

ALASKA CONSTITUTIONAL CONVENTION

January 4, 1956

FORTY-THIRD DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Alwyn Reiners, of St. George's in the Arctic, the Episcopal Church of Kotzebue. The Reverend Reiners will bring our daily invocation.

REVEREND REINERS: Let us pray. Almighty God who has given us this good land for our heritage, we humbly beseech that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from pride and arrogancy and from every evil way. Defend our liberties and fashion into one united people the multitudes brought here out of many kindreds and tongues. Imbue with the spirit of wisdom those to whom in Thy name we entrust the authority of government that there may be justice and peace at home and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. In the time of prosperity fill our hearts with thankfulness and in the day of trouble suffer not our trust in Thee to fail. All which we ask through Jesus Christ our Lord.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll at this time.)

CHIEF CLERK: Seven absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. The President would like to state that the President regrets the delay. Are there any petitions, memorials or communications? Are there reports of standing committees?

AWES: Shortly before we recessed the Committee proposal of the Bill of Rights Committee was passed out. I am now told that some of those were incomplete, that in some of those proposals the article on Health, Welfare and Education was omitted and that the two minority reports were omitted. So if the members want to check their reports and if they are incomplete, they can turn them in and get others.

PRESIDENT EGAN: Thank you, Miss Awes. Are there other reports of committee chairmen? If not, are there reports of select committees? Mr. Gray?

GRAY: I imagine the report on the hearings are select committees. Is that correct?

PRESIDENT EGAN: It might be considered that, at this time, if

there is no objection, Mr. Gray.

GRAY: Well, at this time according to our rules of organization on the public hearings, a brief report shall be submitted to the Convention by each committee not later than January 6. The report of the Juneau Committee has been mimeographed and is on your desk. The importance of the Juneau Committee, as I see it, was the very very good reception we received from the people and the increased interest in the Juneau area. I am bringing it to everybody's mind here and for the reason that the Convention is getting credit for doing a good job all the way through -- that is what we heard. The most important thing I found in the hearings is the faith that the Convention has from the people. We covered three public meetings, one Chamber of Commerce meeting, two service club meetings and one high school civic's class between the Juneau delegation. The public hearings were divided into two parts. The first part was a report to the people. That is where the committee members explained their article or particular phase, because we had to assume that the people in the remote areas, (that's Juneau) did not know maybe what had been going on for the past five weeks. We picked the problem up at the beginning and carried the Convention to them in detail, and one of the basic troubles we had, and I think probably every person who held a hearing, the proposals came out just in the last minute, and the people did not have an opportunity to read them. We brought down many spare proposals but were far shy of requests for proposals, and it brought us to reading to the people what the proposals were. That was a matter of public education and it was the initial explanation of the constitutional articles. Part two was a formal hearing. In part one, as we explained it, members of the audience arose at any time and asked questions for clarification or to state their opinions which was really the heart of our meetings in Juneau. Part two, the formal hearing, was definitely called and any member or any person who wished to appear officially before the panel and state his opinion or state his ideas was given the opportunity, and those who wished to file a statement for the official records were invited to do so. Those people, you will find, are listed in our report. The importance of the public hearing to ourselves was the same as the board of equalization in your tax structure. They were given an opportunity, the important thing is that they were given an opportunity to express their opinions to the Convention, and whether they utilized it or not it was well to have it. But the main thing was they did have the opportunity, that was the important thing. The fact that the report of the Juneau committee is on your desk this morning is due to the very fine work of the Secretary of our panel, Dora Sweeney. I thank you, Dora, very much.

SWEENEY: Just one more thing. The statements which are reported in the mimeographed report are on file with the Secretary of the Convention, and so those who wish to see them may see them. I

also received a statement on Proposal No. 6, the Local Government, and this is not mentioned in that report, and I will turn it over now to Mr. Rosswog, and those who are interested in Local Government can contact him.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, similarly as a result of the Juneau hearing I have received a statement from Don Dafoe with respect to the article on the executive, and I have turned that over to Mr. Victor Rivers.

PRESIDENT EGAN: Are there other reports of committee chairmen of those committees? Mr. Rosswog.

ROSSWOG: Mr. President, I can report for the hearings in

Cordova. At the Chamber of Commerce luncheon on the 27th there were about 15 members present and I gave a little talk on apportionment. They were very satisfied but of course, the boundary questions came up there. On the Thursday of that week I did set a hearing but we were stormed out and so our hearing was held on January 1 in the evening of New Year's day. They had a very fine turnout of about 53 people and a lively discussion. I have some suggestions that I will pass on to different committees, and I too found a lot of interest, more interest than I had thought and more people that are following this Convention and stated that they were very pleased with our work here but of course they had suggestions on the different articles.

PRESIDENT EGAN: If there are no further reports, the reports can be made at a later time. Are there any other reports? Mr. Boswell?

BOSWELL: Hearings were held here in Fairbanks on the 29th in the Federal District Courtroom between 2 and 5 p.m. in the afternoon and 7:30 and 10:00 in the evening. We had about 60 to 70 in the afternoon and about 50 in the evening. We had 16 delegates on our panel, four of whom were committee chairmen, so we were able to give the people a good explanation of everything. Our agenda covered the eleven substantive parts of the constitution, and we were able to get through all of them in two sessions, five in the afternoon and the balance in the evening. Two hours of the afternoon session were broadcast by KFRB and KFAR soundscribed two hours for later broadcast. We have complete minutes of these hearings, and they will be on file shortly.

PRESIDENT EGAN: Mrs. Fischer.

H. FISCHER: Mr. President, the report of the Anchorage delegation is being typed at this time, but I would like to say that other than the hearings there were many television programs at which all of the Anchorage delegates took part. I think perhaps

they were the most informative for the greatest number of people because of the snowbound conditions of Anchorage.

PRESIDENT EGAN: Mr. Harris.

HARRIS: Mr. President, the Valdez committee hearings were held on the 27th of December. They were well attended and it was held more or less on an informal basis, letting the people ask questions. We attempted to explain the proposals from the time that the Convention started up to the work that we are intending to do, and we had very lively discussion, a very good group of interested people, and I think the committee hearings were very well received.

PRESIDENT EGAN: Thank you, Mr. Harris. Mr. Knight.

KNIGHT: Mr. President, I was unable to arrange for a public meeting in Sitka. However, I did appear before the Chamber of Commerce luncheon on the 30th. In view of the fact we were not able to have a public hearing I arranged for a radio broadcast, and I was on that for 45 minutes and explained to the general public the procedure we had developed, and gave them a resume of the Tennessee Plan. It was very well received. I was complimented the following day. It kindled their interest so I am happy to report that.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, Mr. McNees really should make this report but I have been communicating with him in deaf and dumb language and he has indicated beyond doubt that he prefers to have me make it, probably in deaf and dumb language also. I held the hearings at Nome with Mr. McNees's very able assistance on the 28th of December. We also had the coldest day of the year for the occasion, but I am very proud to state that I think we had the largest meeting held anywhere in Alaska because we had over one hundred out and a great deal of interest was shown. Participation, audience participation in discussion was had, and we had another very fortunate occurrence -- we had the services of a stenotypist who donated them and a complete report will be available for all members of the Convention in time. The principal things that I learned myself from this meeting were that Nome does not like the apportionment plan and that they are against the 19-year-old voting age, and they are not too happy with the judiciary article. I suppose that everybody who conducted hearings found similar differences of opinion, but like the others who have reported, I am happy to say that the people of Nome are distinctly interested in what we are doing over here and have a very friendly attitude toward the Convention as a whole. I have found no criticism of the action of committee members. They did realize that they probably were not in full accord with some of the things we were doing, but it might be necessary to give a little here and take a little

there. I also spoke at a full meeting of the Chamber of Commerce and Mr. McNees could not get there, having been chasing around over the stratosphere for two or three days attempting to land, and likewise at a full meeting of the Rotary Club. By that time I had expected them to be tired of hearing of the Constitutional Convention, but I found that on the contrary, the interest increased rather than diminished as we held the different meetings. If the weather had been a little better we would have tried for some afternoon meetings also, but we were advised against that by the Chamber of Commerce which sponsored our public hearing, and that is another thing I felt very pleased over was the interest in the Chamber in taking charge of and sponsoring the hearings so that everybody could come. We had a mixed audience. We had many Eskimos, and they participated in the discussion quite as much as the whites did and showed as much interest in the Constitutional Convention. We had at least one member who was against most everything, but the rest of them limited their criticisms to one or two articles as written. I think it is most unfortunate that we could not have had the proposals, the committee proposals a little earlier. I had not got them myself in time to feel too proficient in discussing them. I do want to take off my hat in deaf and dumb language to Mr. McNees who explained the apportionment article very ably and carried his audience right along with him in his discussion of it and for the rest of the time we just sort of took turns handling it. I envied the ones who had 14 to hold a hearing, because when it falls upon two or one, as in the case of Mr. Rosswog and some of the others, it becomes sometimes a little frustrating.

PRESIDENT EGAN: Thank you, Mrs. Hermann. Mr. Londborg.

