

ALASKA CONSTITUTIONAL CONVENTION

December 15, 1955

THIRTY-EIGHTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this afternoon Reverend Robert Sheppard of First Church of the Nazarene. Reverend Sheppard will give the daily invocation.

REVEREND SHEPPARD: Almighty God and Heavenly Father, we acknowledge Thee, we worship Thee. It is not absolutely mandatory that any of us be here for our place could be taken, but Lord we feel in our hearts that it is necessary that Thou be here. Thou hast revealed the extent of Thy concern toward nations and toward individuals in the gift of Thy Son Jesus to us at the first Christmas time, and in the light of that we ask Thee for Thy blessing upon our Constitutional Convention; that Thou shalt be with those in committee activities, in debate and in all the affairs and activities that center around this formation of a document for the governing of a great state and a great people. O Lord, bless we pray. Give insight as to the right and give courage to men to do the right as their insights have indicated to them. Make this a good day in all of the work that is before this group. May they bear their responsibilities as unto God, and when the day comes to a close may they be satisfied with the work of their hands. In Christ's name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: All present.

PRESIDENT EGAN: Does the special Committee to read the journal have a report to make at this time?

DOOGAN: No journal today.

PRESIDENT EGAN: If there is no objection the report of the special Committee to read the journal will be postponed until tomorrow. At this time the Chair would like to announce that copies of the speech by Ernest Gruening, "Let Us End American Colonialism!", are available and each delegate who would like to have copies of that speech, if they will notify the people at the message center, may receive such copies, such numbers as they would so desire. At this time the Chair would like to announce also that we have with us today Mrs. Laura Jones and her 7th and 8th grade class of students from the Fairbanks Public Schools. If the president of the class, Marjorie Thomas would come forward at this time we would certainly be pleased to hear from her. (Applause)

MARJORIE THOMAS: Mr. President and delegates of the Constitutional Convention, I would like to take this opportunity to thank you for letting us come out here today to sit in on the Constitutional Convention and the writing of the laws of our future State of Alaska and on behalf of my fellow classmates I would like to thank you for giving us this opportunity to be able to tell our children and our grandchildren that we have attended the Constitutional Convention. I would like to present my class now.

PRESIDENT EGAN: Miss Thomas, if you would not mind, the Chair does not mean to interrupt, but as each of the children as they are named, if the two delegates who have been so kind as to ask this particular child to eat dinner with them will rise so that the boy or girl may know who is going to take them to dinner. The Chair feels that would be the proper way to find out just who is who, so Miss Thomas would you proceed again. (Miss Thomas introduced her class.) The Convention will come to order and thank you, Miss Thomas. At this time the Chair would entertain a motion for recess until 1:30 unless someone has an announcement. Mrs. Hermann.

HERMANN: Before we have a motion for recess, I would like to have the record show that the booklet, "Let Us End American Colonialism!" has been printed by the Alaska Statehood Committee which has assumed responsibility for wide distribution of the same, and now I move that we recess until 1:30.

NORDALE: May I speak on a question of personal privilege? One of our delegates is celebrating his birthday today and I think we should all wish him many happy returns -- Mr. Ed Davis. (Convention stood up and applauded and sang "Happy Birthday".)

PRESIDENT EGAN: If there is no objection the Convention will stand at recess until 1:30 p.m. The Convention stands at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there any petitions, memorials or communications from outside the Convention? The Chief Clerk will please proceed with the reading of communications.

CHIEF CLERK: Telegram from Lester Bronson, Second Division, Nome. (The Chief Clerk read the telegram stating that a majority was in favor of four divisions in Alaska as now existing.)

PRESIDENT EGAN: The communication will be filed.

CHIEF CLERK: "You are invited to attend the Christmas program

of the music department of the University tomorrow night at 8 o'clock in the gym."

PRESIDENT EGAN: The communication will be filed, and the delegates will keep the particular date in mind. Are there reports of standing committees? Mr. Riley.

RILEY: Mr. President, not a report. I would like to ask to speak to a matter of personal privilege for a moment.

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

RILEY: This afternoon the Resources Committee consultant is leaving Fairbanks and it is desirable that some members of the Committee spend as much time as possible with him this afternoon. We would like to ask therefore, that three or four be excused from the deliberations down here. It has been noted that we seldom vote together, so I don't think there will be any fatal consequences.

PRESIDENT EGAN: If there is no objection, Mr. Riley, those members of the Resources Committee who want to confer with Mr. Ostrom before his departure will be excused. Are you going to be in this building?

RILEY: We will be in the building on the third floor.

PRESIDENT EGAN: It might be necessary to ask for you to be present on some controversial roll call. Are there any reports of standing committees? Mrs. Sweeney.

SWEENEY: Mr. Chairman, your Committee on Engrossment and Enrollment to whom was referred Proposal No. 2, has compared it to the original and found it correctly engrossed.

PRESIDENT EGAN: Mrs. Sweeney reports that Proposal No. 2 has been found to be correctly engrossed by the Committee on Engrossment and Enrollment.

MCCUTCHEON: The Committee on the Legislative Branch, having concluded their work, have presented for consideration of the Constitutional Convention that matter which was delegated to them, and we hereby report back to the constitution, the device for the legislative branch.

PRESIDENT EGAN: The proposal may be read for the first time.

CHIEF CLERK: "Committee Proposal No. 5, introduced by the Committee on the Legislative Branch, LEGISLATIVE POWERS AND DUTIES."

PRESIDENT EGAN: The proposal is referred to the Rules Committee

for assignment to the calendar. Committee Proposal No. 2, taking its normal course, will be referred to the Committee on Style and Drafting, the proposal relating to the Judiciary Branch. Are there any other reports of standing committees? Are there reports of select committees? Are there any proposals to be introduced at this time? Are there any motions or resolutions? Is there any unfinished business? If not, we will proceed. Mrs. Hermann.

HERMANN: Mr. President, I wish to rise to a question of privilege.

PRESIDENT EGAN: If there is no objection, Mrs. Hermann, you may.

HERMANN: I think it is particularly important that we of the Constitutional Convention pause a moment from our regular duties to recognize the fact that this is a very important anniversary in the history of America. This is the 164th anniversary of the ratification of the Bill of Rights which was accomplished in 1791 when the tenth of the thirteen states to whom it had been submitted finally ratified it. I was in hopes that our own Bill of Rights might make the floor on this day, and I am going to request that it be dated as of this day in commemoration of the fact that our national Bill of Rights was finally ratified as of this date. I think we should turn back and remember some of the struggles of these early founding fathers as they sought to draft a Constitution and the subsequent Bill of Rights. Their condition was somewhat like ours, but it was also vastly different because they had no example upon which to found their work. They were without precedent. They did not have great universities spotting the land from which they could draw on the consultants and the advice that they had to give, as we have been able to do today. They had literally nothing to guide them. They simply reached down into their own great hearts and souls and minds and produced the document that Gladstone was later to call the most magnificent document ever struck off by the mind of man. And then, not satisfied that it had given all the liberties and freedoms that we should have, it produced the ten amendments that constitute the Bill of Rights after some more years of struggling. There can be no doubt that there was squabbling and compromise and frustration all through the course of writing that great Constitution and writing the Bill of Rights that followed after it. But the fact of the matter is that they did come up with a document that formed the implements of government for that Atlantic coastline of thirteen states and that from there it became, not a localized government, but it crossed the Alleghenies into the great region that was known as the Northwest Territory, on across the great plains, over the Rockies and the Cascades to the Pacific Ocean and northward to Alaska. And so I think it is particularly important today that we who are assembled here at the site of

the farthest north University under the American flag, in Constitution Hall, that may in time become as much of a shrine to Alaskans as Independence Hall has become to Americans, that we should take time and, in the presence of these boys and girls, who will probably be among those who will write future amendments to this constitution, to rededicate ourselves to the principles of government that made our American Constitution and our Bill of Rights the greatest charter of freedom that the world has ever known. I ask that we date our own Bill of Rights, which we are to produce at this time and for which we have had the example not only of our Federal Constitution and the Constitution of our 48 states, including Hawaii, but also the help of great students of governmental matters, I think we should date it as of this day, in commemoration of the ratification of the Bill of Rights." "We may, in this way, in all gratitude and honesty say, Thank God for a job well done in 1789 and 1791." (Applause)

PRESIDENT EGAN: Thank you, Mrs. Hermann. Miss Awes.

AWES: Mr. Chairman, as Chairman of the Bill of Rights Committee I just wanted to say that the Bill of Rights Committee has completed its work and the Bill of Rights is now in the boiler room, and we requested them to date it today and they agreed to do that.

PRESIDENT EGAN: If there is no objection it will be dated as of today. If there is no further objection the record can show that the proposal came before us as Committee Proposal No. -- what? The Secretariat can take care of the numbering of the Proposal. Mr. Ralph Rivers?

R. RIVERS: I would like to ask unanimous consent that that speech be spread upon the journal. I would like to read it again some day. It was very inspiring.

PRESIDENT EGAN: We can get it from the stenotypist's notes. If there is no objection it will be so ordered. Mr. King?

KING: Mr. President, for the sake of the transcribed record it should be "1791".

HERMANN: That was the year I was born and I just sort of misspoke myself.

KILCHER: I think Mrs. Hermann took another license with the figures and calculated it to be 155 years instead of 164.

PRESIDENT EGAN: Mrs. Hermann stated that it was 164 years. The Convention will come to order, and the Chair would like to correct a statement made prior to the recess in which the Chair stated that we had with us in the gallery the 7th and 8th grades of the Fairbanks Public Schools. We have with us the

8th grade of the Fairbanks Public Schools. We have no other unfinished business. Mr. White.

WHITE: Mr. President, I rise to a point of order. Time has gone by but in looking over Rule 44 it appears to me that action on the report of the Committee on Engrossment and Enrollment is necessary before Committee Proposal No. 2 can be forwarded to Style and Drafting.

