mature in judgment as we reach older years and get out of the teen age.

V. RIVERS: I spoke on this subject yesterday and I had not intended to say anything today but I did want to add this fact for the information of the Convention. In discussing this matter with a lady from Anchorage yesterday after the ballot, she advised me that in the League of Women Voters, a nonpartisan organization, they had taken a poll as to whether or not they desired a lowering of the voting age. In that particular meeting of 16 people present, 15 of them voted for lowering the voting age and showed a preference for the age of 18. I merely wanted that to be before the body.

MCCUTCHEON: I feel impelled to speak against this particular

amendment. I predicate my remarks on the fact that there is a great deal that has been said on the floor with regard to the judgment of the youth and the judgment of those deemed to be older than 21. It is assumed that after 21 the people of Alaska are able to choose their legislators and other elected officials, and they predicate this matter on judgment. I submit that the elections are not based on judgment, that they are based on prejudice and passion of the times and certainly the youth of the school age or subsequent to that time would view this matter with a good deal more cynical attitude than some of the oldsters would.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: May we be at ease again so the class can come in? Oh, they are not coming in.

PRESIDENT EGAN: Mr. Londborg?

LONDBORG: Reference has been made quite often basing on, "What will happen if?" I think there is something that is going to happen if we lower this voting age. Mr. McLaughlin brought in something very interesting about a minor boy that had to have his wife for legal guardian. That is something I hadn't thought about, but I see where it is entirely possible according to the present setup. I think it is going to make a boy like that feel rather odd if he has the right to go and vote and then still has his wife for legal guardian. I am sure that the age of majority will have to be lowered. It is not a matter of what will happen if but I think it is going to happen. Certainly if they have the vote right that age is going to be lowered, probably down to include all over 18. Then as the girls mature biologically earlier, they will be lowered to 15 or 16. That's just one thing. This matter of jury duty I think is a serious thing. It is not a matter of whether you have a right to vote or not, but you will have the right to serve on the jury. I don't think you can legislate against them. That would be discrimination. They are part of the ones that elect the legislators to come and certainly the age for serving on jury duty will go along with the voting age, and I am sure that they will be allowed to be on the jury. Of course, the argument can be that they have mature judgment at that age. I think they have good judgment at that age but I think that judgment could be improved on by a few years of experience in the world. We have heard a lot that the youth of today are better educated. They might be as far as book knowledge is concerned but if they are so well educated at the end of high school, why do we have colleges?. Evidently the complicated world that we live in today demands a college education, and I think the complexities of the world today demand even more maturity in voting than they did years ago, and I don't think that lowering the voting age is going to bring in a great deal more maturity. I think we are going to

lose as far as that is concerned. I think the suggestion that was brought up awhile ago that this should be brought up to a referendum vote, it would be a fair one to all Alaskans where they could vote their convictions in secret ballot rather than have us put it on as a rider in the constitution, a rider that can very possibly defeat our constitution on referendum or approval.

METCALF: I move the previous question.

V. FISCHER: I would just like to reply briefly to one of the statements made. I do not believe that leaving the voting age at 19, as has been voted so far by this body, would mean that jurors would have to be 19 years of age. We approved yesterday a provision that anyone may vote who is able to read or speak the English language. Does that mean that the legislature would authorize just blanket selection of jurors even if they can't read, if they can't write, if they can't understand some basic principles and then sit on estate cases and all sort of jury cases. I think that is the kind of extraneous matter that has been brought in. The thing is if the legislature feels that this voting age is too young for jurors they can add additional qualifications. Another thing brought in was this business of ratification by Congress. I don't know how many of you have read the debates on the floor of Congress on the Alaska - Hawaii statehood bill. I think if you read them you will find that not one objection was made to the provisions of the Hawaiian Constitution -- any provisions -- all the provisions were brought out as examples of an excellent constitution. The lowering of the voting age was one of those. I think we should concentrate on the merits of this and let's vote on the merits of 19-year-olds' voting and 21-year-olds' voting.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, inasmuch as remarks were made on something I had said, I would like to just add this. I am very, very happy that you brought in the fact about the voters serving on jury duty. Again I say I don't think we will be able to discriminate against anyone allowed to vote and not be allowed to serve on jury. Let us say it is possible to prevent it by law, by writing in some kind of rider that they have to read, speak and write and a few other things, but I would like to know how the legislators are going to work out some kind of a system whereby they are going to go out and fairly examine all of these people like that when it comes time to serve on jury duty. As it is now, our law is not as strict as it should be along that line, and very often we find that someone may write a letter asking that her husband be excused from jury duty because he can't read and write. I think the laws that we have right now aren't enforced as much as they should be and to lower it by dropping the age bracket and all

of that is not going to solve the problem at all.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, in reference to Committee Proposal No. 1, Section 1, line 2, "Shall the voting age of 19 years be deleted and the voting age of 21 years be inserted in lieu thereof?"

METCALF: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 23 - Armstrong, Awes, Barr, Boswell, Collins, Cooper, Doogan, Hinckel, Johnson, King, Knight Laws, Londborg, McNealy, Metcalf, Nolan, Reader, Robertson, Sweeney, Taylor, Walsh, White, Wien.

Nays: 31 - Buckalew, Coghill, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Mr. President.

Absent: 1 - R. Rivers.)

CHIEF CLERK: 23 yeas, 31 nays and 1 absent.

PRESIDENT EGAN: So the motion has failed of adoption.

PRESIDENT EGAN: Mr. Riley

RILEY: Mr. President, I ask unanimous consent for a two minute recess.

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

RECESS

PRESIDENT EGAN: The Convention will come to order.

COOPER: Mr. President, inasmuch as there is nothing on the floor at this time --

PRESIDENT EGAN: We have before us Section No. 1 of the proposal.

COOPER: I would like to ask for the floor on a point of personal privilege.

PRESIDENT EGAN: If there is no objection. Mr. Cooper asks the floor under the point of personal privilege.

(Mr. Cooper spoke under the point of personal privilege.)

PRESIDENT EGAN: Often times a delegate, yourself or others, might rise and request the privilege to ask a question, question of a member. Now the Chair has not been considering that as using up one of his allocated times on the floor. Now that happened many times here this morning. And the Chair will agree with you that people should remember that they only have two times allowed on the floor on any question.

COOPER: I bring this up because of the moving of the previous question which the other day we were reprimanded, the Convention as a whole, and I think justly so far acting hastily, but if the arguments were prepared and presented within the scope of Rule 38 I believe it would be far more educational and advantageous to expediting the business at hand.

PRESIDENT EGAN: Well Mr. Cooper, the Chair would not say that the delegates had been reprimanded, but it was the feeling of the Chair in that discussion by one delegate that it was just being brought to the attention of all the delegates what the previous question meant. It meant the shutting off of all debate. Mr. Robertson?

ROBERTSON: I have an amendment to Proposal No. 1, Section 1, line 9. Delete "or" and insert "and".

PRESIDENT EGAN: Mr. Robertson, what is your pleasure?

ROBERTSON: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Robertson moves that his proposed amendment be adopted. On line 9 delete the word "or" and insert the word "and". Is there a second to the motion?

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Metcalf seconds the motion. Mr. Robertson?

ROBERTSON: Mr. President, my thought is yesterday by refusing to adopt Mr. Johnson's proposal, that we pretty well lowered the standards of education or qualifications as an elector and that the delegates seemed to press down or emphasize considerably the thought that many people could not write but they listen to the radio and listen to campaign talks so they are well informed on the subject. Now it seems to me that if that is true they ought to also have the qualifications of being able

to read and speak the English language and not just read "or" speak the English language. So that is the thought of my proposed amendment.

PRESIDENT EGAN: Is there other discussion? If not, the question is, "Shall Mr. Robertson's proposed amendment be adopted?" Mr. Marston.

MARSTON: Mr. Chairman, did we not pass on this one time?

PRESIDENT EGAN: The Chair does not recall that that particular amendment had ever been made, Mr. Marston. If such an amendment had been made, the Chair would stand corrected. It is the remembrance of the Chair that there never was such an amendment before us.

MARSTON: May I speak on it? I have got to. We are building citizens of the United States of America and particularly the State of Alaska, and we want them all. It is a hard time getting them to vote. We have a lot of people out in the Bering Sea and at the Arctic coast and up the great rivers that have lived here since time was, and they are great men and great women, and if this amendment passes we blot them out. They do not belong to the stars and stripes any more in their mind. If you tell a man who has been voting on problems and a part of us and you isolate him he is not for us. I am absolutely against this amendment in any way shape or form you put it through. The "read or write" was put in by a great statesman from Southeastern Alaska to save a lot of great people who live here. I am unalterably opposed to this amendment. I wish some others would speak on this. I wish the great statesman of Southeastern Alaska would talk on it who put the "read or write" in there. I am against this amendment.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: First, before I start, I want to thank Mr. Marston for his reference to me. I am very anxious, just like a good many of you are here, to do what is right, and I do feel in my presentation yesterday that I covered the subject thoroughly, that is as far as my knowledge goes. I can see the disadvantage it is going to create to a certain group of people, perhaps not only the Natives. I can refer to some from your side of the fence right down in our area with the same proposition. There are few in number, but yet there is such a condition existing, and I cannot help but think of that type of citizen. Whether I am wrong, I still maintain that in writing this constitution we should think of such a group within our area, within our country. It is true that those of you perhaps that live in larger communities have had the advantages of civilization which lacks in the outlying and fringe areas. However, I don't think that should be a factor in determining what to put in your constitution. I maintain that when political issues

arise, anything that is going to be beneficial to our country as a whole, if it is advertised or brought to the attention of these types of people that I am trying to protect, they understand just what it is all about. They are not going to vote against any issue that they feel is going to be detrimental to the country. They are not going to vote on any issue they do not understand. I think Mr. Robertson will bear me out in the First Division. He ran for office, he has gone to the villages, and I don't think that after he got through talking to these individuals that they did not know what he was talking about. They knew, that's the way they are. I don't know what the condition is up here. I have high respect for Mr. Marston, and I feel that what he says is perhaps is the actual condition that is existing up here. Therefore, I am for that also. I don't feel that the fact that these people are going to be swayed by some politician coming to town and voting should be a major factor, and I have never seen any such conditions existing anywhere, and if it is up here then I think there should be some way of remedying that. I am going to have to vote against this amendment and to be consistent, I will support my views.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I think that the voting record of Alaska in previous years will bear Mr. Peratrovich's argument out, that in the large cities and the large election districts, that you will find that a very small percentage go to the polls and vote on election day. You take the villages. You find that if there are 80 people eligible to vote, there will be 80 votes cast in that village. They are very proud of their heritage to take part in the government. I might bring out the thought that was placed in the White House Conference on Education for Alaska. It was spelled out straight that in one section here, it says, "Second was the idea of more parent participation in education in the school system. This was brought about more emphatically by the Native and Eskimo villages as the teachers in these areas are faced with the problem of teaching first and second generation children. These aborigines know that their aged tradition and forms of economy are being engulfed by our modern way of life in which to learn these ways so as to live a free and healthy life among us. Thus they have emphasized night adult classes." That came right from the small villages. That was not put in this report by any one of us that participated in it. We took and sent out questionnaires and got that. They are interested in government, they are interested in the new way of life and in order for them to obtain anything they must participate, and if you are going to shut them off, why that will set that area back probably 20 years until your generations that are being educated now obtain an understanding.

PRESIDENT EGAN: Mr. Smith.

SMITH: I merely want to reiterate what Mr. Peratrovich has said and add that I have had the privilege of knowing a good many people who were not able to read, yet had a thorough knowledge of affairs of the Territory. They had an instinctive knowledge of the right and wrong of issues and for that reason and a good many other reasons, I must oppose the amendment.

PRESIDENT EGAN: Mr. B. D. Stewart.