LONDBORG: I would like to follow through with the hearings out along the Bering Sea. I was able to hold our hearing at Unalakleet according to the proposed schedule, and I found the village was very much interested in the Convention. In fact, the first thing they asked me, several of the people, "Are we going to have a report on the Convention?" And I talked with the mayor of the village and told him it was up to them if they really wanted one, and they made arrangements for the school building and the time set and put out the posters and everything else, and I was very pleased to go over there on a stormy night and find over 50 out, a good ten per cent of the population. I do have copies of the statements that were taken down by one of the ladies, and I will try to get them in duplicate form to pass around as soon as possible. The local government proposal, of course, took a great deal of the time. They were very much interested in that, to find out just what they would have as far as local government. We spent some time on the Tennessee Plan and someone suggested even taking a little vote whether they should back such a plan, which they did, and then, of course, being a Native village, the Marston plan was brought up and discussed and as a whole I felt that

they were really interested in the Convention. Then, on Thursday evening, two days later, I was able to be at White Mountain and there we had over a third of the people out on very short notice. A third of the people makes about 35 or 40 in that village, and a very inspiring group to talk to and to hear from. I don't have a set of the statements from that particular group. The person that I thought was taking the statements did not take down as complete as we had at Unalakleet. Then yesterday I had the privilege of being at the Chamber of Commerce meeting in Nome and found that there was not much that could be added to the information that Mrs. Hermann and Mr. McNees had already given them, but they did of course have a chance to think over some things and raise a few questions, and I am sure that the comments in all three places will be profitable to the various committees.

PRESIDENT EGAN: Thank you, Mr. Londborg. Mr. Hinckel.

HINCKEL: I too, addressed a meeting on the 22nd, Thursday afternoon, a comparatively small group, but those people that were there were much interested. The subjects they were most interested in were local government and apportionment. The apportionment plan they were very happy with. The local government plan they could not seem to understand too well, probably due to the fact I was not able to explain it too well. I did considerable study to it myself before attempting to explain it, but I find it appears to me even a little vague. They were afraid that by approving it they would not know exactly what they were approving. Another very definite expression they did make was on the voting age. Of the 35 or 40 people who were at the meeting there were only five who felt that the age should be changed from 21. The rest very definitely stated they disapproved. I can make up a written report and will.

PRESIDENT EGAN: Thank you, Mr. Hinckel. Mr. McNees.

MCNEES: Following the hearing in Nome I went on into the little Arctic village of Kotzebue but we were unable to arrange a general public hearing for the town, but I did speak informally to three different groups there, one of seven, one of nine and another group of fourteen, as well as talking to many, many individuals up there. I did go in there for an afternoon and evening and spent three days trying to get out. Kotzebue will study the proposals. I left two complete sets there, one with Edith Bullock, Representative, and another with Erv Wheeler, the President of the Chamber of Commerce in Kotzebue. They will have formal meetings in Kotzebue sometime during this week and will forward any comments or opinions to this group. I will also make a written report of those hearings at a later date.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: The local hearing at Nenana took place on December 27,

in the Civic Center. Our attendance was not too good. However, we did have a roundtable discussion. We had ten sets of proposals on hand and all of them were placed throughout the community after the meeting, and we did go through all of the 13 proposals and discussed, and I tried to explain each one of them. The comments were brought out mostly on the judiciary. They were very much opposed to the judicial plan. They opposed my personal stand on the 18-year-old voting. They thought that the 21 voting age was logical. They too had a terrific time trying to understand the local government proposal, and we spent quite a lot of time on that. They approved the apportionment plan 100 per cent. They thought it a very fine plan. They knew we would have to give concession to larger populated areas but at least now are assured of some sort of representation. Also, on the bill of rights, we went over that quite thoroughly and it brought some comment. One thing that was brought out in our hearing that the people were quite concerned in having some sort of a guarantee or insurance in our constitution on insurance or social funds, such as the retirement fund or the unemployment security fund, so it cannot be tampered with by each legislature. That was the extent of our Nenana hearing. However, afterwards, why it seemed that every day there were three or four in the store asking or talking about certain parts of proposals, and I had to keep my committee proposal booklet with me at all times because of the comments. I have sent committee proposal packets to McGrath, Aniak, Bethel, Holy Cross, Galena, Ruby, Tanana and Fort Yukon, and I am hoping to hear from them. I have had a letter from Bethel and they are very impressed with the apportionment portion of the Constitutional Convention. However, I think that the thing we have accomplished by our public hearings is the fact that we are letting the public in on our procedure and letting them have their say before it goes into final reading.

MCCUTCHEON: Point of personal privilege. I would like to direct a question to Mr. Coghill through the Chair.

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

MCCUTCHEON: I would like to have Mr. Coghill amplify a little bit his remark about tampering with the legislation when they were discussing in regard to unemployment security. I don't quite understand why the legislature should be denied the privilege of tampering with it. I don't quite understand that.

COGHILL: Maybe I misquoted myself on that. The thing they were concerned in was the fact that if they pay into a fund that the fund will be solvent, such as the Teachers' Retirement Fund, or any other retirement fund that might come up or like, some folks down there have been working for four or five years and now that they are unemployed and they apply for unemployment insurance, why they found that all they get is a yellow slip stating the Employment Security owes them that money.

However, the money is forthcoming at some other time. It was a local problem and they were just asking for some sort of assurance in the constitution that retirement or social benefit funds will be safeguarded.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I hesitated quite awhile, did not know whether it was best to make my report first or last, but actually the people with whom I talked in Ketchikan were like all other people in Alaska intensely interested in the work done. I don't think that I heard any criticism, even of any committee proposal. I did have several constructive suggestions made and I will in turn pass them on to the various committees. I will say that the city government in Ketchikan, the City Manager and the City Council approved the local government plan in principle. They made a few suggestions for changes, but they were very thoroughly in accord with the plan, and I think that held all the way through all of the committee proposals. There were naturally things that certain people did not like just as there are things I do not like in some proposals, but I think they will accept the document as a whole rather than to attempt to simply concentrate on what they do not like, and aside from the poor attendance at the hearings, I was very well pleased with the reception of the work of the Convention in Ketchikan.

PRESIDENT EGAN: Thank you. Mr. Smith. Mr. Emberg.

EMBERG: I wish to report in regard to the Bristol Bay hearing. I had a meeting on an informal basis at the Dillingham High School on the evening of the 27th. The weather conditions were very poor at the time, and that was not too good for the attendance. The hearings were informal which constituted mostly a discussion of the various articles. The predominant interest shown there was in the local government division and the resources article, and in the apportionment article. I tried to hold hearings at Naknek on the way back but I was weather bound at King Salmon at the air base there for two days. The roads were not open and there were no small planes flying at the time, so I had to mail out copies of the proposals to the Naknek Village. I have some comments that were made that I can pass along to the proper committees at another time in regard to suggestions. There was a great deal of interest in Bristol Bay in what this Convention is doing and their work, and the thing I would like to report here at this time is the fact that the apportionment article was very well received. They feel that under the divisions of that article that Bristol Bay and lower Kuskokwim will gain representation they have not had in the past from their own areas, and they are pleased.

PRESIDENT EGAN: Thank you Mr. Emberg. Mr. Metcalf.

METCALF: Mr. President, my hearing was a complete failure. It

was advertised before I left here for December 23 on Friday. It happened it was a terrific storm. The men were working on the boat and on the school plays and I had advertising on the radio four or five times and there was not a single soul who showed up except myself, but I did talk to a number of people, I suppose 25 or 30. The interest is mild but for the most part I would say 95 per cent are satisfied with the work that is going on here.

PRESIDENT EGAN: Thank you Mr. Metcalf. Mr. Kilcher.

KILCHER: Mr. President, I will first, what I might forget later, that my main interest in going home to Kenai Peninsula was to find out what the general atmosphere, if it had changed during my absence and if it had changed, how it had changed, and I am glad to report that what cynicism had existed and the negative critical attitude that had existed during the fall months had to a large degree disappeared, and there was a general willingness to face facts and issues objectively and that was a heartening experience in itself. Now as to the meetings themselves, they have been partly successful. The most successful part was a radio interview I had in Homer on the 23rd. The Editor of the Kenai Pioneer has also a little radio station there, and he had gathered a lot of questions from people previously and had nicely worked them into an interview which was a good form to approach the people with, and then there was a meeting scheduled the 29th, but that meeting was not very well attended because it was in the worst snow storm. Actually, only three cars were moving at that time, mine and two others, but a dozen or so other people had walked there. But these people were some of the more interested ones and probably could have been those who would have spoken any way, even if there had been a hundred around, so they represented different groups of interest of people, and we had a very lively discussion in spite of the small number present. And I was hard pressed in several respects and it was very satisfactory in my opinion. To mention specific items, the voting age of 19-year-olds was generally accepted and great satisfaction was also felt about the apportionment plan as it is. Local government I tried to explain as good as possible and with some success, I hope, and they would like to hear more about it however. One of the greatest points of interest was the initiative and referendum. As a matter of fact, one of the more articulate persons in the lower Kenai Peninsula, a critical man, yet fair and analytical in his mind, has been identified in the past as being opposed to statehood on very logical grounds. He has expressed his willingness to consider the constitution as a whole. He had several conditions, one of which was a very good initiative and referendum article, which he has used from his home state of Wisconsin. Also, I am seemingly patting myself on the back, because the same person and some of the others later on in informal statements have also expressed themselves very much in favor of initiative and referendum in what they call a democratic

safeguard but are also in favor of one of my delegate proposals, that automatic convention clause which I will later on bring in as the existing committee proposal. As a whole the venture down there I think was rather successful. I talked to larger groups of people in informal meetings in various places, community halls and street corners and other places where one most likely finds people during the Christmas holidays, and we had a lot of lively discussion, and I expect to hear from the people down there off and on during the next four or five weeks.

PRESIDENT EGAN: Thank you, Mr. Kilcher. Mr. King.