PRESIDENT EGAN: The Committee on Engrossment and Enrollment reported it back to the Convention, Mr. White, as being in proper order, and at that time the Chair referred it to the Committee on Style and Drafting after that report was made. Would you mean that you felt the body should act upon that report?

WHITE: I am posing a question, Mr. President. Rule 44, Section C, says, "Action on reports of Committee of Engrossment and Enrollment." May I ask a question of the Chair? When a committee proposal goes to Style and Drafting and returns therefrom, does the body then vote on the proposal in substance or merely upon the report of Style and Drafting?

PRESIDENT EGAN: Now your question is when the Style and Drafting Committee brings this back to us, does the body vote then on the proposal in final action. Is that your question, Mr. White?

WHITE: That is my question. Will we be voting only on the report of the Committee on Style and Drafting or are we at that point for the first time voting upon the proposal and its substance in second reading?

PRESIDENT EGAN: It is the opinion of the Chair that when the Style and Drafting Committee brings the report back it is up to the body to accept or reject the report of the Style and Drafting Committee at that time. Is that your impression? That is not, however, the final vote on the proposal. The proposal then would go to third reading.

WHITE: But that vote at that time is still in second reading?

PRESIDENT EGAN: Right, Mr. White, but it cannot at that time be put back into second reading for regular amendment except by a two-thirds majority vote of the Convention.

WHITE: Then I raise a point of order that we have not voted on Committee Proposal No. 2.

PRESIDENT EGAN: It is just now on its way to Style and Drafting Committee, Mr. White. If there is no objection, perhaps the Convention can stand at recess for two minutes. The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would ask that at this time the Rules Committee have a brief meeting and that the Engrossment Committee meet with the Rules Committee for purposes of clarifying particularly the insert that we adopted the other day with relation to the engrossing and enrolling of the proposal. If there is no objection the Convention will stand at recess until such time as the Rules Committee reports back.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mrs. Sweeney.

SWEENEY: Mr. Chairman, I would like to ask unanimous consent that the report of the Engrossing and the Enrollment Committee as concerns Committee Proposal No. 2 be returned to the Committee at this time.

PRESIDENT EGAN: Mrs. Sweeney asks unanimous consent that the report previously made by the Committee on Engrossment and Enrollment be withdrawn at this time. The Chair would ask that reference to the motion be stricken from the record. Mr. Rosswog.

ROSSWOG: I would like to make a report for the Rules Committee.

R. RIVERS: Did the Chair order that withdrawn? Point of order.

PRESIDENT EGAN: There was no objection, Mr. Rivers. The report is ordered withdrawn. Mr. Rosswog.

ROSSWOG: The Rules Committee would like to recommend that in Rule 16 the words on the second to the last line after "proposal", delete --

PRESIDENT EGAN: It is then the insert that was voted upon here a few days ago. It is a loose page unless you have affixed it to the permanent rules. Does every one have a copy of the insert? Mr. Rosswog, you may proceed then.

ROSSWOG: The recommendation is that these words be deleted in the second to the last line under Rule 16, after the word "proposal", these are the words "in completed form after" and replace them with the words "as amended in".

PRESIDENT EGAN: Delete the words "in completed form after" and insert the words "as amended in". Mr. Rosswog.

ROSSWOG: I so move and ask unanimous consent.

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

ROBERTSON: Question. What is the effect of that? PRESIDENT EGAN: Mr. Rosswog, could you explain that?

ROSSWOG: I would like Mr. Rivers, he is a member of the Committee, if he would explain.

R. RIVERS: Mr. Chairman and members, there was an ambiguity in the language before. We were talking about engrossment and when we said "in completed form" some people interpreted that to mean that we would put on your desks a copy that showed the brackets for deletions and the underscorings for new material, and all that sort of thing. The intent of the Rules Committee was that we would come back to this body with a mimeographed copy of the proposal as amended, a clean copy. In other words, what we would put before you and then that clean copy would go to Style and Drafting and that would give us something to compare with the work of Style and Drafting and the changes made by Style and Drafting later. Now time presses and there is a lot of mimeographing to do. If this body will take the word or trust the Engrossment Committee to study the engrossed copy which shows the brackets and the caps and the underscoring so that we can file that engrossed copy with the Chief Clerk and be contented with a clean copy of the way an article looks after it has been amended, then that is what we are going to distribute to the body. That was the intent and purpose of the rule so that when we say as the wording now is "as amended in second reading" that means you are going to get a clean copy instead of a completed engrossed copy showing all the underscoring and the deletions.

PRESIDENT EGAN: And the amended engrossed copy will be available at any time to any delegate on the Chief Clerk's desk. Is that right?

R. RIVERS: That is right. Rather than go through the whole mimeographing process and coming along with a clean copy immediately afterwards, we are just going to give you the clean copy and at that time when the clean copy has been put on your desks our Chairman, Dora Sweeney, I am speaking for Engrossment at this point, will then make her report and at that stage of the game you will have your clean copy. Delegate Sweeney withdrew what he had reported this afternoon because it was premature, because we had not quite understood the setup ourselves. Now we are all clear on that. That explains the significance of the change in the rule.

PERATROVICH: A point of information. Does that mean, Mr.

Rivers, that when the Engrossment Committee returns a bill, the bill will still be in second reading?

R. RIVERS: I can explain that too, but at the moment we have a request for unanimous consent to adopt this change in the rules which does not change the intent, Frank, it just changes the words and clarifies it. After that is acted upon I will be very glad to discuss what you ask.

PERATROVICH: I thought maybe we should know that before we take a vote.

PRESIDENT EGAN: You might answer that question, Mr. Rivers.

R. RIVERS: You have asked then to when it ceases to be in second reading?

PERATROVICH: No. My question is that when the bill is returned by the Engrossment Committee is it still in second reading?

R. RIVERS: We have our own rules. A bill stays in second reading until it is put into third reading, but our rules provide that after all persons have had a chance to make amendments and no one else has any more amendments to make and the Chair refers the matter to the Engrossment Committee, that at that point it is in the custody of the Engrossment Committee. It is out of the hands of the body and that no more amendments or proposals for amendments on substance are in order after that under the majority rule, but it does remain in second reading all through the time it is in the hands of the Engrossment Committee and all through the time it is in the hands of Style and Drafting, but it remains in second reading for a limited purpose only. The wording is that an action on report of Committee on Style and Drafting or action on the report of the Committee on Style and Drafting and action on amendments as to phraseology only, so that after Style and Drafting brings back its work we can change their work as to phraseology and perhaps any sentence structures by majority vote, but if you want to put it back for further amendments on substance, then that takes a suspension of the rules and two-thirds vote. So as far as the delegates here wanting to make further amendments on substance is concerned, I mean so far as their wanting to make further amendment by a majority vote is concerned, that ends when the Chair turns the proposal over to Engrossment and Enrollment. Does that answer the question?

PERATROVICH: Well, the reason I ask that question is that if you don't make that point clearly I can foresee conflicting statements on the floor again that will take up a great deal of our time. I was under the impression and perhaps there are some here too, that as long as it was in second reading it would be subject to amendment, but your explanation answers

the point I was trying to make.

R. RIVERS: Yes, it stays in second reading, but there are two phases to second reading. One is the second reading when everybody proposes amendments. From then on it is in second reading for a limited purpose only and that is for checking the work of Style and Drafting for phraseology only. Then after we have approved the Style and Drafting's report, then we put it through a full third reading.

PRESIDENT EGAN: The Chair feels this particular question is so important that the Chair would like to ask if there is any delegate who is in the dark or is not quite clear on this particular subject. Mr. Knight?

KNIGHT: Mr. President, would it be in order before the measure is sent to the Engrossment Committee for the Chair to ask if any more amendments are to be discussed?

PRESIDENT EGAN: Mr. Knight, that is the duty of the Chair and the Chair will attempt at all times to ask if there are any further amendments before, the Chair does not feel that it has allowed anything to go out of the jurisdiction of the body without asking that question possibly once or two or three times, but it will certainly be the policy of the Chair to give ample opportunity that you will know whether or not a proposal is on its way to the Engrossment Committee.

WHITE: I was just going to rise to say that I have a motion to make.

PRESIDENT EGAN: There is a motion on the floor. WHITE: After we dispose of that?

PRESIDENT EGAN: Mr. Rosswog has asked unanimous consent that the proposed amendment of the Rules Committee in changing Rule 16 on the second line from the bottom, deleting the words "in completed form after" and inserting in place of those words the words "as amended in" be adopted by the Convention. Is there objection? Hearing no objection it is so ordered.

WHITE: Mr. President, I ask for the privilege of the floor.

PRESIDENT EGAN: If there is no objection, Mr. White, you are granted the privilege of the floor.

WHITE: Mr. President, I feel that this is an important matter and I get the distinct feeling that a number of the delegates have not understood that when Committee Proposal No. 2 was referred to the Committee on Engrossment and Enrollment, that although it was still in second reading it was no longer amendable by a simple majority. I think it is a question that we

should decide on and for that purpose I would like to make a motion.

PRESIDENT EGAN: Are you now rising just as a delegate, Mr. White?

WHITE: Mr. President, I move and ask unanimous consent that the rules be suspended and that Committee Proposal No. 2 be withdrawn from the Committee on Engrossment and Enrollment and be continued in second reading until after the recess for hearings and then placed on the calendar for further action under the rules of the Convention.

SUNDBORG: I object.

PRESIDENT EGAN: Objection is heard.

WHITE: I so move.

R. RIVERS: Point of order.

COGHILL: Second the motion.

R. RIVERS: The point of order is that the matter has been referred to Engrossment and has been in the hands of Engrossment for 24 hours, so I think this motion is out of order.