STEWART: I just merely want to argue further, because I think Mr. Peratrovich and Mr. Marston have very well covered the ground, but from my experience in Southeastern Alaska and in the Eskimo country I have found that individuals that would be allowed to vote under this provision as it stands, are perfectly capable of passing judgments on issues, and I would support the idea that it be left just as it is.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, it seems to me that by the very nature of the mechanics of voting, regardless of whether they are intelligent, informed, the very nature of the mechanics by which we set up our means of voting, which is by the written word, that they must be able to read what that written word is. It seems to me that no matter how they would be prepared, if they could not read, how could they vote intelligently? No matter how intelligent they are, if they don't know how to read, they can't tell what they are voting for. It seems to be basic that they might be entirely well informed, be very intelligent and practical in handling their affairs but they could not carry out the mechanics of actually voting their wishes unless they were able to read what the ballot said.

PRESIDENT EGAN: Mr. Marston?

MARSTON: During the war when the enemy submarines were in the Bering Sea, I went to those people representing the United armed forces and asked them to join the colors. Thirty seven hundred men joined the colors with enemy submarines in the Bering Sea. Not one man ever refused to join the colors while the war was on, and 3700 joined, and I could not and nobody could turn down a loyal patriotic group of men like that who were our frontier men, armed and stood between us and the enemy during that time. They picked up 27 Jap balloons, they had weekly drill, and they built 21 armories without pay, and they received no pay as the Alaska Territorial Guard. They are loyal, patriotic, and we cannot turn them down.

V. RIVERS: I would like to ask how many of the 3700 could read a name, Mr. Marston?

MARSTON: The first man I swore in came in from the Kuskokwim

off the Bering Sea and I told him that Uncle Sam wanted him to join with us together and fight the common enemy. They said they would be happy to be Uncle Sam's man and I said I was ready to sign them up and here a man stood before me, a solid citizen, five feet tall and four feet broad with his parka on and I said, "How old are you?" He said, "I don't know. I old enough and not too old. What you want done?"

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: One thing that is very, very interesting here is that they are arguing that it should be left as is because we would be discriminating if we support the amendment. Now as I read line 9, we are discriminating right now. It says that they at least have to read or speak, they can choose which they will, so what does it mean to speak? Saying hello? We have not defined it at all. If they have one word of English then they can speak, so I would say then that we have our standard down pretty low as far as that is concerned. Would speaking alone be such a great virtue that we could allow just voting on that alone? I think it should be as we have it in the Session Laws of Alaska right now, where I believe there is a "read and write" clause in it -- not just speak or read, whichever they may choose. I would like to call your attention to another thing that we have mentioned before. There is going to have to be some very clever manipulating of the laws to provide a way of selecting juries if we divert from the present law as far as qualifications for voting. I think we ought to give that due consideration. I don't think that our answer is lowering the voting standards but bringing the people up to the standards so they can vote intelligently. Reference was made to our excellent school system. I have here a report from the Alaska Native Service where there are 1592 children still without a school. That is something for us to think about also. We of Alaska have a job to do, not lowering voting standards but bringing the people up to the standards.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: One thing I want to remark to Delegate Londborg. I think he is worrying unnecessarily about jury duty. I mean if he has ever watched a civil or criminal trial, there is such a thing known as a more dere in which both counsel and court have unlimited opportunity at examination. There is such a thing as challenges and if any juror is not capable of understanding or following the evidence he is dismissed so there would be more tests for jury duty than there would be for voting. If it was a highly technical case it would be up to the counsel and the court. I think that both counsel and court could certainly protect the public or the plaintiffs or the defendant in any particular given matter.

LONDBORG: Mr. President, I would like to answer that.

PRESIDENT EGAN: Mr. Londborg, if there is no objection.

LONDBORG: I am not particularly worried about it. I just say there is going to have to be some way to do it. I don't know if we can discriminate against them and say they cannot at least be summoned for jury duty. I wonder if everyone is aware of the fact that to summon someone for jury duty from Hooper Bay to Nome for a while costs round trip about \$230 and it makes a nice trip to go to Nome for awhile and then be refused for jury duty. You add that up a few times and you have a great state bill just getting people eliminated from jury duty.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: One of the delegates in arguing against my proposed amendment apparently misread the article itself because it won't be "read and write". It will be "read and speak" if my amendment is adopted. I am like Delegate Victor Rivers. I can't see how a person can intelligently vote by secret ballot if he is not able to read. I think to read and speak the English language is the very minimum of qualifications. We are not challenging the loyalty of the Eskimo or the Indians or anyone else. We are simply trying to put something into our law so a person can intelligently vote the secret ballot.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: There are two points I wish to bring out, and reference has been made many times to the wonderful educational system that we have here in Alaska. If that is true we should have no objection and no worry about adopting Mr. Robertson's amendment, if that is true. Point number two, when we get our constitution bill constructed there will no doubt be provision for the initiative and referendum which we have had very little of that under our Territorial setup such as they have had in the states. Many of those initiative and referendum measures are going to be measures covering half a page in length, and therefore a person, in order to vote intelligently is going to have to be able to read.

PRESIDENT EGAN: Mr. Cross.

CROSS: There is one question that has been brought up I think honestly stating that it is necessary for a voter to read in order to vote. I would like to state that I have seen a great many voters turned down by reading tests when they were perfectly able to read a ballot and know who they were voting for.

RESIDENT EGAN: Mrs. Nordale.

NORDALE: Is there not a provision in the law that allows the election board to cast a ballot for a blind person? I am quite sure there is. I don't see any reason why an election board could not also assist a person who couldn't read but who could speak and very definitely make his wishes known in casting his vote.

PRESIDENT EGAN: The question is -- Mr. Johnson?

JOHNSON: I request a roll call.

PRESIDENT EGAN: "Shall Mr. Robertson's proposed amendment be adopted? The Chief Clerk will call the roll.

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

Yeas: 18 - Armstrong, Barr, Collins, Cooper, Hinckel, Hurley, Johnson, Laws, Londborg, Metcalf, Nerland, Reader, V. Rivers, Robertson, Sweeney, Taylor, Walsh, Mr. President.

Nays: 36 - Awes, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sundborg, VanderLeest, White, Wien.

Absent: 1 - R. Rivers.)

CHIEF CLERK: 18 yeas, 36 nays and 1 absent.

PRESIDENT EGAN: The "noes" have it and so the amendment has failed. Mrs. Hermann.

HERMANN: At this time I wish to make a motion that the Committee Proposal No. 1 be referred to the committee for specific amendment, the committee that produced it, for specific amendment.

SWEENEY: I second the motion.

PRESIDENT EGAN: Do you have a specific amendment that you want to offer to the body?

HERMANN: No, Mr. President. I will speak on the subject now that it has been seconded.

PRESIDENT EGAN: If there is no objection.

TAYLOR: Mr. Speaker, I rise to a point of order. I think that

the specific amendment must be placed in the Clerk's hand at the time they make the motion and before returning it.

HERMANN: I am going to make that, I'm going to tell what it is right now.

TAYLOR: I have a motion here, an amendment that I would like to move to have considered.

PRESIDENT EGAN: Mrs. Hermann has the floor, Mr. Taylor, she still has it. She has made that motion and it has been seconded and she can state what her specific amendment is.

HERMANN: I will state what my reasons are so the body will know what I am thinking about and then if they want to turn me down, they certainly have the privilege. I think this whole thing from beginning to end is a matter that should be for the consideration of the legislature. and if I had come here, I came here with one specific pledge, and made that to myself and nobody else, and that was that I would stand up and oppose every single proposal, every single article for the constitution that properly was the function of the legislative body to ordain and that is exactly why I want to put this back in specific amendment now for.

TAYLOR: Will you yield for a moment?

HERMANN: For one moment only.

TAYLOR: That is my amendment that I have offered. I am going to make a motion to adopt it. That is to reduce that down to one paragraph that the legislature may provide by law for the qualifications and age of electors.

HERMANN: Well, for the whole section is what I want. I will withdraw with the consent of my second and let Mr. Taylor present his motion.

PRESIDENT EGAN: Mrs. Hermann asks unanimous consent that her proposed motion be withdrawn.

SWEENEY: As second, I want to be sure if it is not just exactly what Mrs. Hermann has in mind that she be privileged to enter her motion again.

PRESIDENT EGAN: Is that the understanding, Mr. Taylor?

TAYLOR: That is right. I move that my amendment submitted this morning in the hands of the Clerk providing that this be placed in the hands of the legislature be read and move its adoption.

PRESIDENT EGAN: If there is no objection the Convention will

will stand at recess for two minutes. The Convention is at recess.

RECESS

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

RILEY: Mr. President, I know of several committees that are pretty well in a bind and have been all week because of their not being able to keep their commitments. We have visitors from out of town and so far have not appeared before the committees and for that reason I ask that we recess until 1:30 this afternoon.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the Convention stand at recess until 1:30 p.m. Is there objection?

MCCUTCHEON: I object.

PRESIDENT EGAN: Objection is heard. Is there a second to the motion?

COGHILL: I second the motion.

PRESIDENT EGAN: Mr. Coghill seconds the motion. The question is, "Shall the Convention stand at recess until 1:30 p.m.?" Mr. Coghill, did you have a committee announcement?

COGHILL: Pending the outcome of the recess the Administration Committee will meet immediately following, upstairs.

PRESIDENT EGAN: Miss Awes?

AWES: If we recess, the Bill of Rights Committee will meet immediately upon adjournment.

PRESIDENT EGAN: The Bill of Rights Committee will meet immediately upon adjournment. Are there other committee announcements? Mr. Rosswog?

ROSSWOG: The Local Government Committee, all members that can attend, will meet immediately after recess.

PRESIDENT EGAN: Mr. Smith?

SMITH: Mr. President, I don't know whether it is in order to simply make committee announcements or to go into the need for time for committee meetings, is that proper at this time?

PRESIDENT EGAN: Mr. Smith, it would be really in order just to make your committee announcements.

SMITH: I will bring it up later.

PRESIDENT EGAN: Mr. Cross?

CROSS: I would like to announce a brief meeting of the Resolutions and Recommendations Committee immediately following the recess.

PRESIDENT EGAN: Mr. Nerland?

NERLAND: The Finance Committee will huddle immediately following the recess.

PRESIDENT EGAN: Mr. Victor Rivers?

V. RIVERS: If there is a recess the Executive Committee will meet at 11:30.

PRESIDENT EGAN: Mr. Hellenthal?

HELLENTHAL: Mr. President, if we recess the subcommittee of the Administration Committee should meet immediately after recess.

PRESIDENT EGAN: Mr. Hellenthal's committee will meet immediately upon any recess. Mr. Smith?

SMITH: The Resources Committee will meet at the first time available.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Parliamentary inquiry. Does the President plan to call a meeting of the committee chairmen to discuss whether or not we should chop off plenary sessions in order for the committees to do some work?

PRESIDENT EGAN: Mr. McLaughlin, there will be a meeting of committee chairmen at 1:00 p.m. upstairs. If there are no further committee announcements, the question is, "Shall the Convention recess until 1:30 p.m.: All those in favor of recessing until 1:30 p.m. 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: 36 - Armstrong, Barr, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Doogan, Emberg, Gray, Hilscher, Hinckel, Hurley, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, Rosswog, Smith, Stewart, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 18 - Awes, Cooper, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Johnson, Kilcher, McCutcheon, McNeese, Metcalf, Nolan, V. Rivers, Robertson, Sundborg, Sweeney, Taylor.

Absent: 1 - R. Rivers.)

CHIEF CLERK: 36 yeas, 18 nays and 1 absent.

PRESIDENT EGAN: So the motion has carried, and the Convention will stand at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair notes a large group of students in the gallery from the Fairbanks Public Schools are with us this afternoon, and we hope that they will enjoy the proceedings that they will see here this afternoon. We have before us a motion by Mr. Taylor.

CHIEF CLERK: I don't think he moved.