KING: Mr. President, we held our public hearing on the night of the 30th. That date, of course, was due to the fact that Delegate Riley attended the hearings in Juneau and we delayed the hearing until the 30th until Mr. Riley could attend the hearing at Haines. We were glad to have him. There was a lot of interest there and we went through all the proposals and explained them, and Mr. Riley left a complete set of the proposals at the school and they are going to do the same as here. The school is going to study them and work them into their class studies. I think the hearing was a success and it does not stop at the hearing. The fact is that during the holidays we had a lot of opportunity to talk to these people prior to the hearing and they would come in daily into our place and we would be able to talk to them, and I think that there is a great deal of interest, and I don't think there is any doubt that they are well pleased with what is going on here. I wired the Mayor of Skagway on two different occasions and on the night of the hearing he called and said he was unable to attend. The weather in that country was bad, too. He was very well pleased with the Convention here. He said that he had no comments to make other than he was very pleased. I will also have a written report to make.

PRESIDENT EGAN: Thank you, Mr. King. Mr. Hurley.

HURLEY: I simply rise to repeat practically what has been said and have reports of hearings at Palmer and Wasilla which I will place on the file with the Clerk.

PRESIDENT EGAN: Thank you, Mr. Hurley. Mr. Lee.

LEE: Mr. Chairman, I held a hearing in Petersburg on the 28th. We had between 50 and 60 people in attendance, and it was very well received. A great deal of interest was shown. A number of questions were asked and discussed. I found considerable opposition to the present apportionment plan and also in the language regarding fisheries in the resources plan. I will write out the minutes and they will be on file.

PRESIDENT EGAN: Thank you, Mr. Lee. Does anyone else have a

report to make on the hearings? Mr. Johnson.

JOHNSON: May we have a 15-minute recess?

PRESIDENT EGAN: Mr. Johnson asks unanimous consent that the Convention stand at recess for 15 minutes. Is there objection? Hearing no objection, it is so ordered. The Convention will stand at recess for 15 minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there any other hearings reports to be presented at this time? If not, we will -- Mr. Barr.

BARR: Mr. President, I don't have a hearing report. I was a member of Mr. Boswell's committee here but I thought maybe the Convention would like to hear that I was invited to address two different high school classes on the Convention and how we were writing the constitution, and I was amazed at the interest the students took and the variety of questions they asked. Of course, I did not get much of an expression of opinion from the students. However, since they were all young people I did want to find out how they felt about the voting age. So I explained arguments for and against the younger people voting. Of course, you know I am for the older people, but I gave them an equal number of arguments on both sides because I wanted to hear an impartial opinion. It came out this way. We voted on it by ages with the raising of hands and both classes had a very low vote for the 18-year-olds. One class I remember there were two votes out of 30 for 18-year-olds, and the other was a like number -- two or three, something like that. On the 19-year-olds one class had a majority for the 19-year-olds but a very small majority over the 20-year-olds. The other class was about four to one for the 20-year-olds. I will say that the 21-year-olds also lost by about two or three. I would say generally they favored the 20-year-olds.

PRESIDENT EGAN: Thank you, Mr. Barr. Mr. White.

WHITE: The Committee on reading the journal has no report today and would call attention to the delegates to the fact that journals for the 36th, 37th, 39th, 40th, and 42nd days are on the desk for which we will ask approval for tomorrow. I would like to also call attention to the mimeographed correction sheets that have been placed on the desk for the journals of the first, second, third and fourth days, the approval which we will ask for tomorrow.

PRESIDENT EGAN: If there is no objection, the reading of the journals then will be held over until tomorrow. Are there any proposals to be introduced at this time? Are there any motions or resolutions? Unfinished business? Under unfinished business

we are down to the article on the initiative and referendum. The Chair has been wondering if whether or not it would be better to recess now and allow all the delegates to come up to date in their minds as to just where we were when we left off on the initiative and referendum article. It could be taken up immediately following this recess at the afternoon session, and everyone would have had an opportunity to refresh themselves as to just where we were on that subject. The Chair would entertain some discussion on that. Mr. Marston.

MARSTON: I move and ask unanimous consent that we recess until 1:30, at that time to take up the initiative and referendum.

PRESIDENT EGAN: Before the Chair would put any question, the Chair would like to request all the committee chairmen to meet at a luncheon meeting at 12:30 in the luncheon room upstairs. Mr. Riley.

RILEY: Mr. President, I would like to call a meeting of the Rules Committee immediately upon recess in the rear of the gallery.

PRESIDENT EGAN: There will be a meeting of the Rules Committee immediately upon recess in the rear of the gallery. Mr. Rosswog.

ROSSWOG: The Local Government Committee will meet at 11:30 in the committee room.

PRESIDENT EGAN: Local Government Committee will meet at 11:30 in the committee room. Mrs. Sweeney.

SWEENEY: Engrossment and Enrollment immediately upon recess.

PRESIDENT EGAN: The Engrossment and Enrollment Committee will meet immediately upon recess. Mrs. Fischer.

H. FISCHER: Mr. President, the Anchorage delegation that attended the hearings in Anchorage will meet immediately following recess in the gallery.

PRESIDENT EGAN: The Anchorage delegation that attended the hearings will meet immediately following recess in the gallery. Mr. McNealy.

MCNEALY: The Committee on Ordinances will meet immediately upon the recess.

PRESIDENT EGAN: The Committee on Ordinances will meet immediately upon recess. Are there any other announcements to be made by the committees at this time? If not, Mr. Marston moves and asks unanimous consent that the Convention stand at recess until 1:30 p.m. Is there objection? Hearing no objection, it is so ordered and the Convention is at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to bring to the attention of the Convention the fact that we have with us once again our Secretary who had departed from us because of illness. We are happy to have him back with us. We are also happy to have his wife with us. As you know, the Secretary became a married man during the course of his recuperation. (Laughter)(Applause)

HERMANN: Is that the kind of heart trouble he had?

SMITH: Mr. President, I would like to ask unanimous consent to revert to committee announcements.

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

SMITH: There will be a meeting of the Resources Committee this evening and we will meet in the lobby of the Northward Building at 7:30.

PRESIDENT EGAN: There will be a meeting of the Resources Committee in the lobby of the Northward Building at 7:30 this evening. Miss Awes.

AWES: The Bill of Rights Committee will meet at 7:30 this evening at Apartment 1009 in the Polaris Building.

PRESIDENT EGAN: There will be a meeting of the Bill of Rights Committee at 7:30 in Apartment 1009 in the Polaris Building. Mr. Rosswog.

ROSSWOG: The Local Government Committee will meet at Apartment 19 in the Alaskan Inn at 8 o'clock this evening.

PRESIDENT EGAN: There will be a meeting of the Local Government Committee at 8 o'clock this evening in Apartment 19 of the Alaskan Inn. Mr. Coghill.

COGHILL: Your Committee on Administration will meet immediately following adjournment this afternoon.

PRESIDENT EGAN: The Committee on Administration will meet immediately upon adjournment this afternoon. Are there other committee announcements? Are there other reports of committees. Mr. Sundborg.

SUNDBORG: I would like to make a report for the Committee of Committee Chairmen. At the luncheon meeting today the committee chairmen discussed the problem of a working schedule for the next few days and for the balance of the Convention, and it is the recommendation of the committee chairmen that we have no evening sessions of the Convention as a whole until next Monday

and that starting Monday evening we have committee sessions, Convention session nightly as long as may be necessary. The suggestion of the committee chairmen is that for the balance of this week that sessions of the Convention be held from 9 o'clock in the morning until 12 o'clock noon and that we do not run past 12 o'clock for the reason there is only one reporter here representing newspapers of the Territory and she must file daily by 12:20, and if we continue to go, part of the session will not be recorded as it takes a little time to prepare the file before she puts it in the teletype, and then that we take a full hour and one-half for lunch and permit the Rules Committee to meet as it probably will frequently, in order to settle the calendar; to permit the committee chairmen to meet at 12:30 as they have been doing, and to permit other consultation among delegates and among committees. Then that we meet in the afternoon starting at 1:30 o'clock and continue those meetings through this week until the hour of 5:40 daily, and the hour of 5:40 was recommended because there is a bus leaving here at 5:50, and it is thought that there will be fewer personal cars coming out to the Convention now that the weather is colder and now that we are going to be running later hours. The purpose of suggesting that there be no night sessions of the plenary sessions this week is to permit the committees to consider some of the suggestions made during recess at evening meetings, and the committee chairmen hope that the committees can pretty well finish their consideration of those suggestions and of other business which may be before them by Sunday, so that starting Monday we can have plenary sessions nightly. The committee chairmen would also like to suggest that individual delegates in making social engagements for evenings from now on make them only tentatively, as for example, "I will be glad to come unless we have a Convention session for that night". Looking over the body of work, it looks like we're going to have a good many evening sessions. The committee chairmen also suggest that we limit the number of recesses during the day and that we have recognized recesses of 15 minutes each at 10:30 and 3:30 daily. Mr. President, I am not sure whether I should put this in the form of a motion that we follow these suggestions or whether we just discuss it.

PRESIDENT EGAN: Mr. Sundborg, it might be proper in this case to ask if there is any discussion on the particular suggestions. There has been no motion but it is important enough that if there is discussion that perhaps a motion should be held until we allow, it is a little departure from the rules but if you have any suggestions to make to the suggestions as made by Mr. Sundborg, we will be pleased to hear from the floor at this time. Mr. Gray.