V. RIVERS: Point of order, Mr. President. Before Committee Proposal No. 2 was submitted to the Committee on Engrossment and Enrollment and I asked at that time, and it will so show in the journal, that it be continued in second reading, if the Chair recalls, and I was told at that time that it would.

R. RIVERS: I missed a day, I wasn't here that day.

PRESIDENT EGAN: That was day before yesterday, wasn't it, Mr. Rivers? If there is no objection the Convention will stand at recess for a few minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. The record shows that Mr. Victor Rivers asked that if the Proposal No. 2 would still be in second reading, and the Chair said that the Chair felt that the proposal would be in second reading through the engrossment through its consideration in the Engrossment and Enrollment Committee. Now whether the question of whether it was there for majority vote on amendments or not is something that we took up in the Rules Committee meeting today, and it was decided that a proposal when it goes to Engrossment and Enrollment is still in second reading all right but that it has left the floor for the purposes of amendment just by majority action. Mr. White.

WHITE: Mr. President, after consulting with the Committee on Engrossment and Enrollment I would like to ask unanimous consent to withdraw the motion I have on the table.

PRESIDENT EGAN: Mr. White asks unanimous consent to withdraw his motion as previously made by him. Mr. White.

WHITE: I move and ask unanimous consent that when Committee Proposal No. 2 is reported by the Committee on Engrossment and Enrollment that it be considered still in second reading for the purposes of amendment.

PRESIDENT EGAN: Mr. White moves and asks unanimous consent that when Committee Proposal No. 2 is reported back to the Convention by the Engrossment and Enrollment Committee it still be before us for second reading for purposes of amendment. Is there a second?

DAVIS: I object.

WHITE: I so move.

V. RIVERS: Point of order. When I asked that it be continued in second reading two days ago I did not have any envisionment of a limited interpretation of second reading. It was my understanding it would stay in second reading for all action in that reading, not for limited action.

PRESIDENT EGAN: Would the Chief Clerk please read what happened.

CHIEF CLERK: There was no motion.

PRESIDENT EGAN: Will the Chief Clerk please read the motion.

PERATROVICH: I second the motion of Mr. White.

PRESIDENT EGAN: Will the Chief Clerk please read what occurred as to the reference of Mr. Rivers.

CHIEF CLERK: It was just a question Mr. Rivers asked of the Chair whether the proposal would be continued in second reading and there was no motion at all, and the Chair said that he felt it would be in second reading on through referral to Engrossment and Enrollment.

PRESIDENT EGAN: There is no question in the Chair's mind but at that time the Chair felt that we would not lose the proposal for purposes of amendment until it had been referred to the Committee on Style and Drafting. Of course, upon hearing the interpretation of the rules in the Rules Committee meeting today and speaking of this matter, as it has been brought to the attention of the Chair, that it was the intent

and is actually the wording of the rules, if you follow them closely, that such is not the case. However, the Chair feels that there was general feeling that such was the case at that time and Mr. White's motion then is -- Mr. Nolan?

NOLAN: Mr. President, I think Mr. White's motion is wrong then. I think the proper motion should be that the proposal be taken from the Committee on Engrossment and Enrollment and be returned to the custody of the Clerk. What would be the use of leaving it in Engrossment if it is now going to come back for amendment again. It is their work to bring it out in proper form to take its course in third reading. If we are going to bring it out now for amendment and then go back to Style and Drafting it is just duplicating the work.

PRESIDENT EGAN: What is your feeling Mr. White, as to your motion?

WHITE: My motion, Mr. Nolan, is clearly expressed in my first motion. However, the Committee on Engrossment and Enrollment, as I understand it, would like an opportunity to place before the Convention the clean copy before we recess. My further intent would be that when they come in with their report that the motion would then be made to continue the proposal in second reading over the recess for hearings because I feel that we should present these things during hearings in recess in an amendable form by a simple majority if we are going to hold hearings at all.

KILCHER: Point of information. I address a question to Mr. White. Would you consent to include into your motion the words, "to keep it in second reading for purposes not of amendment but of substantive amendment"? Is that what you mean?

R. RIVERS: He means for all purposes.

PRESIDENT EGAN: He means amendments by a majority vote. Nolan. Mr.

NOLAN: This is going to be an unusual case, it is not the regular procedure, is it?

PRESIDENT EGAN: That is correct, Mr. Nolan. Mr. Peratrovich, will you take the Chair.

(Mr. Peratrovich came forward and took the Chair at this time.)

EGAN: Mr. President, as President of the Convention, I would like to state that I certainly have no desire to hold up anything that it is possible to get to working on and get completed, but it is also my feeling at this point with relation to this particular motion that many of the delegates, including

possibly the President of the Convention, did not have in his mind too clearly exactly what this procedure would be and as has been read by the Chief Clerk with relation to the question asked by Mr. Victor Rivers on Monday and answered by the President, the direct implication could have been at that time to many many delegates that the particular proposal in question, Proposal No. 2 would still be open to the Convention for amendment in second reading after the Committee on Engrossment reported back, because of the interpretation that would have been lent at that time. Consequently, I think that with reference to this particular proposal that it would behoove the membership to allow the passage of Mr. White's particular motion, in this case because I don't believe that the delegates had a proper understanding of the matter at the time that it went to the Engrossment and Enrollment Committee. I think that it is clear now that from here on out that when a proposal goes to the Engrossment and Enrollment Committee it can then not be amended again unless by a two-thirds action vote of the delegates, but I feel that I will have to vote to sustain Mr. White's motion in this case.

VICE PRESIDENT PERATROVICH: Mr. Davis

DAVIS: Mr. President, I think what Mr. Egan has said is absolutely true. There has been some confusion on this particular point. However, I think that the suggestion made by Mr. Nolan awhile ago is the correct way to handle this if we are going to handle it, and so far as I am concerned if there is anybody in this Convention that has not had his say on Proposal No. 2 and wants to make some amendments, I would be in favor of allowing, even by a simple majority, allowing the amendments to be made, but I would like to have them made at this time. I see no reason at all why the matter should be held over until after the hearings. Now the result of this thing is this. I believe it was Monday that we finished action on this particular proposal, possibly it was Tuesday, anyway early this week. The matter has gone to Engrossment and Enrollment. We have gone to other matters. The matter has come back today. I am a member of Style and Drafting and I want to get to work on these things. Now if we hold this proposal until after we come back, that means that it will go to Engrossment and enrollment after January 4. Sometime after that time Engrossment and Enrollment will bring back their report. The report will be acted upon. Assuming that it is acted upon favorably, then it goes to Style and Drafting, then we have certainly lost some needless time. The matter has been fully and completely argued I am sure. I doubt that any of the delegates have any amendments they want to offer today, and I don't believe that we are doing right to say we are going to hold everything in second reading and for further amendments of substance until after January 4..

WHITE: Mr. President, I am very sensitive of the feelings of the Committee on Style and Drafting. I understand their problem completely. However, here we are on Thursday. We are

going to adjourn on Monday. Not many proposals will go through this procedure, and I think it is important that if we are going to hold hearings, since the hearings are so close, that such proposals as we consider here be kept open in second reading for amendment by simple majority, if we are going to go home and hold hearings. I think that in this particular case it is clear that the proposal in question has the overwhelming majority opinion behind it in the Convention, and its chances of being amended after recess are very slight, and in the light of that I think Style and Drafting can informally do a great deal of work on it between now and the time we adjourn.

VICE PRESIDENT PERATROVICH: Mr. Fischer.

V. FISCHER: Mr. President, I would like to address a question to Mr. White. Would it be your intent that the same procedure be followed on any other articles that may come up and go through the amendment process prior to recess for hearings?

WHITE: It would be my intent, and the reason for it is that if the Convention is so in doubt, that the weight of opinion behind passing certain proposals is so slim that we are afraid it might be changed by going home and holding hearings, I think we ought to hold it open anyway.

VICE PRESIDENT PERATROVICH: Mr. Doogan.

DOOGAN: Mr. President, I feel I am going to have to object to this procedure. We set up some rules and this matter has gone through all of the debate I think that is necessary. It is true that we are going to return to our respective communities for public hearings. I question whether very much will come out of those public hearings in regard to this particular proposal that has not already been discussed here on the floor. But if anything substantial comes out of the hearings and is brought back to this floor, I have no doubt in my mind that it can't be returned to second reading in the usual procedure and in light of that I firmly believe that the proposal should continue in its natural course.

VICE PRESIDENT PERATROVICH: Mr. Johnson.

JOHNSON: Mr. President, I have a point of inquiry. The question before us is in the nature of a suspension of our established rules. My inquiry is will it take a two-thirds vote to carry that motion?

VICE PRESIDENT PERATROVICH: Mr. Johnson, I think I should let your chairman answer that inasmuch as he was in the Chair when this motion was made, not that I want to pass the buck, ladies and gentlemen. I have my interpretation but I think out of courtesy he should make that decision.

(Mr. Egan took the Chair at this time.)

PRESIDENT EGAN: The Convention will come to order. Mr. Johnson, in answer to your question, it will require a suspension of the rules, it will take a two-thirds vote. Mr. Sundborg.