PRESIDENT EGAN: The motion has not been placed on the floor as yet. Mrs. Hermann withdrew her motion in favor of Mr. Taylor's motion.

V. FISCHER: For your information, Mr. Taylor is on his way down.

PRESIDENT EGAN: We might then for the time being pass over that question and continue with Article No. 1 of Proposal No. 1. We have Section 1 of Proposal No. 1. Are there other amendments?

HINCKEL: I have an amendment to offer but if we don't intend to wait for Mr. Taylor, Mr. Taylor's amendment should be read first.

PRESIDENT EGAN: Well, Mr. Taylor is going to be here in a minute.

SWEENEY: Mr. Chairman, I move that we be at ease here for about five minutes to let Mr. Taylor get here.

PRESIDENT EGAN: The Convention will be at ease for about five minutes to wait for Mr. Taylor. (Mr. Taylor enters Convention Hall.)

PRESIDENT EGAN: The Convention will come to order. Mr. Taylor, did you have a motion to make?

TAYLOR: I have a motion in the hands of the Clerk and I wish it to be read.

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

CHIEF CLERK: "Proposal No. 1 be amended as follows: 'Strike Sections 1, 2 and 3 and insert in lieu thereof, Section 1 which shall read as follows: Section 1. The legislature of the State may provide by law the age and qualifications of voters of the State.'"

TAYLOR: I ask unanimous consent that it be adopted.

COGHILL: I object.

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

TAYLOR: I so move.

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Taylor so moves, Mr. Metcalf seconded the motion that the amendment be adopted. The amendment is open for discussion. Mr. Hellenenthal?

HELLENTHAL: Mr. President, I should like to be heard on this matter because it goes to the heart of the constitution. There are many matters that would be stricken by this motion that are constitutional matters in essence. For example, this motion would provide that matters such as absentee voting would be handled purely by the legislature, the same with registration, the same with contested elections. These are matters which nowhere are left to the legislature alone. In some instances unless there is a constitutional authorization for the matters they cannot be treated by the legislature. On those particular matters which generally constitute Sections 2, 3, and 4 there is in many instances a direct requirement for constitutional provisions in connection with them and they cannot be left to the legislature, but primarily I wanted to vote my remarks on behalf of the committee which dealt with this matter to the proposition that the qualifications of electors is not a constitutional matter, and that is the heart of Mr. Taylor's motion. Now, some, not all of those who support this motion are seeking, since they have been unable to fix the voting age at 21, they seek to throw it to the legislature hoping that in that manner they can assert their will. Now I am not saying that all those who favor this think that way but those who do are thinking in a most superficial manner. It would be a shocking thing if every time a delegate was unable to assert his will on a constitutional matter that he said, "We will leave that constitutional matter to the

legislature so that I can get a second crack at it." That is exactly what some of the supporters of this motion would feel and think and what they are trying to do. But aside from that, let us assume that this was to be properly considered on its merits and this was not a hidden attempt to change the voting age in the legislature whereas it failed on the floor. Let us assume that that is not the reason, but I will not admit that is anything more than a bare assumption. If we take the matter of the qualifications of electors out of the constitution we shall be the only state in the Union that so does, the only state. Every state of the Union provides for the qualifications of its voters in its constitution. The reason for that is that it is at the heart of a democratic government that the suffrage be spelled out -- carefully, unambiguously. If you leave such an important matter to the whim of the legislature, nothing but confusion, almost anarchy would result. Those 48 states that set out in clear, fundamental language the rights of suffrage knew what they were doing. It is a state problem, and it is a constitutional problem, not a legislative problem. If you follow the argument that suffrage is a legislative problem to its conclusion, we have wasted the past two days of dealing with the judiciary article. We could have very simply said that the legislature shall prescribe the judiciary in such manner as it sees fit. If we follow the argument further when we discuss the bill of rights, those of us who do not agree with a particular section of the bill of rights should then logically propose that matters involving fundamental civil rights such as are normally treated in a constitutional bill of rights, be left to the legislature. The same can be said of the executive, the same could be said of local government. The same can be said of almost every provision of the constitution. If we adopt this motion, we are putting ourselves in the shape and in the form of the English system of government where there is no written constitution and where the will of the legislature is supreme. Now had Congress intended that we should adopt such a constitution they would not have restricted us to the republican form of government, and I can assure you that if such a legislative form of government is adopted by this body that the United States Congress will not approve our efforts here, and I would be greatly surprised if the people of Alaska approved them. This is the beginning, from now on if this motion carries, the disgruntled few, instead of bowing gracefully to the will of the majority will seek to throw everything, fundamental or otherwise, to the will of the legislature. Suffrage again, it is fundamental, it is basic. If there is one thing in the constitution that should be definite, certain, crystal clear, holding out a promise to the youth of the state, it should be qualifications of the electors, and I suggest, and I say so strongly, that this motion and all similar motions should be voted down.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I am glad this amendment was introduced frankly and so early in the Convention. I think it exposed a lot of hands and I think it will expose a lot more before the vote is completed. I think it is a matter too, as Mr. Hellenthal so ably stated, a matter of a disgruntled few unwilling to abide by the will of the majority, trying to impose a restriction which they could not otherwise gain on the floor in open session. Therefore I will vote against the amendment even though I was glad to see it introduced.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Personally, I am not one of the disgruntled few. I have been more or less lukewarm in this matter because it is immaterial to me whether 18, 19, 20, or 21 year old goes in, but I think this is just as much a legislative matter as it is a constitutional matter if we, by just a short statement say that we are going to let the legislature write the election laws and if the members of the delegation or the delegates to this Convention will look into the Session Laws of Alaska, you will see a lot of the election laws have been written by the legislature from time to time and established the qualifications. The qualifications have been set by Congress, alright the Enabling Act, but now we are told to step out and do something new and bold. But Mr. Hellenthal says, "No, let's do the things that are old and historical and traditional." But then with the next breath he destroys that old and historical and traditional way of doing things because he ridicules the English way of doing things upon which our government was founded, their system of law, the common law that we have still today. So I do not see where it would be any more danger to the government of Alaska whether we said that a 21-year-old person could vote or the legislature said an 18-year-old person could vote and that we would be doing ourselves a disservice and we would be doing the Territory a disservice by so finding. Perhaps I chose a wrong time to introduce this motion or ask for its approval because I see it brought on quite a flurry of oratory because there is a gallery full of young people here, and possibly Mr. Hellenthal and Mr. McNees are perhaps playing for the vote of these young people. I am not saying they are. It is just an assumption that they might be. So I think the assumptions can be indulged in by either one side or the other. I am not saying that as a fact but I say they can assume. We have spent now over one day on whether it is going to be 18, 19, 20, or 21, and we are no nearer to the solution right now than we were then. And if this Convention with all the work ahead of us cannot agree in 24 hours what the age of the voters is going to be, I think it is about time to pass it on to the legislature that can agree and most likely will agree, and I think as far as a disgruntled few -- why doesn't the other side sacrifice a few of their convictions too and meet in the middle ground, if they will. Of course it is always the person that is desirous of achieving

a certain result -- they are the stubborn ones, they are the disgruntled ones that are going to see the thing die rather than to go along. But the other side then, they are vigorous and they are aggressive and they are trying to put forth legislation to defeat these disgruntled people who are going to tear down our traditions and are going to destroy our Territory by the matter of two years of a person's voting age, and I think we had better pass this thing right now and get it down to the legislature because I think we can't get it over with.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I would like to address a question to Mrs. Hermann through the Chair. Mrs. Hermann, does the motion before us now satisfy the condition to your withdrawing of your motion to recommit?

HERMANN: No, Mr. President, it does not. I still have in mind certain things I would like to have the committee do to the proposal. I don't go quite as far as Mr. Taylor does, and I won't be able to support his motion for that reason. I don't have any intention, for instance, of disturbing the voting age that has been arrived at or will be arrived at by this Convention. The matters that I wish to refer to the Committee were of another nature entirely.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I was unavoidably detained. I wonder if I could ask to have the motion read.

PRESIDENT EGAN: Would the Chief Clerk please read the motion by Mr. Taylor?

CHIEF CLERK: "Strike Sections 1, 2 and 3 and insert in lieu thereof, Section 1 which shall read as follows: Section 1. The legislature of the State may provide by law the age and qualifications of voters of the State.'"

PRESIDENT EGAN: Mr. Buckalew?

BUCKALEW: The only observation I can make, and I want to give Mr. Hellenthal credit for one thing, if he was playing to the gallery he is looking at least five or ten years in the future, and I am impressed with his looking that far ahead, but it seems to me that if we are going to follow Mr. Taylor's line of reason to its logical conclusion, I think we ought to adjourn sine die now and present the people of Alaska with a blank piece of paper and following the English system of an unwritten constitution.

PRESIDENT EGAN: Mr. White.

WHITE: I am going to vote against this motion on the principle embodied in the motion, but I dislike hearing it said again and again and again that such and such an action should be attributed to the motives of the disgruntled few. I think that the matter of whether a particular proposal is a constitutional matter or not is a very live question, and I hope we won't try to end one discussion after another by a pat statement that this is or is not a matter for the constitution. I sometime in the future might like to vote for a similar motion, and I would not like to have it ascribed to ulterior motives of any kind. I think it is a completely open question.

PRESIDENT EGAN: Mr. Hilscher?

HILSCHER: Point of order. Do we have a public address system so the people can hear or do we not have?

PRESIDENT EGAN: They attempted to put one in yesterday Mr. Hilscher, but it fed back so much that it was not of much use. The Chair at the moment does not know what the situation is. Evidently there is no PA system at the present time. Is there further discussion? Mr. Taylor.

TAYLOR: In view of the remarks of Mrs. Hermann, that she would like to have that go back to the Committee for specific amendment, I would have no objection to that because we might get some results out of it, and I don't know if we will get it out of the way the way things are at the present time.

PRESIDENT EGAN: If there is no further discussion the question is, "Shall Mr. Taylor's motion be adopted by the Convention?" All in favor of adoption of Mr. Taylor's motion will signify by saying "aye", all opposed by saying "no". The noes have it and the motion has failed. Are there other amendments to Committee Proposal No. 1? Mr. Metcalf?

METCALF: I have one.

PRESIDENT EGAN: The Chief Clerk will read the amendment.

CHIEF CLERK: "Page 1, line 12, beginning after the comma following the word 'only' insert the following" 'And shall have reached their legal majority for proposes of being sued in State courts on actions of contract.

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

MR. METCALF: I move the adoption of this amendment.

PRESIDENT EGAN: Mr. Metcalf moves the adoption of the amendment.

ROBERTSON: I second the motion.

SUNDBORG: Question.

PRESIDENT EGAN: If there is no discussion, the question is -- will the Chief Clerk please read the amendment again?

CHIEF CLERK: "Page 1, line 12, beginning after the comma following the word 'only' insert the following: 'And shall have reached their legal majority for purposes of being sued in State courts on actions of contract.'"

SUNDBORG: Question.

PRESIDENT EGAN: The question is, "Shall Mr. Metcalf's proposed amendment be adopted?" All in favor will signify by saying "aye", all opposed by saying "no". The noes have it and the amendment as proposed by Mr. Metcalf has failed of adoption. Mr. Hinckel?

HINCKEL: I have an amendment on the Secretary's desk.

PRESIDENT EGAN: Will the Chief Clerk please read Mr. Hinckel's proposed amendment.

CHIEF CLERK: "Substitute the following for Section 1: 'Every citizen of the United States, having other qualifications prescribed by law, shall be qualified to vote in any State or local election.'"

HINCKEL: I move the adoption.

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

MCLAUGHLIN: Point of order, Mr. Chairman. Mr. President, in substance the net result of this is merely reduplicating the same legal effect of Mr. Taylor's motion which lost, and I believe that under such circumstances the motion is out of order. In substance what it is, is a motion to reconsider. He is asking that the legislature prescribe the qualifications.