GRAY: I was wondering if the Committee had any consideration for the present bus setup. It might be quite possible that we will not get a bus out of Fairbanks until after 9 o'clock. Have you looked into that at all, George?

SUNDBORG: Do you mean a bus leaving for town?

GRAY: No, a bus leaving the town for the University. As I understand it, with the opening of the new school, it has made a problem of bringing all the youngsters in at one time when they used to have a split shift, and there is an extreme shortage of buses, and I believe that is what happened this morning. We had to wait for a school bus to discharge its pupils before it was available to ourselves. I don't doubt that that same circumstance may happen tomorrow too, and unless some clear-cut arrangement was made by the bus company, I am just sure you are not going to have a bus available until after 9 o'clock in the morning, and I think that should be considered by the committee.

SUNDBORG: That was not discussed in the meeting of committee chairmen, and I think most of us did not know about that problem.

PRESIDENT EGAN: Mr. Sundborg, the Committee on Administration is going to have a meeting at the time of adjournment this afternoon. That subject could be discussed and we could find out from the bus company just what the situation is and everyone could be advised of it prior to morning.

SUNDBORG: Perhaps our motion, if we entertain one here, should be only until the hours we met daily instead of the hour when we begin.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I was informed by the bus driver this morning that the reason he was late was that he had two buses in the ditch and he had to send a bus out and pull them out. He did not think that would happen again.

PRESIDENT EGAN: The Administration Committee will determine just exactly what the bus schedule will be for the delegates. Mr. White.

WHITE: I would like to inquire if the committee chairmen discussed a Sunday afternoon meeting?

SUNDBORG: It was not discussed at our meeting today.

PRESIDENT EGAN: It did not come up at the meeting. Is there discussion relative to a Sunday afternoon meeting this weekend? Mr. Coghill.

COGHILL: At the committee meeting it was the intention of the chairmen that this period up until we come into session Monday morning would be for having committee work completed. Apparently several of the committees are revamping their proposals and it was my understanding that that and only that was the purpose of

having the night sessions withheld or long session withheld until that time.

PRESIDENT EGAN: That is correct, Mr. Coghill. Does that answer your question, Mr. White, inasmuch as it might be that some of the committees, Resources, or Executive or Local Government, it might be necessary for them to have a meeting on Sunday afternoon. That particular time was not discussed, but Mr. Coghill was correct in stating that that was the reason for the recommendation.

WHITE: The unspoken intention was then to leave Sunday afternoon open for further disposition?

PRESIDENT EGAN: That is right. Is there further discussion? Mr. Sundborg?

SUNDBORG: If there is no further discussion, Mr. President, I would like to move and ask unanimous consent that, for the balance of this week, plenary sessions be held daily from 9 o'clock in the morning until 12 noon, that we recess from 12 to 1:30 for luncheon, then resume from 1:30 to 5:40 p.m., and that recesses of 15 minutes each be held at 10:30 a.m. and 3:30.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I question the right of the assembly to adopt such a course of action by a motion since a motion to adjourn or a motion to recess is always in order, and I think we might express approval of the committee's report and leave it as a matter of personal responsibility not to call for recesses at other times, but I question the wisdom of putting it in a motion.

PRESIDENT EGAN: Perhaps, Mrs. Hermann, you have a good point there. It might be just that there be a general understanding among the delegates, if there is not a majority objection that the suggestions as contained in the statement of Mr. Sundborg, be the manner in which the Convention will conduct its meetings until next Monday morning. Is there objection to that? Mr. Ralph Rivers.

R. RIVERS: I object. The basis of my objection is that, or I should say a different approach would be that I approve of the whole plan of the committee with the exception of Saturday afternoon this week. The various standing committees are going to be working on suggestions and sort of reappraising their situation after the public hearings. Style and Drafting has not gotten started yet and could possibly do some work on Saturday afternoon and a good many of these delegates have other arrangements in Fairbanks on Saturday afternoon, and by general understanding perhaps we can leave Saturday afternoon open for standing committee operations and other purposes. With that understanding I think we should all try to adhere to the schedule and

then set up as vigorous a schedule as necessary for the ensuing weeks. I would like to ask a question of Mr. Sundborg, however. That is how the staff is going to carry through from 9 in the morning until 5:40 at night and then also night sessions and how can the stenotypist stand that kind of marathon, and how can the secretaries keep up with all the journals, and why should we start night sessions next week?

PRESIDENT EGAN: Mr. Rivers, would you be acceptable to a two minute recess at this time? If there is no objection the Convention will stand at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Coghill, could you answer the question of Mr. Ralph Rivers relative to the help problem?

COGHILL: On the stenotypist, just before the two-minute recess was declared, it was asked about, in concern to having so much time for the stenotypist and the clerical help and upstairs, well, we have arrangements made to get another stenotypist to relieve the present one and also I don't believe that the boiler room will have to be fully staffed in the evening. I think they can catch up on their work during the day. As far as help, I think it has no bearing on how late we meet in the evening.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I think there is something we are all conscious of, and I think if some investigation was made and that is the heating situation. If this cold weather keeps up, it is going to be disagreeable working here unless we come with our mukluks and our parkas and what have you. Now I have looked this thing over, and the windows all along the upper part there are windows that open inward. They are loose in there. I think the engineer in charge of this building, if he would have those weather-stripped and shut off this door back here, it might be possible that those radiators would furnish enough heat. I think possibly the President can feel that cold air on the back of his neck. I think if we have the weather stripping there we will get away from some of this cold, because if it gets any colder, it is going to get very disagreeable.

PRESIDENT EGAN: I believe the Chairman of the Committee on Administration will take this up this afternoon.

TAYLOR: I sure hope he does.

PRESIDENT EGAN: If there is no objection, the suggestions as generally outlined by Mr. Sundborg then will be adopted as the general manner in which we will proceed until Monday morning with our meetings here. Are there any communications? Mr.

Victor Rivers.

V. RIVERS: Before we leave that order of business on committees I would like to ask if the committee proposal on the Executive be recommitted to committee for some slight reconsideration due to the information received during the recess.

PRESIDENT EGAN: If there is no objection, the proposal of the Committee on the Executive will be rereferred to the Committee. Is there objection? Mr. Riley.

RILEY: Mr. President, this is not an objection but the Rules Committee met this morning and the calendar will shortly be published and will be distributed this afternoon reflecting all proposals that Rules had in its custody at that time. Now there may be other matters recommitted, but the thinking of the Rules Committee was that if the Convention could see the entire roster of work before it at this time, it could better budget its time. Now this is being recommitted to Executive and perhaps there will be others, but insofar as possible to arrange with the several committees, it would be the view of the Rules Committee that the calendar to be distributed this afternoon will be in force with the slight chance of some revision from time to time as seems necessary.

PRESIDENT EGAN: That subject was brought up in the meeting of the committee chairmen, and it was more or less determined that by the time the Executive Committee, for instance, gets its proposal back on the calendar it would not have interfered with the calendar as it will be submitted by the Rules Committee, and the same will go for the other two committees at least that indicated that they might want to have their proposals back for some slight revision, so it will not interfere so far as we know with the calendar that will be presented by the Rules Committee. Mr. Hellenthal.

HELLENTHAL: Mr. President, at the last meeting held prior to the Christmas holiday Proposal No. 14 was not technically presented to the Convention for first reading, and I ask at this time that it be so presented and considered in first reading so that the technical objection can be met. It had not been mimeographed at the time when presentations were to be made, so I ask unanimous consent that Proposal No. 14 be considered in first reading.

PRESIDENT EGAN: If there is no objection, Committee Proposal No. 14 may be considered before us in first reading at this time. Is there objection? The Chief Clerk will read the proposal for the first time.

CHIEF CLERK: "Committee Proposal No. 14, by the Committee on Suffrage, Elections and Apportionment, LEGISLATIVE APPORTIONMENT."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. Mr. Rosswog.

ROSSWOG: Mr. President, I am not talking on this subject, but I want to request for the Local Government Committee that Proposal No. 6 be returned to the Committee for further revision, and I would also like to ask at this time that if any of the delegates have suggestions that they received at their hearings for the Local Government Committee, if possible, would have them in writing by tomorrow and if not possible, we would like to hear from them in our meetings.

PRESIDENT EGAN: Is there objection to having Committee Proposal No. 6, the Proposal on Local Government, returned to the Committee for revision? Hearing no objection, it is so ordered and the proposal is ordered returned to the Committee. The Chief Clerk may proceed with the reading or summarizing of communications.

SECRETARY: Mr. President, there is a telegram from Mr. Adlai E. Stevenson conveying his best wishes to the Convention and another one expressing his disappointment in not being able to accept our invitation to speak at our Convention.

PRESIDENT EGAN: The President would at this time like to state that he was at home when this wire came from Mr. Stevenson and took it upon himself to send Mr. Stevenson a message thanking him for the message and telling him we would be very happy to have him address the Convention if he could find time to do so, and this second telegram was the message in which he explained it would be impossible to come before us.

SECRETARY: Mr. President, there is a letter from Senator Warren G. Magnuson of the United States Senate commending the Convention on the effort it is undertaking. A letter from Colonel Ray J. Will of the Eielson Air Force Base thanking the Convention for its resolution expressing sympathy in the tragedy at Eielson Field.

PRESIDENT EGAN: And the donations of the delegates towards that tragedy.

SECRETARY: A communication from citizens of the Bristol Bay area wishing to point out that the area should be fully represented in any future legislative body in the state.