SUNDBORG: Mr. Chairman, before we vote on that I think I should say here that there is a little history behind this. And the history is that along about a week ago or maybe ten days ago, at the meeting of committee chairmen, it was proposed one day that we should hold all proposals in second reading until after the recess for hearings. The committee chairmen after some discussion voted to do that, and they referred the matter to the Rules Committee with the request that the Rules Committee bring in a proper resolution to that effect. The Rules Committee discussed it and decided unanimously against the procedure and reported back to the committee chairmen, and the committee chairmen, after hearing the point of view of the Rules Committee, went along with them and decided that the matter would not be presented on the floor and that we would not adopt such a resolution. Now some of the considerations that went into that decision are as follows: The major consideration is that we have a Committee on Style and Drafting which before this constitution can be completed has to go over every single word, every period, comma, and paragraph of the thing with a fine-tooth comb. That would be a big job even if we had something like 60 days in which to do it. Today at noon we passed the halfway mark in the allotted 75 days that we have to draw this constitution, and the Style and Drafting Committee does not have yet one single proposal before it on which it can work. Now, as Chairman of the Style and Drafting Committee, and on behalf of the other members of my Committee, I ask all of you to please have a little consideration for us. We are going to have a terrible job ahead of us even if the thing goes through its natural course and we get Proposal No. 2, as I hoped we would, tomorrow. If we have to wait until what I think will be probably along about the middle of January if we are going to consider any amendments at all, as a result of these hearings before any of these things can come to us, we are going to be faced with what I am afraid is going to be a superhuman task, because there just won't be time. Now as an individual member and not as Chairman of the Style and Drafting Committee, I will say that when anybody comes back here after the hearings with anything that is a reasonable suggestion for an amendment, I am going to vote to suspend the rules to put any proposal back in second reading for the purpose of amendment but I feel at this time that we ought to let them take the regular course and let the Committees get on with their work rather than to make everything stand stock-still until so very late in our session.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: I second the motion, and I should say something on that. I personally don't have any improvements or anything that I could add to the Committee report. However, under the present circumstances I do not think that Mr. White or perhaps others too, did not have the opportunity to perhaps submit their ideas. I think the fault lies in the fact that we created this Engrossment Committee without having a clear understanding. We just brought it up on the floor and voted for the committee and we did not know what the duties were going to be. Now we interpret the thing that once it is referred to the Engrossment Committee then there is no opportunity for amendment. I think that is what confused the issue. For that reason I think that if the mover of this motion has something in mind that perhaps could improve this report I think he should have an opportunity to present it, whether it is good or bad, under these circumstances.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I spoke a minute ago and probably should not speak again. I would have no objection at all to what Mr. Peratrovich has just said. In fact, I would agree to doing it on a majority vote. If anybody has any amendment to make here and now, let's make it. I am objecting to hold it over until after January 4.

PRESIDENT EGAN: The Question is, "Shall Mr. White's motion be adopted by the Convention?"

METCALF: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 19 - Armstrong, Barr, Coghill, Emborg, Harris, Hurley, Kilcher, Londborg, McNealy, Nerland, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Smith, Sweeney, White, Mr. President.

Nays: 32 - Awes, Buckalew, Collins, Cooper, Cross, Davis, Doogan, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nolan, Nordale, Robertson, Rosswog, Sundborg, VanderLeest, Walsh, Wien.

Absent: 4 - Boswell, Riley, Stewart, Taylor.)

CHIEF CLERK: 19 yeas, 32 nays and 4 absent.

PRESIDENT EGAN: So the motion has failed. We have before us Committee Proposal No. 1. Will the Chief Clerk please read the pending amendment to Section 1 of Committee Proposal No. 1.

CHIEF CLERK: Page 1, line 9, --

JOHNSON: May we have a 15-minute recess.

PRESIDENT EGAN: If there is no objection, BUCKALEW: I object.

JOHNSON: I so move.

BARR: I second it.

PRESIDENT EGAN: Mr. Johnson moves, seconded by Mr. Barr, that we have a 15-minute recess. All in favor of the motion will signify by saying "aye", all opposed "no". The "ayes" have it and the Convention stands at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us the proposed amendment to Committee Proposal No. 1, Section 1. The Chief Clerk will please read the proposed amendment.

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

PRESIDENT EGAN: Has that motion been moved and seconded?

CHIEF CLERK: Yes.

SUNDBORG: Question.

PRESIDENT EGAN: Is there any further discussion? If not, (Mr. McNealy just entered Convention Hall) Mr. McNealy, do you know the amendment that is before us?

GRAY: Will the Chief Clerk read the question again.

PRESIDENT EGAN: The Chief Clerk might hold up the reading for about one minute. There is another delegate coming in. The proposed amendment is to Committee Proposal No. 1. The Chief Clerk will read the proposed amendment.

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 the words 'only and'. On line 15 after 'election' insert the following: 'Additional qualifications may be established by law.'

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?"

METCALF: Roll call.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, I would like to say a few words on that. I know it is a losing cause but I just want to remind the Convention that it is one of the legislative procedures, you might say, to defeat a cause. I don't want to carry this any too far. I realize my responsibilities here as a delegate, and I have tried hard to put just what I thought would be a good thing for a certain group of people, and it seems as though I am on the verge of a failure. I will accept that as a good citizen of the United States, but I am happy to have this on the record to let the delegates know the condition that is existing right at your next door, you might say, and I have tried to remedy that situation so that you could benefit from this instrument you are preparing here. That is all I have to say.

SUNDBORG: I would certainly like to urge Delegate Peratrovich to be of good cheer. He is not even close to being on the verge of a failure. I think that this motion is going to be voted down and it properly should be and that Mr. Peratrovich is on the verge of another brilliant success.

MARSTON: I don't understand this statesman from Southeastern taking this negative attitude. I am very much discouraged the way the body of people are working here. We have worked this over twice. We have voted, we passed it, and men of good will, will stay men of good will, and those who voted for it under convictions will again vote for it. There are 18,000 people right out here between us and the great enemy of the world, Russia, and they are armed and they are defending our shores now. The general out here said that one-fifth of all the information comes from the Native Guard on enemy operations, and I don't see under any expanse of the imagination why you want to obliterate that group of people, and I do not believe you will. I believe you will keep this in as we voted before and not change your minds. There has been work on this to change it. It is the third time we have had it up, and I am depending on the good will of the people to keep together the great Native people of Alaska. Senator Peratrovich, the delegate from Southeastern, he want the Indians to stay with us. We want the Eskimos in the North to stay with us. It is their country. They own it, we are just visitors here.

Let us keep them with us. I urge you to stand by your good will and your first vote.

METCALF: I asked for a roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll on the proposed amendment.

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

Yeas: 10 - Hinckel, Johnson, Laws, Londborg, Metcalf, Nerland, Reader, R. Rivers, V. Rivers, Robertson.

Nays: 40 - Armstrong, Awes, Barr, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nolan, Nordale, Peratrovich, Poulsen, Rosswog, Smith, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Absent: 5 - Boswell, Riley, Stewart, Taylor, White.)

VANDERLEEST: Mr. President, I voted "yes" and I meant "no".

PRESIDENT EGAN: Mr. VanderLeest wishes to change his vote from "yes" to "no".

CHIEF CLERK: 10 yeas, 40 nays and 5 absent.

PRESIDENT EGAN: And so the proposed amendment has failed of adoption. Mr. Buckalew.

BUCKALEW: Mr. President, I have an amendment.

PRESIDENT EGAN: The Chief Clerk will please read Mr. Buckalew's proposed amendment.

CHIEF CLERK: "Section 3, lines 10 and 11, strike all language down through word 'mind' and insert the following: 'No person who is non compos mentis'."

PRESIDENT EGAN: What is your pleasure, Mr. Buckalew? Non compos mentis -

BUCKALEW: Did you accuse me of being non compos mentis?

PRESIDENT EGAN: The Chair was just wondering if that was the amendment?

BUCKALEW: That is the amendment. I move the adoption of the proposed amendment.

BARR: I object.

MCNEALY: I second the motion.

BUCKALEW: I want to direct the body's attention to Section 3. You will see that it provides for a restoration of a civil disability in the case of a convicted felon, and it makes no provision for a person who has been judicially determined to be of unsound mind. Now as I understand this provision, that is an absolute constitutional disability, and there is no provision for a person who has been adjudicated an insane person to take away this civil disability and the effect of my amendment, the test is that a man has to be of sound mind at the time he votes. Another objection I have, I think that probably ten years from now we probably won't even be using the judicial procedure to determine whether a person is sane or insane, and I think probably in ten years it will be meaningless. The effect of my provision is to require that when a person votes he be of a sound mind. This provision here would prevent any person, 20 years ago, if a commissioner at Klawock found him insane they could never vote again, and there is no provision for a restoration of that civil disability.

PRESIDENT EGAN: Does that give them the right later, Mr. Buckalew?

BUCKALEW: "Non compos mentis" means a present state of mental illness.

MCLAUGHLIN: Mr. Chairman, I have another expression. "Montes murientur mus nascetur -- The mountains are in labor, and a mouse is born." Mr. President, the substitution of a Latin phrase which has no specific and definite meaning would be unwise. I think this phraseology is the one that is normally used, and if we didn't use the expression "judicially determine" you might be subject to the interpretation right at the polls, that they decide whether or not the elector were an idiot or no. So the judicial determination would cover all types of commitment and certainly it was never intended and it would never be interpreted by any court that the judicial determination, that if at any one time you were found of unsound mind by judicial determination, that the fact is you could not vote thereafter. The obvious intent here is that while you are under the disability of being insane and so judicially determined you not vote. I don't feel that the amendment would add anything. It would hopelessly confuse the article.

DAVIS: I was going to ask Mr. Buckalew, Mr. President, if instead of using a Latin phrase he would accept "no person of

unsound mind".

BUCKALEW: I did not realize that this Latin phrase was going to cause a furor. It is a common expression and it has a meaning in the courts. I would certainly accept Mr. Davis's amendment. I would ask then with the consent of my second that we strike the "non compos mentis" and insert "unsound mind".

PRESIDENT EGAN: Then it would read "no person" delete "judicially".

CHIEF CLERK: He does not have that in now.

DAVIS: I just suggested "no person of unsound mind" to try to say the same thing he was saying.

PRESIDENT EGAN: And leave out the "judicially determined", is that right?

BUCKALEW: It would have to be "no person of unsound mind".

PRESIDENT EGAN: Is there objection to Mr. Buckalew's changing his motion to read that way? Mr. Hellenenthal.