PRESIDENT EGAN: We don't have any motion before us at present.

HINCKEL: I move the adoption of it.

HERMANN: I second the motion.

PRESIDENT EGAN: Mr. Hinckel moves the adoption, Mrs. Hermann seconds. Mr. McLaughlin has raised a point of order.

BARR: Point of information, Mr. President. I wonder what is meant by "law" there? Wouldn't that necessarily have to comply with the Federal Constitution then? Wouldn't that law apply?

PRESIDENT EGAN: The Chair would have to hold that it would almost have to comply with laws as set up with the state legislature of the State of Alaska, and consequently, Mr. Hinckel, while you probably did not intend it that way, Mr. Taylor's motion said in effect the same thing.

HINCKEL: If I'm not out of order, may I call to your attention that Mr. Taylor's motion struck Sections 1, 2 and 3, which I do not consider to be the same at all. I am asking to only strike Section 1 and substitute another section.

PRESIDENT EGAN: Of course the effect of that motion would put the voting requirements up to the legislature. The Chair would have to hold that for that reason, even though Sections 2 and 3 which is related matter relative to the voting qualifications and registration, that it would be the same and would have to be declared out of order, Mr. Hinckel, at this time. Mrs. Hermann.

HERMANN: I have an amendment. Before presenting this amendment, Mr. President, I would like to say that my motion this morning to recommit the matter for specific amendment had, as I say, no intent to destroy the main effect of the proposal as it had been presented by the Committee. My principal purpose was to have some, what I call quite serious defects corrected, but it is quite possible that I can do that by means of separate amendments and not have to return it to the Committee since it might save a little time in that way, and this amendment which I have presented now is the first of a series that I wish to make.

PRESIDENT EGAN: The Chief Clerk may read the amendment as submitted by Mrs. Hermann.

CHIEF CLERK: "Add to Section 1 the following: 'The right of secrecy of ballot shall be preserved.'"

HERMANN: I move the adoption of the amendment.

PRESIDENT EGAN: Mrs. Hermann moves the adoption of the amendment. Is there a second to the motion?

MCNEALY: I second the motion.

PRESIDENT EGAN: The motion is open for discussion.

JOHNSON: Mr. President, a point of inquiry.

PRESIDENT EGAN: Mr. Johnson, your point of inquiry.

JOHNSON: Is that not a matter that is more properly included in the bill of rights?

HERMANN: It properly could be included in the bill of rights. I think if we get everything in the bill of rights that everyone is going to put in, we won't have any room for the rest of the constitution. It seems to me that if we are going to bring along sections about suffrage and elections, which I think is far too long as it is, this properly belongs in there too, and I can't see any harm in putting it there, because I am quite sure that the Committee on Style and Drafting, as Mr. Sundborg is Chairman of, will put it in its proper place when the time comes for the arrangement part of the program.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, I would just like to suggest so that there is not too much rearranging to do that this amendment be more proper to Section 4 which deals with elections rather than amending the section dealing with the qualifications of voters.

HERMANN: I accept that change.

PRESIDENT EGAN: Mrs. Hermann, then you would request that this sentence be added to Section 4?

HERMANN: Either that or made into a Section 5.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, I am also a member of the Committee on Bill of Rights, and Mrs. Hermann is correct that the Bill of Rights Committee has made no recommendation with regard to sanctifying the secrecy of elections in the democratic state. Our committee considered it and thought that it was a matter for legislation. However, I think I can speak on behalf of all the members of the committee that they have no objection to preserving this fundamental democratic right some place in the constitution.

PRESIDENT EGAN: Mrs. Hermann's proposed amendment is offered as a new Section 5 to Committee Proposal No. 1. Mr. Sundborg.

SUNDBORG: Mr. President, may I address a question to Mr. Hellenthal?

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

SUNDBORG: Mr. Hellenthal, you just said that you were sure your committee would have no objection to a provision such as Mrs. Hermann's being included somewhere in the constitution. Would your committee have any objections to having it included at the point suggested by Mrs. Hermann, I think the final thing was a new section, Section 5?

HELLANTHAL: I, of course, can't say without consulting them, but I can say positively that they would have no objection, and if any of them do they should feel free to bring it to our attention, and I am sure they have not.

PRESIDENT EGAN: Then the question is, "Shall Mrs. Hermann's proposed amendment adding a new Section 5 to Committee Proposal No. 1, be adopted by the Convention?"

DAVIS: I would like to have the proposed section read please. PRESIDENT EGAN: The Chief Clerk will please read it.

CHIEF CLERK: "Section 5. The right of secrecy of ballot shall be preserved."

PRESIDENT EGAN: The question is, "Shall Mrs. Hermann's proposed amendment be adopted?" Mr. Kilcher?

KILCHER: I just wonder if the section is adopted in its present wording, if it might have retroactive effects on that "read or write" clause in Section 1. How can secrecy be guaranteed if, as in the case of a blind person, in the case of a person who can't read, the election judges might have to assist? Can Mrs. Hermann answer my question?

PRESIDENT EGAN: Mr. Hellenthal, if you care to answer.

HELLENTHAL: I think that question can be answered quite simply, that the right to secrecy is not an absolutely unqualified right. It is like the right of freedom of speech. The classic example is that the right of freedom of speech does not give one the right to yell "fire" in a crowded theatre.

PRESIDENT EGAN: The question is, "Shall Mrs. Hermann's proposed amendment be adopted by the Convention?" All those in favor of the adoption of the amendment will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. Are there other amendments to Committee Proposal No. 1? Mr. Johnson.

JOHNSON: I have an amendment on the Chief Clerk's desk. I would like to have it read and then will move its adoption.

PRESIDENT EGAN: Please read the amendment as offered by Mr. Johnson.

SWEENEY: Mr. Chairman, have you passed No. 1? Are you going back?

PRESIDENT EGAN: No. 1 will still be open, Mrs. Sweeney.

CHIEF CLERK: "Section 4, line 16, page 2, strike the word 'second' at beginning of line and insert the word 'first',

after the word 'Tuesday' add the following: 'after the first Monday', strike the word 'October' and insert the word 'November'.

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

JOHNSON: I move the adoption of the amendment.

PRESIDENT EGAN: Is there a second?

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Metcalf seconds the motion. Mr. Johnson.

JOHNSON: I should like to point out, Mr. President, that the purpose of the amendment is simply to make our general election coincide with the date throughout the United States, that is generally prevalent throughout the United States in a presidential election.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, there is little to be said with having a state election fall on the same day as a national election for the same reason that in a state election we are electing officers at state level. Frequently the confusion that arises in national or foreign politics at our nation's level are confused with the state level issues, and they do not properly have a place there. Consequently, it seems ill-advised to have confused in the elections, our state officers with our national officers or national policies. Consequently, I feel that the way this document is written at the current time is much more preferable because when we are having purely state elections we will be consequently voting on purely state issues and not whether we have to carry on a police action in Korea or the South Pacific or elsewhere.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I merely wanted to point out the background in the Committee's recommendation in this regard. The present requirement of Section 4 is taken verbatim from the present Territorial law on the subject which was adopted in 1946. "A general election for members of the legislature, the delegate to Congress and other officers of the Territory shall be held on the second Tuesday in October, 1946, and every second year thereafter on the second Tuesday in October." Then it goes on to say, "provided the legislature shall have power from time to time as the need therefore may arise, to change the date of general elections in the Territory." No good reason was advanced in the committee hearings why the present Territorial law which had been in effect since 1946 should be departed from and hence it was adhered to without change.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: May I address a question to Mr. Hellenthal?

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

SUNDBORG: Mr. Hellenthal, what will be the situation with respect to the people of Alaska voting for electors for the office of president if we have our general election in October? Can we at that election vote for those electors or will there be of necessity another election in November?

HELLENTHAL: There will have to be another election in November.

SUNDBORG: Then I certainly support Mr. Johnson's proposed amendment. I think it would be expensive and unworkable and confusing to have to have two elections within a month of one another, and the second one be one where all we did was to vote for the President of the United States.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I hesitate to change the date of our elections. That subject has come up in practically every session of the legislature that I attended, and there was always some good reason advanced, but then when it was talked over it was found that it would be very inconvenient to some group of people. This date we have in October seems to be a good compromise. The fishermen in Southeastern Alaska are better able to vote and the miners come in from the creeks at that time, and most of the construction work is shutting down, and therefore it makes it easier for a larger group of people to vote. I want to point out too that our legislature meets in January. If we have an election in November it takes a certain amount of time to canvass these votes and to ascertain the results, and that would be too short a time. Also, if a new governor is elected he won't have any time when he takes office to acquaint himself with a job before the legislature meets. This is really a pretty complicated question too, and we need to look into all phases of it.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I would like to ask Mr. Hellenthal a question.

PRESIDENT EGAN: If there is no objection, ask the question.

COGHILL: Mr. Hellenthal, isn't it true that in other states they hold their election prior to the national election?

HELLENTHAL: Those are primary elections as I understand it, preferential primaries. They don't vote for the President of

the United States on any other day but on November second, I believe it is, but it is always one day. The others I am sure are primaries.

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

TAYLOR: Mr. President, I believe that I have read over many years that Maine elects their senators and representatives to Congress and their state officials considerably in advance of the usual time set for the voting on presidential elections.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, it seems to me that we are losing sight of the fact that this proposal will not take effect unless this constitution is adopted and we become a state. It is not in any way going to change the present setup or affect the election of our legislature or anything else. I am quite certain that if this matter is adopted that when we do become a state, the legislature can meet a sufficient time beyond the election date to accommodate any discrepancies in the matter of the shortness of time. As far as being a practical matter, Mr. Barr points out that it might be better for some miners or some construction workers or perhaps some fishermen to vote in October rather than in November. That does not seem to me to hold water because we have provided in Section 1 that if it stands up, for absentee voting, and there is a great deal of absentee voting going on right now, and I think as we become a state and start development that we will have more reasons why people will spend all year in Alaska rather than go outside in the winter time, as they do now, and it certainly seems incongruous to me to think that we would be attempting to hold our elections a month ahead of the national date, and I have provided the wording in this proposal which is set up by the Congress of the United States, that is if the amendment is adopted, the Section 4 would read, "General elections shall be held on the first Tuesday after the first Monday in November of every second year." That is the way the Congress has adopted the election date and I don't know why we should be at variance with them if we want to be one of the sisterhood of states.

PRESIDENT EGAN: Mr. Londborg?

LONDBORG: May I ask for a minute recess.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Is there further discussion of Mr. Johnson's proposed amendment. Mr.

Sundborg.

SUNDBORG: Mr. President, during the recess I was advised on what I consider good authority that it is not necessary to elect presidential electors at an election in November, on the date which would be specified by Mr. Johnson's amendment, but that we could at our single election in October, if we leave the section of the article as it is as submitted by our committee, elect the presidential electors and all the officials of the state, the senators and representatives, and take care of the whole election process on one date, and in view of that advice I would oppose Mr. Johnson's proposed amendment

PRESIDENT EGAN: Mr. Emberg?

EMBERG: I wish to speak against the amendment too, and purely for reasons that are local within the area which I represent in Bristol Bay. In November the rivers are freezing up, the slews are full of overflow ice and water. It is impossible for the trapper to get around the country. He can't even get to a post office to send in an absentee ballot. It does not fit with that part of the country, and I am pretty sure that will hold true for the lower Kuskokwim and probably the lower Yukon.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall Mr. Johnson's proposed amendment be adopted by the Convention?" All those in favor of the adoption of the amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the amendment has failed of adoption. Mr. Fischer.

V. FISCHER: Mr. Chairman, I have an amendment to Section 4 which is close to the subject.

PRESIDENT EGAN: The Chief Clerk may read Mr. Fischer's proposed amendment.

CHIEF CLERK: "Section 4, page 2, lines 16 and 17 delete the words 'and every second year thereafter on the same day' and substitute 'of every even-numbered year'."