PRESIDENT EGAN: The communication from Bristol Bay mentions their desire for proper apportionment. The communications can be filed. Mrs. Hermann.

HERMANN: Mr. President, I think the communications should be repeated in the journal, particularly the one from the Eielson people, so they can be in our own private journals instead of

just on file.

PRESIDENT EGAN: Would you like to have the communications summarized in the journal?

HERMANN: I would really like to have them spread on the journal.

PRESIDENT EGAN: Mrs. Hermann asks unanimous consent that the communications that have just been read and summarized be spread upon the pages of the journal. Is there objection? Mr. Sundborg?

SUNDBORG: I object tentatively. I would like to ask the Secretary if they are very lengthy communications.

SECRETARY: No longer than a single spaced page letter. There are four or five.

SUNDBORG: I don't object then.

NORDALE: I object. We have not done that with the other communications. I don't see why when they are on file in the Secretary's office it is necessary. However, I would like to move that the telegram from Adlai Stevenson be spread on the record.

HERMANN: There still is objection. I so move and if I get a second I will explain why they should be in the journal.

TAYLOR: I second the motion.

PRESIDENT EGAN: The motion is open for discussion. Mrs. Hermann.

HERMANN: Mr. President, my principal reason in asking they be spread upon the journal was so we would get the telegrams from Mr. Stevenson on our official records and also the letter from Senator Magnuson, and I think since all of us contributed to the fund for Eielson relief that we should have that on the record also. I am not sure but what we should go back and have a copy of our own letter in the record in that case. I don't insist on that. I don't think that will unduly encumber the record. Those are matters of somewhat important historical interest in the handling of the Convention's business.

PRESIDENT EGAN: The Chair believes that it might be well to state that so far as the Chair feels that if a letter came from Vice President Nixon or President Eisenhower or any other outstanding figure should be received that it should receive the same consideration of being at least read before the Convention and possibly placed in the journal. Mr. Coghill.

COGHILL: Point of information. Are the telegrams sent by Vice President Nixon spread upon the journal in full in the beginning

of the session?

PRESIDENT EGAN: So far as the Chair knows, they were. Did Vice President Nixon send a communication?

COGHILL: Right at the first part.

PRESIDENT EGAN: Mr. Gray.

GRAY: Mr. Chairman, I am going to vote against the measure not because I don't appreciate the sentiment, but we have had many, many communications that were really worthy of being spread on the record, and we have not done so, and we are implying that these are more important than the previous ones. Tomorrow we are going to have some other ones. The very fact we have proceeded in this manner and have tried to maintain it a working journal, I believe we ought to follow the system we have used in the past 43 days and not change it at this time. It has nothing to do with the worthiness of the project, but I do believe we are setting up a criterion of shall it or shall it not go in that will have to be handled with every single communication to come before us, and it is going to be hard to call the points.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I tend to agree with those comments. I am particularly concerned with the inclusion of the communication from Bristol Bay. It might be a very worthy suggestion, but here is an outstanding breach of our past practice where we have had a good many suggestions made to us in various forms, either to the committee or the Convention as a whole and none of them to my knowledge have been spread upon the record. I particularly object to the inclusion of that one in the journal.

HELLENTHAL: Question.

PRESIDENT EGAN: The question is, "Shall the communications be spread upon the pages of the journal?"

V. RIVERS: Has the Secretary read all the communications yet?

SECRETARY: There is one from the Attorney General.

PRESIDENT EGAN: The only other communication is a communication from the Attorney General giving an opinion as to the date we have to adjourn. That, the Chair felt should be read in its entirety in any event and possibly mimeographed for all the members of the Convention at a later date, but we did not come to that particular communication as yet. At the present time we are speaking of the communications that related to other things and the official business of the Convention. Mrs. Hermann.

HERMANN: I might say, Mr. President, that I think this is quite a line of demarcation on the type of communications we have had here, and many of them have been for the information of members of the group in regard to the work they are doing. I think they were very properly referred to committees, and it was not necessary they be considered by the body as a whole. But certainly I do feel that communications from any person of prominence in the country wishing us success and what not in the writing of a state constitution belong in a journal for their historic interest if for no other reason.

PRESIDENT EGAN: The question is, "Shall the communications be spread upon the pages of the journal?" Mr. Poulsen.

POULSEN: I request a roll call please.

PRESIDENT EGAN: The Chief Clerk will call the roll. Mr. Marston.

MARSTON: Would this mean now all the communications received now would be put on the journal or just starting now?

PRESIDENT EGAN: The motion pertains to these particular communications before us at the present time, Mr. Marston. The Chief Clerk will call the roll.

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

Yeas: 17 - Cross, H. Fischer, Hermann, Hilscher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Taylor, VanderLeest, Walsh, Mr. President.

Nays: 32 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, Johnson, Kilcher, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog, Sundborg, Sweeney, White, Wien.

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson.)

CHIEF CLERK: 17 yeas, 32 nays and 6 absent.

PRESIDENT EGAN: And so the motion has failed and the communications will not be spread upon the pages of the journal. Mr. Victor Fischer.

V. FISCHER: Mr. President, I would like to suggest that if this matter of inclusion of certain communications is considered of sufficient importance by the Administration Committee, they

might devise a method where at the end of the Convention, all of the communications could be included in a separate report which could be attached to the journals upon adjournment.

PRESIDENT EGAN: If there is no objection, the Administration Committee can take that matter under consideration. Mrs. Hermann.

HERMANN: I now move and ask unanimous consent that the Secretary read the communications in full.

PRESIDENT EGAN: Mrs. Hermann moves and asks unanimous consent that the Secretary read the communications in full. Is there objection?

METCALF: I object. We are taking too much time here, and we should get on with our business, at the rate of \$10.00 per minute.

H. FISCHER: I second the motion.

SUNDBORG: Question.

PRESIDENT EGAN: The question is, "Shall the Secretary read the foregoing communications in full?" Mr. Victor Rivers.

V. RIVERS: Mr. President. it seems to me we have one communication here from a man who has a good possibility of becoming the future President of the United States. It seems he would necessarily have something to say in regard not only to his wishes to us but perhaps in regard to his stand on statehood. It seems to me there is going to be other communications of like nature. In fact, I have a copy of one in my pocket now that will be gunning through the Convention shortly. It seems it would be a good thing to have them on record, and I think it is short-sighted and very thoughtless of this group not to have the communications of that type on the record in full in the journal and I notice that Delegate Hermann's position is definitely to get the communication in their entirety on the record because it could be a valuable implement to us in getting statehood or perhaps, keeping the support of a lot of statehood people in Congress and in the national administration at some future date.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I go along with Mr. Fischer's talk and Mr. Rivers', and Delegate Mildred Hermann's. I think that all the communications should be printed and we should have them. We shut them off here. Why should the outside world communicate with us? The only reason I would vote against your motion was that you only took part of it. If you take them all, I'll go right down the line with you and fight for it.

PRESIDENT EGAN: The question is, "Shall the communications be read in their entirety?" All those in favor of having the communications read in their entirety will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll'.

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

Yeas: 31 - Awes, Boswell, Coghill, Cooper, Doogan,Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, Knight, McCutcheon, McNees, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 18 - Barr, Collins, Cross, Harris, Hinckel, Johnson, King, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Reader, Rosswog.

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson.)

CHIEF CLERK: 31 yeas, 18 nays and 6 absent.

PRESIDENT EGAN: So the motion has carried and the Secretary will please read the communications in full.

(At this time Secretary Stewart read in full the communications from Adlai E. Stevenson, Warren G. Magnuson, Colonel Ray J. Will, and petition from 22 residents of Bristol Bay.)

SECRETARY: The communication from the Attorney General, do you wish, Mr. President?

PRESIDENT EGAN: Proceed to read the communication from the Attorney General.

(The Secretary read the communication from the Attorney General.)

PRESIDENT EGAN: Do the delegates feel that it would be necessary to mimeograph copies of that decision or is it sufficiently clear to you just what the decision is without having copies mimeographed? Mr. Sundborg.

SUNDBORG: Mr. President, I wonder if the attached opinion of an earlier date did not state that we would in fact be entitled to meet until 10 o'clock of the 76th day, that is until the hour of the 76th day on which we started on the first day?

PRESIDENT EGAN: That would be the natural presumption, Mr. Sundborg. I believe that in a news article the Attorney General stated that but that would be the natural presumption. Mr. Ralph Rivers, I believe a decision by you stated that previously.

R. RIVERS: As I remember.

PRESIDENT EGAN: The Secretary can read the opinion that was handed down in 1953.

(The Secretary read the 1953 opinion at this time.)

PRESIDENT EGAN: The time will have run out on this Convention at 10 o'clock a.m. on February 6. Mrs. Hermann.

HERMANN: Mr. President, I want to express my appreciation for having heard those letters. I got a lift out of them. I don't know whether the rest of you did or not, but I don't think we should ever decry the importance of getting a little inspiration into the journal.

R. RIVERS: I suggest that we are all clear on the subject matter of the Attorney General's letter and that it will be filed.

PRESIDENT EGAN: If there is no objection the letter will be filed along with the other letters. We have before us now Committee Proposal No. 3 on the initiative, referendum and recall. It is the recollection of the Chair that we held over on the last day before we recessed, consideration of an action. Mr. Riley.

RILEY: Mr. President, in order to resume discussion on a point given considerable treatment when last we met, I move now to bring on my reconsideration, touching on the amendment of line 20, page 2.

DOOGAN: I second the motion.