HELLENTHAL: Mr. President, if a man is to be adjudged of unsound mind somebody must make the adjudication. Now even I, like Mr. Buckalew, believe that the present method of incarcerating and proceeding criminally against insane people or, better still, persons mentally disturbed, I think that method is inhuman just as violently as Mr. Buckalew does. However, under no system that has yet been advocated by the most violent critics of the present method would a judicial determination of mental capacity be done away with. It would be an appalling thing if a board or if a group or a psychiatrist could determine one to be of unsound mind. There must be a standard. We have faith in our courts. In all civilized countries the courts or a judicial body makes the determination of whether you are capable of distinguishing between right and wrong, whether you are capable of voting, whether you are capable of taking care of your children and your home. Mr. Buckalew's amendment would throw this right up in the air, and it was for this reason that after careful thought the Committee felt that the language should read "no person judicially determined to be of unsound mind". That does not mean we have to preserve our inhuman method now of treatment of the insane, or the inhuman method of proceeding against them in a criminal proceedings. It doesn't mean that, but it means that before you can be stripped of your civil rights because of mental aberrations some court somewhere must pass on it, and that is the way our government was founded and that is the way it ought to be, and that is the reason that the words "judicially determined" were inserted in the article.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, I think we all have seen how binding rules are and I think the constitution once adopted and is in effect is going to be binding. The courts are going to make their interpretation, and a person coming under there for a question will not have any chance. Now as I read it, a person that is judicially determined to be of unsound mind loses thereafter their vote right according to the way this reads.

HELLENTHAL: No, Mr. Londborg, it qualified by the language, "unless restored to his civil rights".

BUCKALEW: It is not in there. Read it.

HELLENTHAL: "No person judicially determined to be of unsound mind, unless restored to his civil rights, shall be qualified to vote in any state or local election.

LONDBORG: I would like to have that clear, because it says here, in referring to the person of unsound mind, and you have the words "pardoned and restored". I don't know of a person in an insane institution being pardoned. It says they are to be "pardoned and restored", as if they have done something criminally violent. I think that could be cleaned up a bit as far as the language. I think I see your intent and go along with your intent. May I have the floor, Mr. President?

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

LONDBORG: I see the intent and go along with your intent, but I do believe it could be cleared up a little bit so there would be specifically in our constitution that a person that has been in an insane institution, has been released, is of sound mind, can go to the polls. According to this it sounds that a person judicially determined to be of unsound mind loses his vote right unless they are "pardoned and restored", and I don't think pardoning has anything to do with it. There is something that needs to be straightened out.

PRESIDENT EGAN: Would you be acceptable to a two or three minute recess so you attorneys can get together on this?

HELLENTHAL: I think there is no question but that if we substitute the word "or" for "and" and I know I have the unanimous approval of the Committee for that, that the objection will be obviated.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would like to point out that actually that would not remove a very valid objection raised by Mr. Londborg because even if it says, "unless restored to his civil rights",

nowhere does it say, even if that person is judicially determined to be of unsound mind, he is deprived of his civil rights. He is deprived of his voting rights but not of civil rights.

BARR: This does not say that "no person who has been or who has ever been judicially determined." It says "no person judicially determined to be of unsound mind", meaning at the present or at the time of the election. Therefore, if he has been discharged from an asylum, after of course going before a board of psychiatrists, which they always do, then he is of sound mind because they say so. It is a matter of record that he is sane. In fact, he has a great advantage over us. It is not a matter of record that any of us are sane. Therefore, he is judicially determined to be of unsound mind when he goes into the asylum, not at any other time.

PRESIDENT EGAN: If there is no objection the Chair will declare a two-or three-minute recess so the attorneys and others can get together and talk this over. The Convention is at recess.

RECESS

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

SUNDBORG: Mr. President, during the recess I was informed by Mr. Buckalew that he would permit me to ask unanimous consent that his pending amendment be withdrawn and that the following amendment be submitted in its place.

BUCKALEW: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked by Mr. Sundborg that Mr. Buckalew's amendment be withdrawn. Is there objection? If there is no objection Mr. Buckalew's original amendment is ordered withdrawn. Mr. Sundborg.

SUNDBORG: I now move and ask unanimous consent for the adoption of the following amendment: "Section 3, strike all of lines 10, 11, 12, and 13 and insert in lieu thereof the following" 'Section 3. No person convicted of a felony involving moral turpitude, unless pardoned and restored to his civil rights, and no person judicially determined to be of unsound mind, until the disability is removed, shall be'."

DAVIS: Will you read the last line of that again?

SUNDBORG: Here is the insert: "Section 3. No person convicted of a felony involving moral turpitude, unless pardoned and restored to his civil rights, and no person judicially determined to be of unsound mind, until the disability is removed, shall be", and then it would pick up "qualified to vote in any state

or local election."

PRESIDENT EGAN: Mr. Sundborg moves

V. RIVERS: You have "judicially determined" in that have you, Mr. Sundborg? I was fearful of that because in the future if somebody looked over some of the proceedings of this Convention that we might disenfranchise ourselves.

SUNDBORG: Yes, they are in there.

HERMANN: I wish to offer an amendment to the amendment. I had it as a major amendment that I meant to offer.

PRESIDENT EGAN: Mrs. Hermann, would you wait please until the Chief Clerk reads the proposed amendment once more.

CHIEF CLERK: "Section 3. Strike lines 10, 11, 12, and 13 and insert in lieu thereof the following: 'Section 3. No person convicted of a felony involving moral turpitude, unless pardoned and restored to his civil rights, and no person judicially determined to be of unsound mind, until the disability is removed, shall be'."

HERMANN: My amendment would be to strike after the word "felony", strike the three words "involving moral turpitude". I ask unanimous consent.

PRESIDENT EGAN: Mrs. Hermann moves an amendment to the amendment striking the words "involving moral turpitude". Mrs. Hermann asks unanimous consent.

SUNDBORG: I object.

HERMANN: I so move.

KILCHER: I second the motion.

SUNDBORG: I would like to ask Mrs. Hermann what the effect of her amendment would be and how it would change this in substance.

HERMANN: I don't think there is such a thing as a felony that does not involve moral turpitude, so I don't see the necessity of the three words. I say conviction of a felony is inclusive enough to cover the whole situation.

BUCKALEW: That is what a felony means so it is superfluous.

HELLENTHAL: The reason that the qualifying language was used was that not all felonies involve moral turpitude, not all. There are some felonies that do not and the term moral turpitude" is a generally accepted word. Now we adopted this

language on the advice of the adviser who agreed with that contention and who felt that we should not require all persons convicted of any felony to have to go before the pardon board. Now that was the reason for the language. Other language that was rejected was "a felony of serious nature". Another suggestion was "convicted of an infamous crime". There was one group in the Committee who felt that any person who served his time should automatically be restored to his civil rights. The majority definitely felt, and later the unanimous opinion of the Committee was that construction would not be sound. But they felt that not all convicted felons should have to go before the pardon board but only those of the more serious felonies. Now, Alaska has a fairly good criminal code, but throughout the United States there are many many offenses which in Alaska are misdemeanors, are considered felonies, and vice versa, and that is why the moral connotation was added and only that.

PRESIDENT EGAN: Is there further discussion of the amendment to the amendment? Mr. Buckalew.

BUCKALEW: I would just like to ask Mr. Hellenenthal a question through the Chair. Did this expert tell you what felonies did not involve moral turpitude?

HELLENTHAL: Yes, assault in some cases does not involve moral turpitude. It comes under the decisions of courts.

BUCKALEW: Assault is not a felony.

HELLENTHAL: Many assaults are felonies.

DAVIS: Mr. President, I might suggest that involuntary manslaughter is a case in point of a felony not involving moral turpitude.

PRESIDENT EGAN: Is there further discussion of the proposed amendment to the amendment as offered by Mrs. Hermann? Mr. Gray.

GRAY: Mr. Chairman, if there is a question of whether a felony involves moral turpitude or not, we should leave the phrase in. It seems to be the one point whether it does or does not. If we leave the three words in there it conclusively clears up any misunderstanding on that particular subject.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: On the other hand, I suggest we strike it because even if a felon has committed a crime involving the technicality of moral turpitude, I don't see why that should impair his voting capacity. As to a felon that has committed a crime equally serious but technically not involving moral turpitude,

take assault -- assault with a dangerous weapon -- I don't know whether that would be moral turpitude. Assuming it is, I don't see how a man can vote. I don't see that a man might be not smart, but not a coward.

PRESIDENT EGAN: Is there further discussion? The question is, "Shall Mrs. Hermann's proposed amendment to the amendment be adopted by the Convention?" All those in favor of the proposed amendment as offered by Mrs. Hermann will signify by saying "aye", all opposed "no". The "noes" have it and the amendment has failed. Mr. Kilcher.

KILCHER: Mr. President, I offer another amendment to this amendment, to strike "until the disability is removed". I don't think it makes any sense because it says "judicially determined to be" -- not "to have been". If the man is determined to be of unsound mind then the disability is not removed. At the time of voting the man has to be determined to be judicially of unsound mind.

PRESIDENT EGAN: Do you so move the adoption of such an amendment?

KILCHER: I move the adoption of the amendment to strike "until such disability is removed". There is no need for too much wordage in the constitution.

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

ROBERTSON: Can we have the motion read as it would read?

PRESIDENT EGAN: Mr. Kilcher has offered a motion; it has not been seconded yet.

LEE: I second the motion.

PRESIDENT EGAN: The motion is to strike the words in the proposed amendment. Would the Chief Clerk read those words please.

CHIEF CLERK: "Until the disability is removed".

PRESIDENT EGAN: How would that leave the proposed amendment reading then?

CHIEF CLERK: "No person convicted of a felony involving moral turpitude, unless pardoned and restored to his civil rights, and no person judicially determined to be of unsound mind shall be".

PRESIDENT EGAN: That is the way it would be if Mr. Kilcher's motion was adopted. Mr. Ralph Rivers.