V. FISCHER: I move and ask unanimous consent for the adoption of this amendment.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent for the adoption of this motion. Is there objection?

JOHNSON: I object.

V. FISCHER: I so move.

SUNDBORG: I second the motion.

PRESIDENT EGAN: The motion is open for discussion. Mr. Fischer.

V. FISCHER: Mr. President, I would like to point out that the language as it now stands does not specify whether we hold general elections in even-or odd-numbered years, and I think it is very important that if we are going to elect senators and representatives on the same basis as other states elect them we will have to elect them in even-numbered years.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: That is one of the things I was wanting the amendment sent back for was to clarify that a little, because it does not say when the first one was going to be held even, and there were several other things that were wrong with it. I will vote for the amendment.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: The reason the language is present in the amendment as it appears is that the experts on these matters who advised the Committee stated that that would be a matter for the transitory measures group to take care of, for the simple reason that we do not know when Congress will approve the constitution, whether it will be in an odd year or even year, and that there will have to be of necessity further election times taken care of by the transitory matters group.

MCCUTCHEON: Question.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I agree with Mr. Hellenthal that for the first election we certainly want to leave it open so that we might have it at whatever time would be convenient and consistent with the date of adoption of a bill admitting Alaska as a state, but won't Mr. Hellenthal agree that for subsequent elections and at this place in the constitution it is advisable to provide that the elections will be held in even numbered years?

HELLENTHAL: I do think so, but I think that belongs in your transitory department because such a rule or such a law will be of temporary duration, will only last for a very limited period of time and has no business in the permanent constitution of Alaska.

SUNDBORG: The part of it having to do with even-numbered years is not of a transitory nature, is it? Isn't that something we want forever? The only thing we want to handle in the transition ordinance is the one setting up the first election.

HELLENTHAL: That could very well be, and we thought also

that the legislature is empowered to change the date would take care of that, but if you want to enshrine it in the constitution that could very well be done.

PRESIDENT EGAN: The question is, "Shall Mr. Fischer's proposed amendment be adopted by the Convention?"

STEWART: May we have it read?

PRESIDENT EGAN: The Chief Clerk will read the amendment once more.

CHIEF CLERK: "Section 4, page 2, lines 16 and 17 delete the words 'and every second year thereafter on the same day' and substitute 'of every even-numbered year'." So that the section would read, "General elections shall be held on the second Tuesday in October of every even-numbered year, but the legislature is empowered to change said date.

PRESIDENT EGAN: The question is, "Shall Mr. Fischer's proposed amendment be adopted by the Convention?" All in favor of the adoption of the amendment will signify by saying "aye", all opposed by saying "no". The "ayes have it and the amendment is ordered adopted. Mrs. Sweeney?

SWEENEY: I have an amendment for the first section.

PRESIDENT EGAN: Would the Chief Clerk proceed with the reading of Mrs. Sweeney's proposed amendment.

CHIEF CLERK: "Page 1, line 2, change '19' to '20'." SWEENEY: Mr. President, I move the adoption of this amendment.

SUNDBORG: Point of order. We have already voted on this very matter and have voted it down, and so I say we can't vote on it again because it is out of order.

SWEENEY: Mr. President, you did permit a vote on it from 19 to 21. We have never had an opportunity to vote on whether we would like to have it at 20, and I believe I am right in asking that we vote on age 20.

PRESIDENT EGAN: Mrs. Sweeney, the Chair recognizes your feeling on it, but in the opinion of the Chair when the Convention accepted the age of 19 after the 20-year qualification as already in the proposal, they signified that the 20-year requirement was not acceptable to them. Then they voted again on the 21_year amendment which was in proper order, but a motion to vote on the 20-year requirement inasmuch as it was originally in the proposal and changed, the Chair would have to rule out of order because it has in effect already been considered.

SWEENEY: Then was it possible this morning before the 21-year vote to have had my motion in? This is an amendment that I held over from yesterday because of Mr. McNealy's reconsideration notice.

PRESIDENT EGAN: Mrs. Sweeney, the moment the Convention, in the opinion of the Chair, the moment the Convention adopted the 19-year requirement, or it would have been impossible then to have offered an amendment to go back to the 20-year requirement because it is already in the proposal to begin with, and it was not necessary for any amendment. The fact that the body did amend the vote, that the body did not favor the 20-year requirement that was already in the proposal, that is why the Chair has to rule that way. Mr. Taylor.

TAYLOR: Mr. President, I would move that the rules be suspended and let Mrs. Sweeney be allowed to move the adoption of her amendment.

MCNEALY: I second the motion.

BUCKALEW: I object.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for a minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair had quite a doubt as to the motion to suspend the rules even being in order, but after thinking it over, Mr. Taylor, did you move for a suspension of the rules?

TAYLOR: Yes, I moved the suspension of the rules.

SWEENEY: I seconded the motion.

PRESIDENT EGAN: The question is, "Shall the rules be suspended in order that this matter be taken up once more?"

DAVIS: It will have to be a roll call vote.

SUNDBORG: Is this debatable?

PRESIDENT EGAN: A suspension of the rules is not debatable. The Chief Clerk will call the roll.

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

Yeas: 33 - Armstrong, Barr, Boswell, Collins, Cooper, Doogan, Gray, Hellenthal, Hermann, Hinckel, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Metcalf, Nolan, Nordale, Reader,

Riley, Robertson, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 21 - Awes, Buckalew, Coghill, Cross, Davis, Emberg, H. Fischer, V. Fischer, Harris, Hilscher, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Peratrovich, Poulsen, V. Rivers, Rosswog.

Absent: 1 - R. Rivers.)

GRAY: I would like to change my vote from "no" to "yes".

PRESIDENT EGAN: Mr. Gray wants to change his vote to "yes".

BUCKALEW: Mr. President, I would like to change my vote to "no".

PRESIDENT EGAN: Mr. Buckalew changes his vote to "no".

CHIEF CLERK: 33 yeas, 21 nays and 1 absent.

PRESIDENT EGAN: And so the rules have failed to have been suspended. Mr. Knight.

KNIGHT: Mr. President, I have an amendment to offer. The Sergeant at Arms has it.

HILSCHER: Might we ask how many proposals that the Chief Clerk has on her desk, how many amendments at the present time she has not gotten around to.

CHIEF CLERK: Four.

PRESIDENT EGAN: Mr. Knight has the floor right now and asks that his proposed amendment be read. The Chief Clerk may proceed with the reading of the proposed amendment.

CHIEF CLERK: "Section 2, page 2, line 3' delete the .figures '2,500' and insert the figures '1,000'.

KNIGHT: Mr. President, the way the proposal reads now it would only affect four towns in the Territory, Ketchikan, Anchorage, Juneau and Fairbanks. It is a little unfair. I think it should take in towns of 1,000 or more. I ask unanimous consent that it be adopted.

MCCUTCHEON: Objection.

BUCKALEW: I second the motion.

COOPER: Mr. President, I ask for a one-minute recess.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Mr. Knight's proposed amendment on line 3, page 2, strike "2,500" and insert "1,000". Mr. Walsh.

WALSH: Mr. Chairman, as a member of the Committee on Suffrage, this was my proposal. There was some discussion that all voters should be registered. We should have a permanent registration throughout the Territory. My objection to a permanent registration was that in the smaller communities, we say Native villages up to maybe 700, the materials for registration might not reach there in time prior to an election. As very often the material for general elections does not reach there maybe until election day, due to adverse weather, flying, etc., and we raised it up to 2500 so that the incorporated town or the community with a larger population where they have access and plane service practically daily, why we thought the registration should be compulsory there. Now I would like to direct a question to Mr. Knight and to ask him if his motion should prevail, what towns would be benefited by it?

KNIGHT: Seward, Petersburg, Wrangell, Sitka, Cordova, Valdez, Barrow, Kodiak, all towns of at least 1,000 population.

PRESIDENT EGAN: Mr. Cooper?

COOPER: With the consent of Mr. Knight and his second I would like to amend his amendment. Is that in order at this time?

KNIGHT: I am in favor.

PRESIDENT EGAN: I will listen to the amendment first.

COOPER: "The legislature shall establish a system of permanent voter registration."

KNIGHT: I am in favor of that.

GRAY: Has the motion been seconded?

COOPER: I offered that as an amendment to Mr. Knight's amendment. I ask unanimous consent.

MCCUTCHEON: Objection.

PRESIDENT EGAN: Objection is heard. Your point of order, Mr. Hurley.

HURLEY: Point of order. If I understand where he puts the period it does away with the entire sense of the amendment. It is out of order. We could hardly consider both of them.

PRESIDENT EGAN: Mr. Knight's proposed amendment changed the population relative to registration. Mr. Cooper's proposed amendment would let the legislature set up that permanent voter registration. In the light of your point of order, Mr. Hurley, it would be, as an amendment to Mr. Knight's proposed amendment, it would be out of order at this time. Mr. Riley.

RILEY: Mr. President, I believe that it might bear on Mr. Cooper's amendment that Mr. Knight did consent to it and I believe spoke also for his second. Perhaps it might be more properly accomplished if Mr. Knight would withdraw.

PRESIDENT EGAN: If you would ask to withdraw your original amendment, Mr. Knight, it could then be accomplished.

KNIGHT: I so do.

PRESIDENT EGAN: Mr. Knight asks, with the consent of his second, to withdraw his original amendment. Is there objection? Now an amendment in the nature that you suggested would be in order, Mr. Cooper.

COOPER: I ask for a one-minute recess.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order.

COOPER: I yield the floor to Mr. White.

WHITE: Mr. President, I have a proposed amendment on the Secretary's desk.

COOPER: I yield my amendment to Mr. White.

PRESIDENT EGAN: Mr. White has an amendment on the Secretary's desk. The Chief Clerk may read the amendment.

CHIEF CLERK: "Section 2, lines 2 and 3, delete the words 'in municipalities with populations over 2,500'."

WHITE: Mr. President, I move and ask unanimous consent that the amendment be adopted.

MCCUTCHEON: I object.

COOPER: I second the motion.

PRESIDENT EGAN: Mr. Cooper seconds the motion. Mr. Hellenenthal.

HELLENTHAL: I think if we give a history of the Committee's discussion on this matter it might help. It was the belief of the Committee that some mention need be made in the constitution to remove constitutional objections should a registration law be passed by the legislature and remove any question in other words of whether the authority to require voter registration existed, although frankly, I don't think that under the light of the decisions of the Ninth Circuit in Alaska, particularly the case involving Francis Bowden and the Mayor and Councilman of Anchorage that that is necessary, but anyway they felt that there should be something in the constitution to remove the objection. The first draft provided as follows: "The legislature may establish a system of voter registration." In other words, it incorporated merely the principle that the constitutional objection be removed leaving it entirely as a matter of legislative discretion as to whether there would be any registration law, what kind of a law there should be, to what extent it should apply. In the Committee it was finally agreed -- there was considerable discussion about it one group felt that it would be utterly impractical to require voter registration in the outlying areas and that it would not work and that it would actually discourage voting, and they testified to their experience in this regard for many years in Alaska and pointed out that registration was confined to the very large cities of Alaska. At present only Anchorage, Fairbanks and Juneau and perhaps Ketchikan --

SUNDBORG: Not Juneau.