PRESIDENT EGAN: Mr. Riley moved, Mr. Doogan seconded the motion that the reconsideration of the matter that related to line 20, page 2, be before us at this time. Mr. Riley.

RILEY: At this point, Mr. President, I will ask unanimous consent that the rules be suspended in order that it be debatable.

PRESIDENT EGAN: If there is no objection, Mr. Riley asks unanimous consent that this reconsideration motion be debatable. Is there objection? If there is no objection it is so ordered. Mr. Riley.

RILEY: Let me preface my remarks by stating that in serving notice on the last Convention day that I wished to reconsider this matter, but today I do not have in mind any particular discussion of it but had thought that it would be the most expeditious means of holding it open, bearing in mind that earlier that week, or previous week, more or less discussion had occurred as to holding anything deliberately in second reading. It

was the final day before our recess and it seemed the simpler means of accomplishing the purpose of holding it open. At that time I had not given particular thought to the effect of the earlier amendment. You will all recall that this amendment was the one on which the vote was erroneously announced a day or two earlier. The effect of the matter as it stands now is that line 20 contains but three words, and I am referring to the original Article 3, if you have that one before you. I believe you all have a corrected copy before you and my reference to the corrected one would be on page 3, line 7, ending with the word "governor", but actually, to follow what I have in mind, reference should be made to the original Proposal No. 3 on page 2, line 20. After having served notice to reconsider, I gave this some thought to see if there were any substantive implications. Now as this article first hit the floor about three or four weeks ago, line 20 read, "by the governor nor amended or repealed by the legislature for a period of three years." This has to do with action which may be taken on an initiative measure once adopted by the people, following its adoption, what action may be taken by the governor or the legislature. Now, as all will recall, after the erroneous announcement of the vote on an amendment which proposed to end that sentence with the word "governor", the Convention continued consideration of that sentence and amended it so as to read "no law passed by the initiative may be vetoed by the governor nor may it be repealed by the legislature for a period of three years." The language prohibiting amendment by the legislature was stricken. The language remaining would allow the legislature to amend but would not allow the legislature to repeal an initiative measure for a period of three years. Later it was found that we had actually adopted the earlier amendment and had stricken all of that language after the word "governor". I have done a little checking as to the implications of leaving the matter as it stands now with a period after the word "governor" and find that if there is no language in the constitution regarding amendment or repeal of initiated laws that we are left in a state of uncertainty and that its meaning would be subject to construction in the courts. I find that 97 ALR 1046 states there is no general rule. It goes on to say that, "Courts are not agreed on the question whether in the absence of expressed constitutional or other provision prohibiting the amendment or repeal by the legislature of measures adopted by the people, such measures may be so amended or repealed. Most state constitutions do contain some provision for amendment and repeal or a prohibition against actions by the legislature. Silence in the constitution will mean that we will not know what powers, if any, the legislature will have with regard to initiated laws. The result would depend upon interpretation by the courts, and it is noted that the Washington and Oregon supreme courts have reached opposite results on this single question." Now I feel in pursuing this matter that if it is the wish of the entire Convention or a majority of the Convention to reopen the subject by favoring my motion to reconsider that

we will then be faced with a two step process. If my motion should prevail, it will restore the language as it was originally, as it appears in print on your mimeographed original, and the second step would then be to consider whether further modification is desired in the language which has been restored. That language was modified, mistakenly the other day. It was modified to read, "nor may it be repealed by the legislature for a period of three years", leaving the door open, as I see it, for amendment by the legislature in the event runaway initiative measures proved a hazard to the state or to the state's solvency.

PRESIDENT EGAN: Mr. Riley, if the Chair might ask a question here, were not the words may it be" inserted before this particular motion to change the rest of it was made?

CHIEF CLERK: Yes.

RILEY: It is my impression that that may have been the case. Now I would have to check with the Clerk on that.

CHIEF CLERK: That is right. It was prior to the one putting the period after "governor". That was taken several days before.

RILEY: In that event I stand corrected. It would not restore it to the original language but it would restore it to "nor may it be repealed". My own view in that event would be we might wish to still consider retention of the word "amended" or striking it as we did later that afternoon. I don't wish to get ahead of myself in this respect, but I do wish to state very clearly that if we feel that we are closing the door to legislative consideration of any sort, if we feel we are putting the matter up to the courts for interpretation, I think our only course is to reconsider our action taken, in short to support this motion, and then from that point to consider the following language.

PRESIDENT EGAN: The question is actually at this time, "Shall the motion that was made" -- who made the motion for the adoption of the particular amendment?

RILEY: Mr. Hellenthal, as I recall.

HELLENTHAL: I don't think any mistakes were made in this matter.

PRESIDENT EGAN: Mr. Hellenthal, in order to clarify what is going on here, I believe you were not here the following day, but what happened was that in totaling the results of that vote on your particular amendment, on the official total it was written "27 nays and 25 yeas". Actually it was reported that way and the Chair stated the result as it appeared on the

totals, but actually it was in reverse, and it was "27 yeas and 25 nays".

HELLENTHAL: Which amendment was it though? There were three amendments to that particular sentence?

CHIEF CLERK: It was "Strike all the words after 'governor' in line 20 and strike line 21." And that was announced as having failed, and so another amendment came up and on Monday they expunged the rest of it.

HELLENTHAL: The first amendment had passed so it was all stricken. Was not that same result accomplished in another method, regardless?

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

RECESS

PRESIDENT EGAN: The Convention will come to order. The question is, "Shall all the words after the word 'governor' on lines 20 and 21 be stricken?" Mr. Riley.

RILEY: Mr. President, the effect of my motion as you have just stated it, if my motion carries, will be to restore us to the position we were in before that deletion occurred and before the period was put after the word "governor". It will open the way for further attention to that language.

PRESIDENT EGAN: We are back once more to the vote to that particular amendment. Mr. Hellenthal.

HELLENTHAL: We have no objection on that as long as the manifest intent of the body is preserved after all the maneuvering is over with, namely that when it all winds up that it will be impossible for the governor to veto a law passed by the initiative. It will be impossible for the legislature to repeal it for a period of three years, but it will be possible for the legislature to amend such a law.

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, point of information. Now to accomplish this result, a "no" vote will be necessary.

PRESIDENT EGAN: A "no" vote would accomplish the result that has been spoken of here on the floor, that is if you are inclined to cast a "no" vote. Mr. Victor Fischer.

V. FISCHER: Mr. President, if a "yes" vote carries, Mr. Riley has made the statement we would be exactly where we were before and then could amend it.

PRESIDENT EGAN: No, Mr. Riley, you might explain.

RILEY: Mr. President, I expect to vote "no" on this proposal in the hope that the negative side will prevail in order to open up the subject of further amendment of that language.

PRESIDENT EGAN: If a "no" vote prevails, the way the Chair understands it then, the whole sentence will read, "No law passed by the initiative may be vetoed by the governor nor may it be amended or repealed by the legislature for a period of three years." That is what a "no" vote on this particular motion will do. If a "yes" vote prevails a period will be stricken after the word "governor" on line 20.

R. RIVERS: No -- put.

PRESIDENT EGAN: A period will be put. Mr. Fischer.

V. FISCHER: I am straightened out from that standpoint. Then going back to Mr. Riley's statement -- if the "noes" carry we will be in the same position where we were the other day before we started amending except for one thing. If the body then does not approve the deletion of "amended in the original sentence you cannot again strike the remainder of the sentence after "governor". In other words, I am just throwing this out whether there is not a danger that the intent of the reconsideration would not be accomplished.

PRESIDENT EGAN: Mr. Fischer, the intent of the reconsideration would be to nullify the action taken in deleting the rest of that sentence. You are correct, and it would leave it as it is at the present time. No one else could offer a motion after that if the "noes" prevail to delete all the wording after "governor" again.

MCCUTCHEON: Question.

PRESIDENT EGAN: It could be amended in various ways but could not completely be deleted. Mr. Londborg.

LONDBORG: Did you not say if the "noes" prevail all will be deleted after the word "governor"?

PRESIDENT EGAN: If the "noes" prevail it leaves with the proposal all the words. Mr. Kilcher.

KILCHER: Mr. President, maybe I am retroverting to my post November state of mind, but I am still not clear in my mind about what is going on here. Could we please hear the motion? It has been almost a half hour ago that we have heard it. I am told that "no" accomplishes this, "yes" accomplishes that.

PRESIDENT EGAN: Here is the question. The question is, "Shall

the words 'nor it be amended or repealed by the legislature for a period of three years', shall those words be deleted from the proposal?" That is the question that is before us at this time.

UNIDENTIFIED DELEGATE: Question.

LONDBORG: Mr. President, I request a roll call.

PRESIDENT EGAN: Is everyone clear now what they are voting on? They are voting on the question, "Shall the words 'nor may it be amended or repealed by the legislature for a period of three years', shall these words be deleted from the proposal?" The Chief Clerk will call the roll.

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

Yeas: 9 - Barr, V. Fischer, Johnson, Londborg, McLaughlin, McNealy, Poulsen, Reader, Rosswog.

Nays: 39 - Awes, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Lee, McCutcheon, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor.)

CHIEF CLERK: 9 yeas, 39 nays and 7 absent.

PRESIDENT EGAN: The "noes" have it and so the amendment has not been adopted. Mr. Ralph Rivers.

R. RIVERS: To follow up, Mr. President, Mr. Riley's purpose, I have prepared an amendment to Section 4.

PRESIDENT EGAN: Mr. Rivers offers an amendment to Section 4. The Chief Clerk may read the amendment.