R. RIVERS: Mr. President, I was in on some of the huddles

during the recess. It originally read "no person judicially determined to be of unsound mind . Now then Mr. Kilcher's amendment would put us exactly back where we started from. Mr. Buckalew wanted it made absolutely clear that after the disability was removed the person could then vote. So I think the only way to go along with Mr. Buckalew's amendment and to be positive on that point is to turn down Mr. Kilcher's amendment.

KILCHER: I hate to waste any more time about a few words, but the general tenor seems to have been that we are going to make this instrument as simple as possible. If we say in there, "any person determined to be of unsound mind cannot vote", he must be of sound mind to be permitted to vote, and if he has been of unsound mind that means he has been judicially declared to not to be any more whatsoever. Naturally the person that goes to the polls is as normal as any of us, presumably. As Mr. Barr says he may be more. He only may not vote if determined to be of unsound mind. The rest is unnecessary.

PRESIDENT EGAN: Is there further discussion of the proposed amendment to the amendment as offered by Mr. Kilcher? If not, the question is, "Shall Mr. Kilcher's proposed amendment to the amendment be adopted by the Convention? All those in favor of the adoption of the proposed amendment to the amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposed amendment to the amendment has failed. Now we have the proposed amendment to Section 3 as offered by Mr. Sundborg. The Chief Clerk will please read that proposed amendment again.

CHIEF CLERK: "Section 3. Strike lines 10, 11, 12, and 13 and insert in lieu thereof the following: 'Section 3. No person convicted of a felony involving moral turpitude, unless pardoned and restored to his civil rights, and no person judicially determined to be of unsound mind, until the disability is removed, shall be'."

HINCKEL: Mr. President, point of information. It occurs to me that the pronoun "his" is superfluous. I will leave it to Style and Drafting and I withdraw my objection.

PRESIDENT EGAN: The question is, "Shall the proposed amendment to Section 3 as offered by Mr. Sundborg be adopted by the Convention?" All there in favor of the adoption of the amendment will signify by saying "aye", all opposed "no". The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments? Mr. Metcalf.

METCALF: I have one.

PRESIDENT EGAN: We have an amendment first by Mr. Metcalf.

CHIEF CLERK: "Add Section 6. 'Provided further that the legal age of persons qualified to vote shall be permanently established by referendum vote of the people at the time this constitution is submitted for ratification by the people.'"

PRESIDENT EGAN: We have already added a Section 5, is that correct?

SUNDBORG: I second the motion.

METCALF: I move the adoption of the amendment.

SUNDBORG: Question.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: May I speak briefly on this matter. I don't want to appear as one of the disgruntled few or minority we talked about yesterday. I believe there are a segment of the people probably who would disagree with our decision. I am going to vote for whatever constitution is coming out of this Convention, regardless of whether it is in accord with my personal beliefs or not. I felt that this would make a better feeling of the populace choosing for themselves the age limit that they should have for voting, and there are going to be objections, and I believe the people as a whole, and the folks we are working for, should have the last say in this matter. I might be wrong and probably I am many, many times, but in this instance I want to go on record that I have submitted this amendment to the constitution referring this very highly controversial matter to the people at the time this constitution is submitted to them. That is the democratic way. That is all I have to say.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I am not convinced that this matter is one that should be in this particular section of the constitution. It appears to me that the matter of a referendum establishing age at something other than the constitution has set forth, would be a transitory measure rather than a matter of inclusion in this particular article.

PRESIDENT EGAN: The Chair, as long as you have raised the question, that question has been mulling around in the mind of the Chairman, and the Chair is unable to decide as to whether or not this proposed amendment is in order in this particular proposal, and the Chair would ask to declare a few minutes recess so that the Rules Committee could come up with some determination as to the propriety of this particular amendment in this proposal. The Convention is at recess for a few minutes while the Rules Committee studies the question.

RECESS

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

RILEY: Mr. President, with respect to the matter referred to the Rules Committee, it is the opinion of the Committee that the amendment proposed by Mr. Metcalf is not in order with respect to the proposal before us. Now to amplify that a little for its bearing on the proposal we are considering, various of the Committee have volunteered to assist in putting Mr. Metcalf's amendment in other form in order that it may be considered by the Convention.

PRESIDENT EGAN: Pending the arrival of Mr. Metcalf, Mr. Ralph Rivers, and Mr. Rosswog, are there any other amendments?

HERMANN: I have an amendment on the desk.

MCCUTCHEON: Mr. President, have you declared that amendment out of order?

PRESIDENT EGAN: The Chair has declared that amendment out of order in the order that it was presented to the Convention. Mr. Robertson.

ROBERTSON: May I ask Mr. Riley, is it the intent to put this other form of an amendment to this particular article?

RILEY: It is my impression, Mr. Robertson, that that is not the intention, that it is not to come forward as an amendment to this proposal.

METCALF: Mr. Chairman, I submit an amendment to the Convention.

PRESIDENT EGAN: Mrs. Hermann, inasmuch as Mr. Metcalf has offered the previous amendment, do you object to his amendment being read first?

HERMANN: I will yield, Mr. President.

PRESIDENT EGAN: The Chief Clerk may proceed with the reading of Mr. Metcalf's proposed amendment.

METCALF: Mr. Chairman, may I withdraw my other amendment. PRESIDENT EGAN: It has been taken care of, Mr. Metcalf.

CHIEF CLERK: "Page 1, line 2, after the word 'years' insert, 'unless otherwise determined by a referendum vote of the electors at the time this constitution is submitted for ratification'."

METCALF: Mr. Chairman, I move for the adoption of this

amendment.

COGHILL: I object.

HINCKEL: I second the motion.

RILEY: I don't wish to speak to the motion, Mr. President, but I regret that I misinformed you, Mr. Robertson. I had not realized it was coming forward in quite this manner.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment again.

CHIEF CLERK: "Page 1, line 2, after the word 'years' insert, 'unless otherwise determined by a referendum vote of the electors at the time this constitution is submitted for ratification'."

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Briefly speaking on this highly controversial subject, I believe if we leave it this way it will remove one of the present barriers to ratification by the people. Goodness knows there are very apt to be a number of barriers to small segments of the people when we get through writing this constitution, and I want to reduce these barriers to a minimum so to be certain of ratification and have a constitution that will be an example for years to come. I believe it is the democratic way of handling this highly controversial matter and I urge each and everyone of you to vote for the amendment.

SUNDBORG: Question.

PRESIDENT EGAN: If there is no further discussion the question is, "Shall the proposed amendment as offered by Mr. Metcalf be adopted by the Convention?"

METCALF: I ask for a roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 12 - Armstrong, Barr, Collins, Hinckel, Johnson, Laws, Londborg, McNealy, Metcalf, Nolan, Reader, Robertson.

Nays: 39 - Awes, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale,

Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Absent: 4 - Boswell, Stewart, Taylor, White.)

CHIEF CLERK: 12 yeas, 39 nays and 4 absent.

PRESIDENT EGAN: So the proposed amendment has failed of adoption. The Chief Clerk may read the proposed amendment that has been offered by Mrs. Hermann.

CHIEF CLERK: "Section 2, page 2, line 7, strike the word 'that' and insert 'the manner of determining', add period after 'elections' and strike the rest of the sentence."

PRESIDENT EGAN: What is your pleasure, Mrs. Hermann?

HERMANN: I move the adoption of the amendment.

RILEY: I second the motion.

PRESIDENT EGAN: The proposed amendment is open for discussion.

ROBERTSON: Please read the motion.

HERMANN: Read the paragraph as amended.

PRESIDENT EGAN: Read the paragraph as amended, is that what you want?

CHIEF CLERK: "After the semicolon in line 7 strike the word 'that', then 'it shall provide the manner of determining contested elections.' Strike the rest of the sentence."

PRESIDENT EGAN: Is there discussion of the proposed amendment? Mrs. Hermann.

HERMANN: Mr. President, the purpose of this amendment is to spare the order to the legislature to provide that contested elections be determined by the courts of competent jurisdiction. I doubt very much if the constitution has any right to order a command performance by the legislature. I think it must leave something to the discretion of the legislature, and if it is proper and the body feels that contested elections should be determined by courts, I think we should put that in the constitution and not tell the legislature to pass a law to that effect. This is practically a mandate to the legislature to rule, to pass a law saying that courts must determine contested elections. Well, it is probably a very good thing that courts do determine them, but the legislature might prefer to determine it themselves or might prefer to set up a commission, etc. There is the further fact that it has no

importance because if the legislature does not want to do it, it would not have to even if it were ordered to. There is no machinery that can compel a legislature to follow any order that is given, and I think that in view of that fact we will then have it that we will give to the legislature the authority to determine the manner in which contested elections shall be settled, and that seems to me to be a much wiser plan than the one that is provided in the section itself.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTAL: Just a word as to why the wording is as it is presented in the proposal. It is precisely the wording of the Hawaiian Constitution in this regard. The legislature - may we pass that for a moment. The reason for it is that throughout the constitution the Committee was well aware that in many many places there will be statements to the effect that the legislature shall do this or shall not do this. They are found throughout the judiciary act that has been approved by this body and they will be found in many many other acts, and it is not uncommon in any constitution to so provide. The Committee was well aware that you cannot mandamus the legislature to do anything unless the constitution expressly provides that you can, and they are well aware of that, but it was felt, we all know, as Alaskans, what happens when an election contest develops. The party in power generally hesitates to take action to unseat one of its own members, and it is generally one of the party in power whose office is contested, because most elections are landslides of one sort or another. They hesitate to take action to unseat their members. They shilly-shally around, they delay. They don't do anything, so all of the writers recommend that the matter should be taken care of in courts and not by the body to which the member, and not by the body to which belongs the man whose right is being contested, and with that in mind it was the Committee's recommendation that the legislature be directed to place it in the courts. The Hawaiian provision on that is -- I shall read it. "Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law." We could perhaps set out the manner of the contest in detail in the constitution. I am sure Mrs. Hermann would not want that either. About all you can do in a practical world is to say, "The legislature shall do it." I have enough faith in the legislature that they won't ignore any of these provisions in the constitution and they are typical provisions. This is not unusual.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I favor Mrs. Hermann's amendment. Mr. Hellenthal has said that something that influenced the Committee in providing that contests should be determined by a court, is that it is possible that a legislator for example,

would be the complaining party or one who is appealing in the case of a contested election. It is just as possible that one of these judges that we have set up in the judiciary article when he comes up for election is going to be one of the party who may want to make some kind of appeal in a contested election and if the legislature is forced, as it would be here, to have the court settle that, we might find a man sitting on the bench deciding his own case. So I say, let's leave something for our poor old legislature to do in the future and not just spell out in our constitution exactly how it shall do everything.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I follow the Delegate Hermann's argument that we should not make it mandatory that every election contest should be thrown' into court, but I think it would be well if we said something to this effect, in determining election contests or in providing the method of determining election contests appeals to the courts shall be allowed. That would leave it then up to any contesting party to appeal if he saw fit. That should not necessarily throw every contest into court. So I think I shall sit down and start writing a proposal.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I ask that we stand at recess for two minutes.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Mrs. Hermann's proposed amendment to Section 2. Is there further discussion? Mr. Ralph Rivers.