HELLENTHAL: Very few large cities anyway that have it in Alaska, and it is confined only to cities, so it was the agreement of the Committee following this discussion that it be amended to its present language and you will notice that in the letter accompanying the report it was stated that the Committee believes that permanent registration should be required in urban areas, municipalities with population over 2,500, leaving the matter in other areas for legislative decision. I just give this so you can understand the background of the present language.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, it seems to me that the Committee's objective would not be carried out by leaving the present language. I am not an attorney but it would appear to me that if you specified that the legislature shall establish a system of permanent voter registration in municipalities with population over 2,500, the constitutional intent there seems to be that those communities that have a population under 2,500 do not have permanent registration. That is just my opinion. Aside from that, I can see the objection to requiring everybody to register in some of these outlying communities due to the difficulty of everybody coming in from some place far removed and registering at a specified time prior to,

say the first election. Now it seems to me that that objection could be removed by having a transitional measure or an ordinance which would specify that all those who vote at the first state election shall automatically be put upon the permanent voter registration list of the state and that will give everyone an opportunity to be automatically registered and under standard registration procedure. If they keep voting from then on, then they would remain on permanent roll. Now I assume the motion to refer such a request to the Committee on Ordinances and Transitional Measures would be out of place now, but I certainly would intend to make that kind of a motion or submit that proposal to carry out the intention if the language, "in municipalities with population over 2,500" is removed. As it stands now, I think it is extremely prejudicial against communities with populations over 2,500, and I can see no excuse for this kind of language.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I don't know whether this nation will long endure if we continue to pile up restrictions against voting. If we don't vote, we are going to lose our way of life and these are fundamental things we're into here and our Committee, as our Chairman said, went thoroughly into this for three weeks. I know a village, when the box came for voting, there was nobody there. They built a store over in Igloo and they all moved to Igloo. That happened a very short time ago. People come in in boats, these people live in the fishing areas and are told, "Election today. Well, I didn't register." "Well, you don't have to register, come on and vote." And they'll walk in and vote. I think this is fundamental. Let's quit piling up these papers and restrictions and let the people vote. This is fundamental, and I think you are touching the very vital system of our government. The time has come to quit putting these restrictions on and be free American citizens, and we know who belongs here and who doesn't, we definitely know. It would be a very big detriment against the outlying districts, the men in the boondocks, the men in the tundra if you put this requirement on. I vote against it.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would just like to ask Mr. Marston whether he feels however, that this restrictions should apply to people in municipalities with a population over 2,500.

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

MARSTON: That is your white people, you go ahead. T

PRESIDENT EGAN: Mr. Taylor, you have the floor.

TAYLOR: I have an amendment to the amendment on the Clerk's

desk in which is very short, it changes the word "shall" to "may". The legislature "may".

PRESIDENT EGAN: The Chief Clerk will read the amendment by Mr. White.

CHIEF CLERK: Mr. White's amendment: "Delete the words 'in municipalities with populations over 2,500'." It has nothing to do with it.

PRESIDENT EGAN: Mr. Taylor your amendment that you offered does not amend the particular amendment that is before us at this time. It will be in order, your amendment, after we consider this one.

TAYLOR: It would, Mr. Speaker, because theirs is in the imperative. It "shall" establish and mine says "may" establish.

PRESIDENT EGAN: Do you intend it to go right along into the full section with this other proposal?

TAYLOR: It will have to be voted on first, the amendment to the amendment, Mr. President.

PRESIDENT EGAN: It is not actually an amendment to the amendment.

TAYLOR: I will hold it up.

PRESIDENT EGAN: The Chief Clerk will read the amendment again then.

CHIEF CLERK: "Section 2, lines 2 and 3, delete the words 'in municipalities with populations over 2,500'."

PRESIDENT EGAN: The question is then, "Shall Mr. White's amendment be adopted by the Convention?" All those in favor of the adoption of Mr. White's 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: 29 - Awes, Boswell, Cooper, Davis, Doogan, H. Fischer, V. Fischer, Gray, Hinckel, Hurley, Johnson, King, Knight, Laws, .Lee, Nerland, Nolan, Nordale, Poulsen, Reader, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, White.

Nays: 25 - Armstrong, Barr, Buckalew, Coghill, Collins, Cross, Emberg, Harris, Hellenthal, Hermann,

Hilscher, Kilcher, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Peratrovich. Riley, Taylor, Walsh, Wien, Mr. President.

Absent: 1 - R. Rivers.)

TAYLOR: Mr. President, I would like to change my vote to "no".

PRESIDENT EGAN: Mr. Taylor asks that his vote be changed to "no".

CHIEF CLERK: 29 yeas, 25 nays and 1 absent.

PRESIDENT EGAN: And so the "ayes" have it, and the amendment is ordered adopted. Mr. Gray?

GRAY: Mr. President, I have the same amendment as you, Mr. Taylor. Do you have your amendment ready?

TAYLOR: Mine is on the desk, and I move its adoption.

PRESIDENT EGAN: The Chief Clerk will read the amendment, Mr. Taylor's proposed amendment.

CHIEF CLERK: "Section 2, page 2, line 1, change 'shall' to 'may'."

TAYLOR: I move the adoption and ask unanimous consent.

PRESIDENT EGAN: Mr. Taylor asks unanimous consent that his proposed amendment be adopted. Is there objection?

V. FISCHER: I object.

GRAY: I second the motion.

PRESIDENT EGAN: The question is open for discussion. Miss Awes?

AWES: May I ask Mr. Taylor a question. I was wondering about the legal effect of this provision. Do you think with the word "may" that the legislature would be authorized to provide permanent voter registration just for certain areas, or would it have to provide for the whole Territory if it provided at all?

TAYLOR: No, I do not believe so, Miss Awes. I think it might be able to include the larger areas because they have official -- and they practically all have a system of registration which they could apply or use for the registration of voters in Territorial election. I think it would entail a great amount of work and a great amount of expense if you tried to spread

this thing into every outlying area because many times it is a little difficult to get the people to do it, and when you can see that every little precinct would have to have some registrar there and they get 25 cents or 50 cents a registration, it is going to run the state into a lot of expense, but I think if we change the word to "may" I think they will have the right to end those places where they have no machinery for registering.

PRESIDENT EGAN: You mean to change the word "shall" to "may"?

TAYLOR: Yes.

NORDALE: It seems to me that we are sort of overlooking the fact that at present everybody who votes registers. The only difference is that he registers just before he votes, and I don't see any reason why the legislature could not use that registration for a permanent registration record but leave it somewhat the same as it is for the small towns and rural areas. I don't see that it presents any particular problem at all.

PRESIDENT EGAN: Mr. Gray.

GRAY: Mr. Chairman, my feeling on this particular registration is that permanent voter registration is the purpose of the mechanics of voting, to avoid fraud and to be sure that the right people get a right to vote and not vote twice. Now those become problems of the moment. You have at this time we will say you have a problem at Anchorage, you have a large population, nobody knows everyone. On the other hand, we have a small population at Klawock where everybody knows every sister and brother, and the relatives. As long as we have a great country here and as long as we have conditions that change from extremes as much as our weather does, that a problem like this and a problem of permanent voter registration, a problem of identifying your voters is too broad a subject, and with a change in time to be incorporated in the constitution as spelled out in a particular number like 2,500. And we have to protect our election procedure. The only way that we can take care of change in time and change in conditions is through our legislature. That is why to empower the legislature to take such action as necessary, we will have the door open for permanent registration for those conditions that are necessary.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, I want to say a few words since I was on a committee that proposed this 2,500 limitation. Now the Committee, as our Chairman very ably stated, was very considerate in trying to consider all sections of the country in making this provision. Under that, the smaller outlying population represented by two or three on the committee submitted their problems, and on through the recommendation of one

of our delegates from Fairbanks, this provision for permanent registration was considered. If I may mention the name, it was Mr. Cooper. He insisted that this was a procedure we should follow. It was not fair to the larger towns if we did not have permanent registration. For that reason the smaller community representation compromised and arrived at this figure. I don't see where it presents such a problem. I think if it is left to the legislature I don't doubt but what they will come up with something satisfactory with everyone. I just want to make this point that the Committee did not try to pull anything, if I may use that language, but we were only trying to arrive at a point where both sides would be satisfied, the larger cities through the statements provided by Mr. Cooper and the smaller communities as represented by the other faction.

PRESIDENT EGAN: Miss Awes.

AWES: I just wanted to make a comment or two in response to Mrs. Nordale's statement. It is my understanding that in some states the legislature would pass a statute providing for registration and the state supreme court would hold it unconstitutional, so I think that for that reason I think this should be a mention of registration in the constitution, but I think the provision should be broad enough that the legislature can provide for areas as they feel is necessary, because in the first 50 years after we get statehood there is going to be quite a change in conditions and I think the legislature should have quite a bit of leeway.

PRESIDENT EGAN: Mr. Knight?

KNIGHT: I think it would be in error to change the word "shall" to "may". By putting in the word "may" there is a chance for the legislature to "pass the buck" you might call it. Where "shall" means they are ordered to do that very thing, I think "shall" should remain in there.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I was prepared to ask for unanimous consent for suspension of the rules so that I could make a motion and an explanation.

PRESIDENT EGAN: Mr. McLaughlin, the Chair would have to hold that the motion would not be in order at this time while this particular motion is before us. Mr. McNealy?

MCNEALY: Mr. President, I wish to speak in favor of the amendment for this reason, that I think this is a prime example with all due respect to the Committees of commencing to write legislation into the constitution, and when the legislation comes out on to the floor we are going to have these sorts of hassles about it. The reason that I prefer the word "may"

is the fact that I think a number of us here in the Convention, from some of the remarks that have been made in regard to the legislature, have feelings of necessity to spell so many things out for them and this is only the beginning. I think we should realize that the legislature of the Territory of Alaska and the legislature of the future State of Alaska has not been and is not going to be a common enemy. They are not an enemy of the people. They are even as you and I, and we are the ones who have elected them, and I think that we don't have to spell out all the work for them. I think that if there is an indication in this article here that the legislature may establish this system, I think that future legislatures will consider that, and based upon that setup the kind of registration system which will work, and like Colonel Marston, I too am thinking about the mandate here that is going to require registration which would possibly call for setting up some special type or a special time for registration. However, I will go further, that I still have the faith in the legislature, and I know exactly what is happening. If we pass this, the legislature shall establish this permanent system then the legislature is going to use its prerogative and skim it down until the kind of registration that is given will be a registration of the bare minimum to merely comply with the constitution because that is the only way that the people in these small villages down the river can have protection.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, the reason I objected to the substitution of "may" is that I feel that we are amending the wrong word in the sentence. By saying "may" we say nothing about having some system of registration. Now, if flexibility is desired, and I certainly go along with every argument that has been expressed on behalf of the problems that would exist in the small outlying communities, but if that is the case, let us eliminate the word "permanent" and leave in the "legislature shall establish a system of voter registration" so that we at least have what we have today. This will leave it open so that there may be no registration. There will be no record of who voted. You could never check out on anybody, and I don't think that is right. I think the minimum we should have in the State in Alaska is what we have today. And let's leave the door open by leaving in "shall" and if you want to amend, eliminate "permanent".

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, as Delegate Peratrovich stated, I am on this committee, and I was all for hanging on to some form of permanent voter registration. In Delegate Proposal No. 35, which has now lost its identity, it states, and be a voter registered in accordance with law". That "be" in this case I could use as the legislature shall establish a system of

permanent voter registration. As the population increases, as the impact of economics happens and moves into Alaska, these areas that are now friendly villages where everybody knows everyone else's relations, could over night become a center of population of increasing by the thousands per month. There would be only a decennial census to establish reapportionment or a basis for the legislature to establish permanent registration. I can't help but think that if the ordinance could be drawn as Mr. Fischer stated, that would handle the registration at the time of voting, initially, that there would be no one that would be persecuted in attempting to later carry out their voting rights. Now, as I say, I was all prepared to hang tough for a permanent voting registration act, and I think it is best or could best be accomplished by the legislature. The legislature could take into consideration certain areas at this time that are a very minimum population, but I do believe there would be some loopholes left open if that were the case. The present day registration is not adequate. I know that at the election held for this Constitutional Convention, in one instance out of seven voters, three were illegal voters right in the town of Fairbanks. That is merely in one instance out of seven, and there must be something done to police our voting. The only place where the voters can be policed is at the point of registration. You cannot argue with a voter when he walks through the door and asks for his ballot. The registration is a method of policing the vote.