CHIEF CLERK: "Line 20, page 2, delete 'amended or' and on the last line of Section 4 after the word 'years' change the period to a comma and add 'but may be amended at any time'."

PRESIDENT EGAN: Are you offering this as one amendment, Mr. Rivers? It is a related amendment?

R. RIVERS: They are two segments of the same amendment, Mr. President.

PRESIDENT EGAN: What is your pleasure?

R. RIVERS: I ask unanimous consent for the adoption of this.

WHITE: I object.

R. RIVERS: I so move.

MCCUTCHEON: Second it.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. Riley has pointed out that the right of the legislature to amend an initiated measure is not clear unless the constitution specifically authorizes the legislature to amend an initiated measure. The usual power of the legislature includes the power to amend. Oregon and Washington on the identical question have differed. One of those courts said that if you do not mention the power to amend an initiated measure, the legislature may not amend it. The other court says that if you don't mention amending an initiated measure that the legislature may amend it. Now we have the law before us, the division in the courts on this identical question, so we should be guided by this previous experience and keep our government out of court and make it perfectly clear when it is so easy to do by specifically saying that the legislature may amend at any time. We don't want to prohibit amendments, that is the reason for the first part in my motion. The first part is to delete the words "amended or" because that has to do with prohibitions imposed upon the legislature. So if we adopt this motion we will delete the words "amended or" and we would add the words "but may be amended at any time" at the very end of the sentence, and then the way it would read would be as follows, "No law passed by the initiative may be vetoed by the governor nor may it be repealed by the legislature for a period of three years but may be amended at any time."

PRESIDENT EGAN: Mr. White.

WHITE: By way of an explanation of my objection, I had an amendment on the Secretary's desk at the same time which I will give in opposition to this amendment. My amendment would read, "Strike all the words after 'governor' and say 'but may be amended or repealed by the legislature'." The intent of that is that I believe mine will take us back to the intent of the body when we originally struck all the words after "governor". In other words, at the time we adopted that amendment it was our intention to allow amendment or repeal by the legislature. I think it has become clear to the proceedings here that it would be desirable to spell that out. I think we should spell it out but it was our intent when we passed the amendment before, to allow amendment or repeal by the legislature without any reference to three years. I voted for that amendment at the

time. To be consistent I will vote against this one today.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I do not personally favor an initiative or referendum of this type for the initiation of law. However, if we do adopt such an initiative then certainly we must put some particular date line on it to give the law a valid opportunity to be ascertained whether or not it is going to be a good law, and by putting a limitation on the legislature it will prohibit the legislature from probably repealing it immediately. I do not think the legislature should be prohibited from rectifying such mistakes as may develop in the law after it has been put to practical utility.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, I agree with Mr. Rivers and Mr. McCutcheon, and it is true that the first amendment passed which would put the period after the word "governor", as Mr. White said, but in a very few minutes thereafter, this body decided they would let the legislature amend matters passed by the initiative within the time limit but they would not permit the repeal within the time limit, and I think that we should follow the most recent demonstration of the intent of this body rather than the earlier demonstration that Mr. White refers to, and for that reason I support Mr. Rivers' amendment and I agree wholeheartedly with Mr. McCutcheon that if we are going to have an initiative and referendum law let's make it a workable law.

KILCHER: I do not think it wise to refer to this body's intention after a mistaken poll there, that the intention is after this mistaken result has been announced, or any other intentions before Christmas should have any bearing at all upon this body's consideration now. We have been home to get new ideas. I have some. It has been brought to my forceful attention in my part of the country that the people were specifically dissatisfied with most of the intentions that were shown in the poll here on initiative and referendum, dissatisfaction with those who were outright opposed to it, dissatisfaction with the way it was weakened and dissatisfaction with the majority of the Convention's opinions before Christmas. I hope this very majority has changed now. I don't see where Mr. Rivers' amendment will essentially satisfy these people who have expressed dissatisfaction along the lines mentioned. I would like to be able to confer with Mr. Rivers or suggest an amendment to the amendment or have a chance at least that after we voted on this that should it be accepted, that we can amend it or possibly bring it up now, actually I still think it would be not a bad idea to consider it as a committee, but probably that would not hold.

PRESIDENT EGAN: Would you ask for a two- or three-minute recess to confer with Mr. Ralph Rivers?

KILCHER: I would like that very much.

MCLAUGHLIN: I might point out to you that we already have a statement of policy on the subject of recesses.

PRESIDENT EGAN: The Chair feels that it did not pertain to recesses that might be an attempt to iron out certain difficulties where on the floor we might absorb more time than the recess might take. Mr. Ralph Rivers.

R. RIVERS: Perhaps I can expedite matters by saying that any proposed amendment that Mr. Kilcher would have to make after my amendment is adopted, if it is adopted, would be in order, if it is not absolutely paraphrasing some former factor that has been acted upon. So I think the orderly procedure, Mr. Kilcher, would be for you to come in with your amendment after you see what happens to mine, because I don't want to change what I have submitted.

KILCHER: What I am afraid is that, past experience has shown me that if I should have an amendment that is essentially not only contributory or opposed to yours, after yours has passed, my chances are slim. We might reach a better compromise privately. There is no reason why we should not ask questions on the floor. What I had in mind, Mr. Rivers, if I may ask this question, we have seen what amending can do on this floor and in the legislature. If we want the initiative law at all it is little consolation that it cannot be repealed by the legislature for three years. It can be crippled badly enough any time, according to your amendment, so that it might just as well be dead. It can be crippled sufficiently to make repealing seem merciful, so I would suggest that we make the amending more difficult. I would be willing to compromise on the three years, make two years for repealing or one year for amending or make it amendable by two-thirds majority of each house. Why not? The initiative and referendum is supposed to be the voice of the people, stronger than the legislature. If the legislature should really find that an obnoxious law has been passed by the populace, well fine. We certainly would be right in assuming that two-thirds of the legislature could be aroused to repeal this evil law. If it is not an evil law, it has reason to stand, the people put it there. I will make an amendment to your amendment, you can accept it now or later, that the two thirds majority be added right after your sentence.

R. RIVERS: That would be entirely in order after he sees what has happened to my amendment.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: Just a point of information. Before we left for the recess, we had this Committee Proposal No. 3, the portion we are working on, on the initiative and referendum and recall, remimeographed with the amendments made up to date, and I just wonder if any amendments that aren't submitted now should not be submitted to that amended form because for one thing the lines are different, the line numbers I should say in which you are submitting your amendments are different.

PRESIDENT EGAN: Mr. Doogan, that form was made for the information of the delegates and will not be officially the amended form until we are through amending. Mr. White.

WHITE: Just briefly to correct something that was said previously. I refer to the copy for clarification in which it distinctly shows a period following the word "governor" which is the last action taken by the body. In other words, the last action taken by this body was to allow by inference, amendment or repeal by the legislature. I merely rose before to say that I have not changed my mind and therefore will vote against this amendment.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I agree with Mr. White. I think that before the Convention recessed for the holiday we had adopted a plan which would permit the legislature by reason of the amendment, as it was finally determined, to be correct, would give the legislature a right to amend or repeal these laws as they were initiated by the vote of the people. Now it develops there is some question as to whether or not that intent could be specifically inferred from the fact that there was no specific language to that effect in the provisions as it then stood. I think that certainly it is just as dangerous to say that a law could be passed by the people and could not be repealed for three years. If this happened to be a very bad law, which could happen, then we are, as the saying goes, stuck with it for a period of three years and nothing could be done about it. However, if the matter were left to the legislature to determine they can by inaction allow the matter to have a good run and see whether or not it is workable, but if it should be demonstrated in six months or a year that the law was bad or ought to be repealed, then you are hampered by the three-year limitation just as seriously as you would be the other way, so I think Mr. McCutcheon's argument works both ways. What is good on one side certainly ought to apply on the other. I am not in favor of the amendment as offered by Mr. Rivers. I certainly would be in favor of some amendment as suggested by Mr. White.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I rise to close the debate unless someone else wishes to be heard and that is to the effect that if you allow the legislature to repeal an initiated measure right away, that you are making the initiative meaningless as Mr. Hellenthal pointed out, but if something were wrong the amendatory process would be sufficient to protect the state.

MCCUTCHEON: Question.

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

STEWART: May we have it read?

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

CHIEF CLERK: "Line 20, page 2, delete the words 'amended or' and on the last line of Section 4 after the word 'years', change period to a comma and add 'but may be amended at any time'."

JOHNSON: May we have a roll call?

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted?" The Chief Clerk will call the roll.

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

Yeas: 40 - Awes, Barr, Boswell, Coghill, Collins, Cooper, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, King, Knight, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, Wien, Mr. President.

Nays: 8 - Hurley, Johnson, Laws, Londborg, McLaughlin, Poulsen, Reader, White.

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor.)

CHIEF CLERK: 40 yeas, 8 nays and 7 absent.

PRESIDENT EGAN: The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments? Mr. Kilcher.

KILCHER: I would like to request a two-minute recess to have time to write up my amendment.

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. Mr. Kilcher, do you have your proposed amendment?

KILCHER: Yes.

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

CHIEF CLERK: "Section 4, page 2, line 21 add the following, 'by an affirmative vote of two-thirds of the members elected to each house'."

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

KILCHER: I move the amendment be adopted.

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

MARSTON: I second the motion.

PRESIDENT EGAN: The question is, "Shall Mr. Kilcher's proposed amendment be adopted? Is there discussion? Mr. Barr.