R. RIVERS: Mr. President, I got balled up here, but I am going to move to amend Mrs. Hermann's amendment by adding at the end thereof the following words: "which shall include the right of appeal to a court of competent jurisdiction."

PRESIDENT EGAN: Mr. Ralph Rivers moves the adoption of the amendment.

R. RIVERS: I move that as an amendment to Mrs. Hermann's amendment

PRESIDENT EGAN: Is there a second to the motion to amend the amendment?

KNIGHT: I second it.

R. RIVERS: I would ask if the mover of the proposed amendment would accede to my adding those words?

HERMANN: I would like to have it read as it now sounds, Mr. Rivers.

PRESIDENT EGAN: The Chief Clerk will please read it as it now sounds.

CHIEF CLERK: "It shall provide the manner of determining contested elections which shall include the right of appeal to a court of competent jurisdiction."

HERMANN: That is satisfactory, Mr. President.

PRESIDENT EGAN: If there is no objection the proposed amendment to the amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: I hesitate to speak for the members of the Committee, but I am sure they have no objection to the proposed amendment as amended.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: Mr. President, I don't know. It seems to me we are getting into matters that could very easily be handled by the legislature. It seems to me that in the province of the legislature they could handle it very easily without making a constitutional matter out of it. It will be something awfully hard to change if it does not work.

PRESIDENT EGAN: Mr. Doogan, the proposed amendment to the amendment is already adopted, so now you will be voting on whether to leave it as it was or as amended by the motion before us.

SUNDBORG: Question.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as amended be adopted by the Convention?" All those in favor of the adoption of the "proposed amendment as amended will signify by saying "aye , all opposed "no". The "ayes" have it and the proposed amendment as amended is ordered adopted.

PRESIDENT EGAN: Miss Awes.

AWES: Mr. President, I have submitted an amendment.

PRESIDENT EGAN: The Chief Clerk will please read Miss Awes' proposed amendment.

CHIEF CLERK: "Strike Section 5 and substitute the following: 'Section 5. Secrecy of voting shall be preserved.'"

AWES: I move the adoption of that amendment.

PRESIDENT EGAN: Miss Awes moves the adoption of her proposed amendment.

BUCKALEW: I second the motion.

PRESIDENT EGAN: Miss Awes.

AWES: The reason I proposed this amendment, Section 5 previously provided that the secrecy of the ballot should be preserved." That is the wording that is found in some of the older constitutions, and when those states attempted to adopt the voting machine, the supreme court in some of those states held that the ballot itself was preserved and voting machines would not be allowed. This would preserve secrecy of the voting and would still allow us to adopt voting machines without question if the Territory ever wants to do so.

CHIEF CLERK: This was Section 5 before read: "The right of secrecy of ballot shall be preserved." She is asking to strike that and say, "Secrecy of voting shall be preserved.

PRESIDENT EGAN: It has been moved and seconded that the proposed amendment be adopted.

MCCUTCHEON: Question.

PRESIDENT EGAN: All those in favor will signify by saying "aye", all opposed by saying "no". The "ayes have it and the amendment is ordered adopted. Mr. Victor Fischer.

V. FISCHER: Mr. President, I have an amendment. This amendment has been agreed to by the Committee on Suffrage and Election.

CHIEF CLERK: "In the amended language of the last sentence of Section 1, after the year '1924' insert the following: 'and meet the residence requirements of this section'."

HELLENTHAL: I ask unanimous consent that the amendment be adopted.

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

ROBERTSON: How does it read now?

PRESIDENT EGAN: Will the Chief Clerk --

CHIEF CLERK: I don't have that amended language right here.

SUNDBORG: I have it, Mr. President. Let me ask first was it

in the singular "residence requirement"?

CHIEF CLERK: "Requirements".

SUNDBORG: "Those citizens who legally voted at the general election of November 4, 1924, and meet the residence requirements of this section shall not be deprived of their voting rights by any provisions of this section or the constitution.

PRESIDENT EGAN: Is there objection to the adoption of the proposed amendment? If there is no objection it is so ordered and the amendment has been adopted. Mr. Barr.

BARR: I have an amendment.

PRESIDENT EGAN: Please read the amendment, the proposed amendment.

CHIEF CLERK: "Strike Section 2."

BARR: I ask unanimous consent for the adoption of the amendment.

MCCUTCHEON: I object.

BARR: I so move.

PRESIDENT EGAN: It seems to the Chair that there had already been an amendment offered striking Section 2 and it had been voted down by the Convention. 1, 2 and 3 had been ordered stricken.

BARR: I so move then.

CHIEF CLERK: 1, 2 and 3 were voted down.

PRESIDENT EGAN: Mr. Hinckel's proposed motion the other day to strike Section 1, the Chair held that that was the meat of the whole proposal and that inasmuch as that amendment striking Sections 1, 2 and 3 had been offered previously and voted down, that Mr. Hinckel's motion was out of order. Mr. Hinckel was going to attempt to insert in Section 1 almost the identical language that Mr. Taylor had offered to Section 1 and which had been defeated. But whether or not the deletion of Section 2, the Chair does not feel that Section 2 is really the meat of this proposal in the sense that Section 1 is.

BARR: Mr. President, that is my contention. Section 1 deals with the qualification of voters. Section 2 is only a detailed list of the things that the legislature shall provide.

PRESIDENT EGAN: Mr. Barr, the Chair will hold that your amendment is in order.

BARR: I move the adoption of the amendment.

PRESIDENT EGAN: Is there a second?

LAWS: I second the motion.

ROSSWOG: What is the amendment?

PRESIDENT EGAN: Mr. Barr's amendment calls for the deletion of Section 2 from Committee Proposal No. 1. Mr. Barr.

BARR: Mr. President, the reason for this amendment is that it deals with details which the legislature shall take care of in regard to our voting laws. It provides for registration, precincts, absentee voting, method of voting at election and contested elections. The legislature has authority to do all that, and I don't believe that it has a place in the constitution. The constitution should not go into such details. Therefore, I would like to have it stricken. We know that the legislature will take care of it.

SUNDBORG: Mr. President, I do not believe it is true that if we strike Section 2 that the legislature has the authority to do these things, and I do not believe that it is true that we say in Section 2 how these things will be set up. All that Section 2 says is the legislature may do so and so and shall do so and so, and without Section 2 I think it is a very serious question that the legislature could do these things. By what right could it do them? This is the authority to the legislature to do them.

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

BARR: It is a well-known fact that the legislature has authority to do anything which is not named in the constitution. The constitution is a restriction on the legislature for the protection of the people. If there is nothing mentioned in the constitution then of course the legislature has the authority.

MCCUTCHEON: Mr. President, I alleged the same fact here several days ago and I was quite thoroughly challenged on the floor by the various attorneys. I am still not convinced whether or not the legislature does have the right to act if the authority is not so delegated in the constitution.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: Mr. President, I would like to ask Mr. Hellenthal a question. I thought he stated the other day that in looking

up the authorities he had ascertained that unless the constitution did provide for absentee voting it is very questionable whether it can be legally done.

HELLENTHAL: That is correct, and Mr. Sundborg correctly stated the main reason for these insertions in Section 2.

UNIDENTIFIED DELEGATE: Question.

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

LONDBORG: Mr. President, I have one.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment by Mr. Londborg.

CHIEF CLERK: "Page 2, Section 3, strike 'judicially determined to be of unsound mind' and insert after 'person', 'found, in manner provided by law, to be of unsound mind.'"

LONDBORG: I move the adoption.

PRESIDENT EGAN: Is there a second?

BUCKALEW: I second the motion.

PRESIDENT EGAN: Is there discussion? Will the Chief Clerk please read the proposed amendment again.

CHIEF CLERK: "Page 2, Section 3, strike 'judicially determined to be of unsound mind' and insert after 'person', 'found, in manner provided by law, to be of unsound mind.'"

LONDBORG: I don't know if any discussion is needed. The reason for the amendment is to make it possible in case the legislature should want to set up some other method of determining insanity, such as a board or anything of that nature, they would be at liberty to do so and would take away the mandate that it should be judicially determined, which of course, the legislature can provide that method if they choose.

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

GRAY: Mr. Chairman, I wonder if that is covered by the Bill of Rights? Do we not have something that no one shall be deprived of life, liberty without due process of law? Regardless of how a person is judged unsound it must be by due process of law, and I believe myself "judicially determined"

means by due process of law. The wording is the same as far as I can see.