PRESIDENT EGAN: Mr. Harris.

HARRIS: Mr. President, I move for a 15-minute recess.

COGHILL: I object. I want to rise to a point of personal privilege.

PRESIDENT EGAN: Mr. Coghill objects.

HARRIS: I so move.

SWEENEY: I second the motion.

PRESIDENT EGAN: All those in favor of standing at recess for 15 minutes will signify by saying "aye", all opposed by "no". The "ayes" have it. The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order.

COGHILL: Mr. President, rising to a point of personal privilege --

PRESIDENT EGAN: Is there objection to Mr. Coghill's request for personal privilege. If not, Mr. Coghill.

COGHILL: I would like to call the delegates' attention to the notice that was placed upon the Convention Hall by the Committee on Administration, the sign that says, "It is later than you think". In the mail boxes you will find a financial report that will bring you up to date on finances of the Convention through the recess. In lieu of this we have four or five experts here for consultation with the committees for work. We have only five working days left before we will leave to go on our hearing recess, and I think that we should hold our plenary sessions short so, Mr. Chairman, if I am permitted, I would like to move and ask unanimous consent that this body, upon the completion of the motion on hand, that we adjourn until 1:30 tomorrow afternoon.

PRESIDENT EGAN: Mr. Coghill, I think the Chair feels that you would have to get out from under your point of personal privilege before you make that motion.

COGHILL: Mr. President, I move and ask unanimous consent that we adjourn at 4 o'clock this afternoon to again take up plenary session at 1:30 tomorrow afternoon and ask unanimous consent.

PRESIDENT EGAN: Mr. Coghill moves and asks unanimous consent that the Convention stand adjourned beginning at 4 p.m. until 1:30 p.m. tomorrow afternoon in order that the committees might function and most of them be able to get their proposals ready to present to the Convention.

HERMANN: I would like to amend the motion to say that the plenary session, when it adjourns today at whatever hour, not to meet again in plenary session until Thursday morning, giving all of tomorrow.

PRESIDENT EGAN: Mrs. Hermann is asking if you would be acceptable to an amendment of that nature?

COGHILL: I will yield for the purpose of an amendment of that kind. However, my stating at 4 o'clock I felt that would give us ample time to get rid of the business that is on hand, this particular part that we all have fresh in our mind, and upon the completion of the adoption or rejection of the motion, then to adjourn until your time is fine with me.

PRESIDENT EGAN: Nine o'clock Thursday morning?

HERMANN: Yes, Mr. President. My purpose in that is to give tomorrow completely over to committee meetings.

PRESIDENT EGAN: Mr. Sundborg?

SUNDBORG: May I be recognized on a question of personal privilege.

PRESIDENT EGAN: If there is no objection, Mr. Sundborg, you may proceed.

SUNDBORG: As the President and a good many others here know, this matter was discussed today at the meeting of committee chairmen, and the proposal which Mrs. Hermann just made was discussed, and after considerable discussion was discarded in favor of a plan that for the next few days and until the committee work is completed, we should hold only afternoon meetings of the plenary session and not come out here at all for a day or two because we felt that perhaps some of the members just would not show up. We thought if we came out and had a plenary session each day, that that would be insurance that everyone would be on hand. It was the suggestion of the committee chairmen that until further notice we should each day dispense with the morning plenary session and have plenary sessions from 1:30 o'clock in the afternoon until such hour as may be required in order to give the committees a chance to function at the other times during the day.

HERMANN: I request special privilege too.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: The reason I suggested that all day tomorrow be given over to committee meetings was that it is my impression that we have Mrs. Jones' class invited here for Thursday - am I correct in that -- Thursday morning that is, and we certainly should not be having just committee meetings while that class is here, so I had felt that if we gave you all day tomorrow to hold committee meetings why it will take in practically all your committees, and I will come out I assure you whether I need to or not, so can Mr. Sundborg if he is worried about it, and I think that it would be a much better arrangement if we did it that way in view of the fact we have issued that invitation to Mrs. Jones and her pupils.

PRESIDENT EGAN: That is correct. We have issued the invitation to Mrs. Jones to have her class here. Mr. Sundborg?

SUNDBORG: May I be recognized again under the same heading? It has been mentioned to me that the Convention has extended an invitation to Dr. Ira Gabrielson to appear before us and he will be available tomorrow only. It was my thought and the thought of others that we would hear him during an afternoon plenary session tomorrow.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I would like to say I agree with the committee chairmen on that, except I do not agree we should overlook this class. However, I would not want to see any bona fide Convention day go by without having a roll call at sometime

during the day. That was also discussed, so if we were to recess until tomorrow afternoon and then tomorrow afternoon recess until Thursday morning and have a short plenary session, at such time as that class would be here I believe it is one hour, we could then go ahead with our committee work after that. It would seem to me to fulfill the requirements of this invitation that we have extended.

PRESIDENT EGAN: On this particular invitation, if the delegates will recall, we are going to take these children to lunch with us on Thursday. We will each have someone to take with us to lunch. And on the question of Dr. Gabrielson, we have extended him an invitation to appear here also, and it would be almost mandatory upon the body that possibly tomorrow afternoon we hear from him. Mrs. Hermann.

HERMANN: Mr. President, I would like personal privilege again.

PRESIDENT EGAN: You may, Mrs. Hermann.

HERMANN: Why not meet in the morning and hear Dr. Gabrielson, if he is available then, and then turn the afternoon over to committee sessions, or turn the whole morning and afternoon too, that is left over and then in that manner it will be much more convenient for those who do not have committee meetings.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, on the same subject matter, there are four committees that have not made their reports as yet. They are Apportionment, Local Government, Resources and Finance. The Bill of Rights report, all the matters were carefully discussed. There are three committees that will report tomorrow, and they do not need additional time for committee meetings. The only four that need additional time for committee meetings is Apportionment, Local Government, Resources and Finance. Three will meet tomorrow morning, which is their normal schedule and the proposal was that they meet tomorrow. The other committee Finance -- is going to be somewhat inconvenienced, but I believe the committee chairman said that he could fit in, rather than inconvenience everybody, by holding the afternoon open for the committee's sole benefit. Therefore, also the committee chairmen believe that in a couple of days they would be able to have their reports. So the thought was that if they devoted all tomorrow morning, all the next morning to committee meetings and then the afternoons and evenings if necessary, to plenary sessions, that we could get our work done far more expeditiously than closing up for two days or more, which would be unnecessary because a lot of people would be idle during that time. I see no reason why this good lady with her class can't come and have lunch with the committee that has been picked, then at 1:30 participate in the revelry.

PRESIDENT EGAN: Mr. Hellenthal, an invitation has been sent to Mrs. Jones requesting that she come here in the morning. It just entered the mind of the Chair that it probably would be possible to call her and suggest such a method to her. Mr. King?

KING: Mr. Chairman, we have had several conversations referring to Dr. Gabrielson. The last few days it was thought by the President of the Resources Committee that he would appear tomorrow morning, and that has been the schedule to date. Of course, he is going to leave day after tomorrow as he has a very tight schedule, but so far he has been scheduled to appear before this Convention tomorrow morning. It could probably be arranged that he would appear in the afternoon, but surely if it is going to be adjourned until day after tomorrow, we are not even going to see him. He will be gone.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: May I ask the President whether any hour was mentioned in the invitation to Mrs. Jones's class?

PRESIDENT EGAN: It was mentioned a couple of days ago that we would undoubtedly be in session in the morning and that at some time in the morning it probably would be interesting to her class to be here. However, Mr. Sundborg, the Chair feels it might well accomplish a change in that by a telephone call to Mrs. Jones.

SUNDBORG: It occurs to me the class is probably over for the day and they must have made some arrangements to bring the children out here.

PRESIDENT EGAN: That would not be until Thursday, Mr. Sundborg. Mr. Marston?

MARSTON: A suggestion, if Dr. Gabrielson is here, I understand he is, could we hear him now?

PRESIDENT EGAN: I do not believe that Dr. Gabrielson is here on the campus at the present time, Mr. Marston. Mr. Johnson.

JOHNSON: I agree with Mr. Rivers that it is important that during the week on each day we should meet and call the roll. I think we should bear that in mind.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: In making the motion, Mr. Chairman, it was not my intention to place any burden on the Convention as far as social obligations are concerned but we have only five days, and we have these consultants here and we should use them to the fullest and the maximum extent for those five days. As

far as the teacher and her class are concerned, possibly postpone it for awhile. I think we are going to have to get down, otherwise we are going to wake up and find some of these committees are not coming through with their proposals and the experts are going to have to go home.

PRESIDENT EGAN: Mr. Riley.

RILEY: How does the motion before us read?

PRESIDENT EGAN: The motion before us at the present time reads that the adjournment would be until 9 o'clock, Thursday.

CHIEF CLERK: No. There is none.

PRESIDENT EGAN: There is no motion that has been seconded. It was a unanimous consent request by Mr. Coghill, and he agreed to Mrs. Hermann's suggestion.

HERMANN: I withdraw that, if it is going to throw the Convention into such turmoil.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: It seems to me that this suggestion we meet at 9 o'clock in the morning and have roll call and listen to Dr. Gabrielson would take care of that situation and if we could invite the class out for lunch Thursday and have a plenary session at 1:30 for a short while, that would take care of that situation, and I would so move.

PRESIDENT EGAN: It would seem to the Chair that possibly an adjournment until 9 a.m. tomorrow with the understanding of the delegates that we would just have our preliminary business and hear from Dr. Gabrielson and then adjourn until 1:30 the following afternoon, under the circumstance of these difficulties, might be the answer. Is that your motion?

BUCKALEW: I will second the motion.

PRESIDENT EGAN: Mr. Boswell moves and seconded by Mr. Buckalew that the Convention that as soon as we decide to adjourn this afternoon that the Convention stand adjourned until 9 a.m. tomorrow, that we complete our preliminary orders of the day and hear from Dr. Gabrielson and then adjourn until 1:30 p.m. on Thursday.

SUNDBORG: Question.

PRESIDENT EGAN: The question is, "Shall the Convention adjourn under those conditions?" Mrs. Hermann?

HERMANN: Mr. President, suppose you are not able to arrange

with that switch with Mrs. Jones?

PRESIDENT EGAN: If we are not, we will have to bring that to the attention of the delegates tomorrow. Miss Awes?

AWES: May we make committee announcements before that is in effect?

PRESIDENT EGAN: That would not be necessary, Miss Awes, inasmuch as this is hinged not right at this moment but at such time as we might adjourn this afternoon. Mr. Victor Rivers.

V. RIVERS: I would like to say we might express our suggestion and opinion on the 1:30 the next day, Thursday, but we leave that open, that we set our date for adjournment until tomorrow morning for the very reason brought up.

PRESIDENT EGAN: If there is no objection then the agreed adjournment at adjournment time this afternoon will be until 9 o'clock tomorrow morning subject to the conditions stated. Is there objection to that? If not, that will be the general understanding as to the adjournment time when we adjourn this evening. We now have before us Proposal No. 1, page 2, line 1, "strike the word 'shall' and insert the word 'may' in its place." The question is, "Shall the proposed amendment be adopted by the Convention?"

TAYLOR: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

V. RIVERS: Read the amendment please.

PRESIDENT EGAN: The Chief Clerk will read the amendment.

CHIEF CLERK: "Section 2, line 1, change 'shall' to 'may'."

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

Yeas: 38 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cross, Davis, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh.

Nays: 16 - Barr, Cooper, Doogan, V. Fischer, Hinckel, Johnson, Knight, Laws, Londborg, McNees, Poulsen, Reader, Sweeney, White, Wien, Mr. President.

Absent: 1 - R. Rivers.)

CHIEF CLERK: 38 yeas, 16 nays and 1 absent.

PRESIDENT EGAN: So the amendment has been adopted. Are there other amendments?