LONDBORG: I think it is obvious that the wording is not the same. The one states that it must be judicially determined and this makes it possible for the legislature to either have it judicially determined or by some other method.

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

KILCHER: I move and ask unanimous consent that the Chair as a general practice in the future will entertain a motion to the effect that a certain proposal will be forwarded to the Committee on Enrollment and Engrossment.

PRESIDENT EGAN: You mean when a proposal is, are you asking that a new rule be adopted?

MCCUTCHEON: Point of order. That appears to me to be strictly the prerogative of the Chair.

PRESIDENT EGAN: Of course, if Mr. Kilcher wants to offer a new rule that is fine. The Chair will always give ample notice that any matter that is being referred to the Committee on Engrossment and Enrollment, but if you ask unanimous consent that it be adopted as a rule of the Convention, that is your prerogative, Mr. Kilcher.

MCCUTCHEON: I object.

KILCHER: I so move.

PRESIDENT EGAN: Mr. Kilcher so moves that the permanent rules be amended and a new rule which would be numbered 61 be adopted that a motion be entertained by the Chair prior to the referral of a proposal to the Committee on Engrossment and Enrollment. Mr. Davis.

DAVIS: I would like to suggest that Mr. Kilcher's motion is out of order at this time. We are concerned in working on another matter here. It has nothing to do with this at all. I think it is out of order at this time.

PRESIDENT EGAN: There is no second.

MCNEES: I would second it made under the proper circumstances.

PRESIDENT EGAN: Mr. Kilcher, it might be well if you would hold that until we are at the proper time. It would seem to

the Chair that Mr. Davis's objection is in order in that we have a particular subject before us.

KILCHER: Would the Chair instruct me as to what it considers the proper time?

PRESIDENT EGAN: Between the time that we would be referring Mr. Davis, would you suggest the proper time, what it would be?

DAVIS: I suspect that what Mr. Kilcher really wanted to do at the moment was to move that this particular proposition be sent to Enrollment and Engrossment.

KILCHER: No.

DAVIS: Then if I am wrong on that I would say the proper time would be as soon as we have finished working on this particular proposition.

PRESIDENT EGAN: I would say that too and the President will call that to your attention at that time, as soon as there are no amendments to be offered to this proposal, then you would be in order to offer the motion. Mr. Harris.

HARRIS: Mr. President. I would like to move that the Convention stand adjourned until tomorrow morning at 9 o'clock.

ROBERTSON: I second the motion.

PRESIDENT EGAN: Are there any committee announcements? Mr. Hellenthal.

HELLENTHAL: Committee VI will meet at 8 o'clock at Room 1009 in the Polaris Building.

PRESIDENT EGAN: Committee VI on Suffrage will meet at 8 p.m. in Room 1009 of the Polaris Building. Are there other committee announcements? If not, we have a motion before us that the Convention stand adjourned until 9 o'clock tomorrow morning. The question is, "Shall the Convention stand adjourned until 9 a.m. tomorrow?" All those in favor of the motion will signify by saying "aye", all opposed by saying "no". The "noes have it and the Convention has not adjourned.

UNIDENTIFIED DELEGATE: Roll call.

PRESIDENT EGAN: The vote has been announced. Do we have an amendment now before us?

COGHILL: I move that the Convention stand adjourned until 9:05 tomorrow morning.

PRESIDENT EGAN: Mr. Coghill, you will have to have some business transpire first.

HERMANN: Mr. President, I wish to rise on a matter of personal privilege. I wish to congratulate the Judiciary, the Committee on the Judicial Branch, for being the only committee in the Convention that managed to hit its target date in producing its committee proposal and to remind them that it is later than you think and we still have no reports in from some of the very important committees.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: Mr. President, I would like to rise on a similar matter of personal privilege. I would like to point out that there are a number of other committees that have finished work upon their proposals and they are in the mill, and it is not their fault that they have not been able to come on the floor for an actual formal report.

DOOGAN. I would like to point out that this body took some action here awhile ago that every time personal privilege was granted that the soundscriber and stenotypist would be shut off, and to date there has been about four or five personal privileges and everything has gone on as usual.

PRESIDENT EGAN: If the Chair could have the personal privilege for just a moment, the Chair would like to congratulate the chairmen of all the committees for the long and hard hours that they have put in on committee work. Mr. Davis?

DAVIS: Mr. President, at this time I would move that Committee Proposal No. 1 as submitted be sent to the Committee on Engrossment and Enrollment.

SUNDBORG: Point of order. I believe that Mr. Kilcher attempted to make a motion and that the Chair said he would advise Mr. Kilcher.

PRESIDENT EGAN: Mr. Sundborg, your point of order is well taken. Mr. Ralph Rivers.

R. RIVERS: Point of order. I am not sure but what there might be still some amendments pending.

PRESIDENT EGAN: The Chair had informed Mr. Kilcher with the apparent consent of the body, because there was no objection, that he would allow Mr. Kilcher to make such a motion as he had attempted to offer at a time prior to the time that the proposal should be sent to the Committee on Engrossment.

DAVIS: Aren't we on exactly the same business now as we were then? That was what I was trying to do was to dispose of it.

PRESIDENT EGAN: Mr. Davis, that would probably be in line with the idea that the reason that Mr. Kilcher was asking for permission to offer the motion that he had offered.

R. RIVERS: Point of inquiry. Is there any other proposed amendments on the Clerk's desk?

HELLENTHAL: There are two amendments on the Clerk's desk, both of which were presented yesterday by Mr. Taylor, who is absent today. I have scanned the amendments and both of them I believe, have been taken care of by the action taken care of today. They are similar to other amendments that have been considered. However, in the absence of Mr. Taylor, although I don't think the amendments are of any consequence any more since today's action, I would hesitate to ask that we refer the matter to Engrossment.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I am not an expert on rules, but I believe it has always been the custom for the President to move these different measures on after they have been acted on on the floor to committee or to Engrossment and Enrollment, and I don't believe Mr. Davis's motion is in order. That would have the effect of cutting off debate.

PRESIDENT EGAN: Mr. Barr, you are correct that that has been the general procedure but the Chair had given Mr. Kilcher to understand that he could offer a motion to amend these permanent rules at such time as it was decided that amendments had been completed to Committee Proposal No. 1. Mr. Ralph Rivers.

R. RIVERS: Point of inquiry. I understand we have not reached that stage, that there is still a proposed amendment on the Clerk's desk.

PRESIDENT EGAN: Then we have not reached that stage, Mr. Rivers. Mr. Sundborg.

SUNDBORG: I move and ask unanimous consent that Committee Proposal No. 1 be continued in second reading.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that Committee Proposal No. 1 be continued in second reading. Is there objection?

BUCKALEW: I object.

MCNEALY: I second the motion.

SUNDBORG: I so move.

PRESIDENT EGAN: Mr. Sundborg so moves, Mr. McNealy seconds the

motion that Committee Proposal No. 1 be continued in second reading. Mr. Sundborg.

SUNDBORG: Mr. President, the purpose of my offering this motion is to give us a chance tomorrow when Mr. Taylor, who is the author of several amendments, is present to consider the amendments which he would propose, and I would say that another purpose of it is to get Committee Proposal No. 1 from in front of us so that it may be the proper time for Mr. Kilcher to make his proposed motion for a change in the rules.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I think it is extremely foolish to hold this matter up because one of the delegates is not here. He is not ill and so I think it is poor policy to start because some member does not show up to hold up the whole proceedings of the Convention. That is the reason I object.

MCNEALY: It appears to me from the talk and without any reflection on anyone that the type of amendments and discussions and the various things here are to a point where a good many of the delegates who apparently worked hard all day and are getting very tired, and if we had a playback on some of this, I have been sitting back here listening and not talking, I think it would reflect the tired thoughts of the delegates, and I believe that leaving Mr. Taylor out of it, even it would be well to consider this in the morning and after a good night's sleep. That's the reason I seconded the motion.

MCCUTCHEON: Mr. President, I would be disinclined to vote for the motion as set forth by Mr. Sundborg by virtue of the fact that it might be establishing a precedent in the fashion in which we could hold back any material before this house. In other words, some delegate could write out a string of amendments to something and disappear for several days and we would have to hold it up in deference to the one delegate who wasn't here in order to take care of those amendments. I am in sympathy for Mr. Sundborg's attitude, but I dislike the way he has put it for the record.

METCALF: May I withdraw my second for Mr. Sundborg's motion?

PRESIDENT EGAN: Actually the motion is not debatable because it is a suspension of the rules and the question is, "Shall Committee Proposal No. 1 be held over in second reading?" All those in favor of the motion will signify by saying "aye", all opposed by saying "no". The "noes have it and the proposal has not been carried over. Mr. Gray.

GREY: Mr. President, I move we adjourn until 9:05 tomorrow morning.

V. RIVERS: I second the motion.

PRESIDENT EGAN: Mr. Gray moves and Mr. Victor Rivers seconds the motion that the Convention adjourn until 9:05 tomorrow morning.

GRAY: I ask for a roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 29 - Armstrong, Awes, Barr, Coghill, Collins, Cross, H. Fischer, Gray, Harris, Hellenthal, Johnson, King, Knight, Laws, Londborg, McLaughlin, McNealy, Nolan, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sweeney, VanderLeest, Walsh, White, Wien.

Nays: 23 - Buckalew, Cooper, Davis, Doogan, Emberg, V. Fischer, Hermann, llilscher, Hinckel, Hurley, Kilcher, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Riley, Sundborg, Mr. President.

Absent: 3 - Boswell, Stewart, Taylor.)

DOOGAN: Mr. President, may I change my vote to "no"?

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

CHIEF CLERK: 29 yeas, 23 nays and 3 absent.

PRESIDENT EGAN: So the Convention stands adjourned until 9:05 a.m. tomorrow. The Convention is adjourned.