V. RIVERS: I have one.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment as offered by Mr. Victor Rivers.

CHIEF CLERK: "Page 1, line 16, after the word 'voted' strike the balance of lines 16 and 17 and insert in lieu thereof 'in Alaska prior to its becoming a State'."

V. RIVERS: I will move and ask unanimous consent.

MCCUTCHEON: Second the motion.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent that the proposed amendment be adopted. Is there objection?

V. FISCHER: I would like to object for purposes of a question. May I address a question to Mr. Rivers?

BUCKALEW: Excuse me, Mr. President, may we have that read again.

PRESIDENT EGAN: The Chief Clerk will read the amendment again.

CHIEF CLERK: "Page 1, line 16, after the word 'voted' strike the balance of lines 16 and 17 and insert in lieu thereof 'in Alaska prior to its becoming a State'."

V. FISCHER: Mr. President, I would like to ask Mr. Rivers whether his intent would be to authorize the waiving of the residence requirement so that any person who voted, say 1930 or so, and then left Alaska would be eligible to vote without meeting the residence requirement?

PRESIDENT EGAN: If there is no objection, would you like to have the Chair declare a recess for a minute or two?

V. RIVERS: Well, my intent there was that any person who legally voted in Alaska prior to the time it became a state would still legally be qualified.

HELLENTHAL: Mr. President, I ask for a one-minute recess.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Victor Rivers.

V. RIVERS: Mr. President, after discussion with the Chairman of the Committee on Suffrage I will withdraw my amendment, my motion for an amendment, with the understanding that that will be offered in a similar manner or form to be included in transitory provisions. I have placed on the Secretary's desk another amendment which I wish to introduce.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that his proposed amendment be withdrawn with the understanding that it be included in the subjects under transitory matters. Mr. Victor Rivers asked that another amendment of his be read by the Chief Clerk at this time.

HELLENTHAL: Would you yield, Mr. Rivers, in the presentation of your second amendment so we can take care of this matter?

V. RIVERS: I yield.

HELLENTHAL: Mr. President, I move and ask unanimous consent that the last sentence of section 1 be stricken and the following substituted in its place, to be included in the transitory provisions of the constitution --

PRESIDENT EGAN: Would you mind reading that proposal?

HELLENTHAL: "Those citizens who legally voted in the general election of November 4, 1924, shall not be deprived of their voting rights by any provision of this section of the constitution.

PRESIDENT EGAN: Mr. Hellenthal, are you asking that this section, this phrase be withdrawn because you feel that the subject matter properly belongs in transitory measures rather than in this section?

HELLANTHAL: Yes, and let the new phrase be placed in the transitory measures.

MCCUTCHEON: I believe that is a compound motion. I don't believe it is in order. We are not under a matter of consideration of transitory measures at this time. It would be proper it appears that if Mr. Hellenthal would seek to strike the section, but that a time will arise when our transitory matters will be taken under consideration and at that time it should be offered.

PRESIDENT EGAN: Mr. McCutcheon, the Chair feels that that is what Mr. Hellenthal intends but the Chair asked that he

explain the reason for asking that this phrase to be deleted from this section in order that at some future time he will offer it as an amendment or one of the transitory questions.

HELLENTHAL: I wish to confine the motion then to the substitution of the words I dictated for the last sentence of the section and drop all reference to transitory matters and take that up later. I move and ask unanimous consent that the last sentence of Section 1 be stricken and the following sentence substituted in its place: "Those citizens who legally voted in the general election of November 4, 1924, shall not be deprived of their voting rights by any provision of this section of the constitution."

PRESIDENT EGAN: Mr. Hellenthal asks unanimous consent for the adoption of the amendment. Mr. Metcalf.

METCALF: May I ask Mr. Hellenthal a question? How about those who did not vote at the general election -- would they be deprived of their rights?

HELLENTHAL: Congress, for the last 30 years has felt that those who did not vote at that general election should not have voted, and none of them have, unless they were otherwise qualified of course. It is one of those things where you have to draw the line somewhere. Congress drew the line there 30 years ago, and I think it is a good place.

COOPER: I object.

HELLENTHAL: I so move.

GRAY: I second the motion.

PRESIDENT EGAN: Mr. Cooper objects, Mr. Hellenthal so moves, seconded by Mr. Gray. Mr. Victor Fischer.

V. FISCHER: I would like to point out to the mover that again we have this problem of a citizen who may not meet the residence requirements. Would it not be better to substitute a sentence "in residence". Do you mean to waive the residency requirement at the time of voting?

HELLANTHAL: Congress did. This is the exact language of the Act of Congress.

V. FISCHER: Residency in Alaska?

HELLENTHAL: Yes.

V. FISCHER: In other words, they can vote even if at the first state election they have not been a resident of Alaska for one year?

HELLENTHAL: Yes, there are about 40 people in Alaska that that will apply to. Old people, all of them have to be over 52 years old, the youngest could only be 52.

V. FISCHER: Mr. President, I don't quite understand this section. Does this Act apply only to Alaska?

HELLENTHAL: Yes, Mr. Fischer. Let me give you the history. In 1924 the Native people of Alaska were awarded citizenship for the first time. Prior to that they were not citizens of the United States. In 1924 they were granted this privilege, and at that time it was stated, and I believe in advance, that every Native person who voted at that November 4 election in 1924 would automatically be qualified to vote thereafter, and that has been perpetuated since 1924, and now those people who say they were 21 then, now they are 52 years old now. There are very few of them.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I would like to ask Mr. Hellenthal a question. His answer does not indicate to me that he understood the question that I thought Mr. Fischer asked. Supposing we have a person who voted -- not necessarily a Native -- a person who voted in the year 1924 who then left Alaska and who now comes back to Alaska after this constitution is adopted. Is the fact that he voted in 1924 sufficient to allow him to vote in elections thereafter whether he is a resident or whether he isn't, that's the point.

HELLENTHAL: Yes. That is the law today and that is the law that will exist up until the moment we become a state. That is an Act of Congress. I have never heard it criticized, only praised.

PRESIDENT EGAN: An Act which has been in effect for 32 years. Mr. Cooper?

COOPER: Mr. President, to support my objection, as I understand it, this is a Federal law which guarantees the people a right to vote whether we are a territory or state. I believe it has no particular bearing to be contained in the constitution in this Section 1. They are guaranteed the right to vote forever, is that right or is that wrong?

HELLENTHAL: By its very terms that law will go out of effect with statehood. It applies only to general elections held in the Territory of Alaska.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I would like to pursue a little further the line of questioning that Mr. Davis pursued for a

way. What about a man who might have voted in the election of 1924 and left Alaska in the next year and does not even come back now to vote but sends in his vote and demands the right of voting up here even though he has not been a resident of Alaska for 30 years? I believe under the language you are now suggesting, he could do so.

HELLENTHAL: He could do it today. He could have done it for the last 25 years. He can do it up until the moment statehood is granted to the people of Alaska. Why should we in the constitution anticipate all these fantastic possibilities? We have to draw the line somewhere Mr. Sundborg.

SUNDBORG: There is nothing fantastic about that. I think there are probably thousands of individuals who lived in Alaska and voted at that time and who are now not residents of our Territory and who, under this language, could vote in our elections. I don't think it is right. I think we can so draw the language that we will be talking about and permitting election by the specific group which Congress had in mind in making this enactment and that we could debar from voting all others who are not in that group. I don't think we ought to include sloppy language like this which would open our elections to hundreds and maybe thousands of residents of the 48 states.

HELLENTHAL: Well, I don't think the language is sloppy. I think the Act of Congress is clear. A man has to prove, before he gets the ballot, that he legally voted in the general election, November, 1924. If he is in Mexico he is going to have a little trouble doing that and I don't think people are that fiendish.

PRESIDENT EGAN: The Convention will come to order. The question is, "Shall Mr. Hellenenthal's proposed amendment be adopted by the Convention?" All those in favor of the adoption will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the amendment is ordered adopted. Are there other amendments?

BUCKALEW: Mr. President, I have an amendment to Section 3.

PRESIDENT EGAN: The Chief Clerk will please read the amendment. Mr. Victor Rivers had yielded to Mr. Hellenenthal so he could introduce his amendment. If you would not mind yielding to Mr. Rivers, Mr. Buckalew.

BUCKALEW: I don't mind yielding, Mr. President.

PRESIDENT EGAN: Mr. Rivers' proposed amendment may be read by the Chief Clerk.

CHIEF CLERK: "Page 1, line 9, after the words 'votes and'

strike the balance of the line, strike lines 10 and 11 and the first part of line 12 up to and including 'only, and'. Is this all one amendment?

V. RIVERS: All one amendment.

CHIEF CLERK: "Line 15 after 'election' insert the following" line, 'Additional qualifications may be established by law.'

V. RIVERS: Mr. President, I move and ask unanimous consent for the adoption of that amendment.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent for the adoption of the amendment.

BUCKALEW: I object.

V. RIVERS: I so move.

KNIGHT: I second the motion.

PRESIDENT EGAN: The motion is open for discussion.

ROBERTSON: May we have it read please.

CHIEF CLERK: "Page 1, line 9, after the words 'votes and' strike the balance of the line, strike lines 10 and 11 and the first part of line 12 up to and including 'only, and' and on line 15 after 'election' insert the following line 'Additional qualifications may be established by law.'"

PRESIDENT EGAN: Mr. Rivers.

V. RIVERS: The intent of that amendment is that we have established under the previous part of this section the citizenship, the age, the bona fide residence, the local residence required and that sets up their qualifications under this amendment they will be able to vote unless they have been otherwise disqualified. That would leave then, in the hands of the legislature, the matter to establish additional qualifications -- whether they are able to speak, read, write or unless they were physically incapacitated such as being blind -- the legislature could then provide the manner in which they could vote if they were so handicapped. With the amendment the line starting on line 6 would read, "... and who has been such resident continuously for 30 days next preceding the election in the election district in which he votes and who is not barred from voting by any other provision of law, shall be qualified to vote in any state or location election. Additional qualifications may be established by law." That is to allow freedom of the legislature in meeting any changing conditions that might occur in the requirements such as to literacy or as to those people who are physically handicapped.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, the present wording of Section 1 on lines 12 and 13 takes care of the principal reason for Mr. Rivers' amendment. The language "and who is not barred from voting by any other provision of law", that takes care of your intoxicant man who attempts to vote, that takes care it was argued, and successfully, in the Bowden case, that that took care of the registration system imposed by the City of Anchorage. I can't think of other illustrations, but it has been clearly established that those words take care of what Mr. Rivers would take care of by the words "additional qualifications may be established by law", so I feel that portion of the amendment is unnecessary. The second part of his amendment which would eliminate entirely any form

PRESIDENT EGAN: The Convention is at ease. (Lights have gone out.)

RILEY: Mr. President, may it be held that the Convention is in the dark.

PRESIDENT EGAN: The Chairman will accede to the conviction of the Rules Committee. (Laughter) Mr. Hellenthal, you may proceed.

KILCHER: Point of order, Mr. Chairman, I think it is no use to go ahead because the tape is out of order.

BUCKALEW: Mr. President, I submit Mr. Hellenthal has got his money's worth on the tape -- he might as well proceed.

MARSTON: No. Hold it.

MCCUTCHEON: Mr. President, a point of information. I would like to raise a question as to what would happen if our stenotypist short circuited. (Laughter)

PRESIDENT EGAN: The stenotypist is getting this all down for posterity.

DAVIS: Mr. President, I move that we recess until the lights go on again.

MCLAUGHLIN: I move we adjourn until 9 o'clock tomorrow morning.

V. RIVERS: I second it.

PRESIDENT EGAN: It has been moved by Mr. McLaughlin, seconded by Mr. Rivers, that the Convention stand at recess until 9 a.m. tomorrow. Is there objection?

METCALF: Roll call. (Laughter)

PRESIDENT EGAN: The Convention stands adjourned until 9 a.m. tomorrow.
(The Convention adjourned in the dark.)