BARR: Mr. President, I don't think we should set up any such rules for the legislature here. The usual system is for the legislature to pass any bill by a majority vote, and of course they can change their rules by a two-thirds majority. If we put things like this in the constitution, we will have to run back through the constitution to see whether or not each bill passes that they vote on, etc. I don't think that we should restrict the legislature on their power to make amendments anyhow or even to repeal such a law. When a law is enacted some of them are supposed to be more or less permanent. Others are temporary measures to take care of emergency conditions or temporary conditions, and if the people initiate the law, it passes, the following year conditions may be entirely different. The people themselves might want that law repealed and the quickest way to have it done is by the legislature. It seems that it is the feeling of a few of the people here that they are trying to protect the people from their legislature thinking that the legislature through stubbornness or some other reason will immediately repeal a law the people have passed. I can't imagine that happening. A group of the people in the legislature are elected by the people to represent them. I don't see how they can turn around and go against a clear-cut expression of the will of the people. But if we put such things as this in the constitution they are restricted from correcting a bad condition.

MARSTON: I had some information, quite a lot while I was out in this period of time. I found some people who said, "I won't vote for that constitution you fellows are writing there on this one point. I took care of this man. I said, "You are going to have a right to speak up and correct that. If there is only one point that is worrying you, and you are going to turn it down, you can do it. We are making a provision so you can make a correction." I agree with Mr. Barr that the legislature is not going to go in reverse to the people, but if the people go out and pass a law they say, "Those fellows can upset that if they want to." The very feeling is there. They like to have the power in the people to initiate a law and know that we will be protected and be abided by the legislature. This is not too strong at all. I am going along with Mr. Kilcher's amendment because it puts the power in the hands of the people and I can sell this constitution to the people a lot more by having this initiative and referendum a workable clause so that the legislature, if we do something wrong to the people, then they can do it and the legislature is the thing that is wrong. On the story of the initiative and referendum, they have passed more good laws than they have bad laws and that is as good as you can say for any legislature. I would like to see this amendment put through to keep the power in the hands of the people, and if we have done a wrong thing the people can correct it by a two-thirds vote. I am going to vote for this.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall the proposed amendment as offered by Mr. Kilcher be adopted?"

COLLINS: I ask to have that amendment read.

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

CHIEF CLERK: "Page 2, line 21, after the last word of Section 4 as amended, add the following: 'by an affirmative vote of two-thirds of the members elected to each house'."

PRESIDENT EGAN: Would the Chief Clerk please read the two sentences as they would now read.

CHIEF CLERK: "No law passed by the initiative may be vetoed by the governor nor may it be repealed by the legislature for a period of three years but may be amended at any time by an affirmative vote of two-thirds of the members elected to each house."

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" All those in favor of the adoption will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

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

Yeas: 22 - Coghill, Cooper, Emberg, H. Fischer, Harris, Hilscher, Hurley, Johnson, Kilcher, Knight, Lee, McNees, Marston, Metcalf, Nerland, Nordale, R. Rivers, Smith, Stewart, Sundborg, VanderLeest, Wien.

Nays: 26 - Awes, Barr, Boswell, Collins, Cross, Doogan, V. Fischer, Gray, llellenthal, Hermann, Hinckel, King, Laws, Londborg, McCutcheon, McLaughlin, McNealy, Poulson, Reader, Riley, V. Rivers, Rosswog, Sweeney, Walsh, White, Mr. President.

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor.)

CHIEF CLERK: 22 yeas, 26 nays and 7 absent.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has failed of passage. Mr. Londborg.

LONDBORG: I have an amendment. It is the one I submitted before the recess. I would like to resubmit it.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment. The amendment was not voted upon, is that right?

LONDBORG: It was not voted upon, I had asked that it be withdrawn.

CHIEF CLERK: This was to Section 4, is that right?

LONDBORG: I believe so. It is in the Ralph Rivers amendment. I think you will find it better on page 2, line 8 of the changed copy, although I can't legally attach it to that.

CHIEF CLERK: "After the word 'signatures' in the next to the last sentence of the Ralph Rivers amendment, delete the rest of the sentence and substitute the following: 'from each of two-thirds of the election districts of the State with signatures equalling not less than 3% of the number of voters casting ballots for governor in each such district in the preceding general election at which a governor was elected'."

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

LONDBORG: I move the adoption of the amendment.

JOHNSON: I second the motion.

PRESIDENT EGAN: The question is open for discussion and the Chief Clerk might read the proposed amendment once more.

CHIEF CLERK: You can find it on page 5 of the journal of the 42nd day, next to the last paragraph, it is the bottom of the page.

PRESIDENT EGAN: Is there discussion of the proposed amendment? Mr. Londborg.

LONDBORG: The reason for this proposed amendment is to make it a little more clear that there should be at least more than one signature in each of these two-thirds of the districts. As the proposal now reads, they are to obtain signatures in at least two-thirds of the election districts of the state. Now, as I take it, that would mean that a person wanting to start an initiative, if he would get ten per cent of the total votes cast in one city, then he could send out or go out, either way, and just get one signature in each of two-thirds remaining districts and that would make the petition valid. Probably he would get two or three to play safe, but he would only have to get one. He would get a signature in each of the two-thirds districts and I believe that when we have such an important thing as an initiative and if the legislature has failed to the great extent that initiative is necessary, then that initiative should be a vital interest over all the state and not just in one area, and I believe that that interest will be best shown if we have at least three per cent of the voters in each of those two-thirds districts signing. Now three per cent is not very high. I put that purposely low so that it would not make it hard to get the signatures in any one of those areas, but at least it should be more than one signature in two-thirds of the election districts. That is not going to make the initiative, I don't believe, any harder to work but it will at least show and prove that that proposed bill or that proposed law is gaining interest over the whole state, not just a local affair that the ten per cent would indicate if they were taken from one city or one locality and just go out and get one signature to comply with our initiative.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I am going to support the amendment because I think it makes good sense.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I am going to vote against the amendment because I don't think it makes good sense. The reasoning behind it sounds perfectly logical but I call attention to the fact that in this proposal that we have so far, we have at least three types of initiative which are not possible. We have put safeguards on it as far as the people are concerned so that the Territorial legislature will not be faced with a law they do not want. I think we also should remember that the initiative petition is just the beginning, that it will still be referred to the people for a vote throughout the Territory of Alaska, and I am sure by that time there will be sufficient discussion of it so it will be taken up, but I have the feeling we have gone to too large an extent in legislating this matter of initiative and referendum in the first place. We are continually getting into numbers.

We are getting into things that are subject to critical glances from the people that are trying to get the job done, and I think generally that the less restrictions that we put on this thing the better off we are going to be, and I don't think the amendment will serve the purpose that the proposer thinks it will.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, I believe I agree with Mr. Hurley's position on this. Even though the signatures originate in one area I want you to note that in Section 5 it states, "Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds or earmarking of revenues nor for local or special legislation." Well, if there is no special local interest in the legislation, even though the signatures should come from a local area, if it is an overall general legislation, it would be my assumption that they would probably try to get as widespread number of signatures as possible to get as widespread interest as possible. I see no reason to impose some other percentage figure now. I don't see we gain a thing by it. I think it is an extra handicap and does not add to but detracts from the initiative and referendum as we now have it.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I would like to close this short debate. In answer to the last objection, I don't believe Section 5 is a safeguard at all. It just merely says that they may not be used for means of earmarking revenues, etc., but there still may be a law that one locality might particularly want, maybe it isn't pertaining to them, but it may pertain to the whole state, but the state may not be particularly interested in it, and the initiative may spring out of a populous area and they could get the ten per cent in just an overnight campaign and get the one signature out around, and then in answer to the former objection where we should not make it hard or things of that nature, let us remember that the initiative is not enacting laws by an apportionment representation. We are enacting laws by popular vote, and we have set up a machinery in the legislature to make our laws and they are sitting representing the various areas of the country, but when it comes to a popular vote, then you will find that it is where the people are that is going to count, and I think as a safeguard, and again I say it is not a high safeguard but very low, if you get three per cent of the qualified voters in these two-thirds districts you will have a good indication of whether it is of statewide interest.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Londborg be adopted by the Convention?"

LONDBORG: Mr. President, I request 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: 17 - Barr, Boswell, Cross, Hinckel, Johnson, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Stewart, Sweeney, Walsh.

Nays: 31 - Barr, Coghill, Collins, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Riley, V. Rivers, Rosswog, Smith, Sundborg, VanderLeest, White, Wien, Mr. President.

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor.)

CHIEF CLERK: 17 yeas, 31 nays and 7 absent.

PRESIDENT EGAN: The "nays" have it, and the proposed amendment has failed of adoption. Mr. Sundborg.

SUNDBORG: Mr. President, I move and ask unanimous consent that the Convention stand at recess until 3:45 o'clock today.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there other amendments to Committee Proposal No. 3? Mr. Smith.

SMITH: I would like to ask unanimous consent to revert to Committee announcements again.

PRESIDENT EGAN: If there is no objection Mr. Smith.

SMITH: I have been requested to postpone the meeting of the Resources Committee until tomorrow night due to the fact that there are quite a number of suggestions that have been made, at 7:30, and we will still meet in the lobby of the Northward Building.

PRESIDENT EGAN: The meeting of the Resources Committee has been postponed until tomorrow evening at 7:30 p.m. in the lobby of the Northward Building. Are there amendments to Committee Proposal No. 3? Mr. Rosswog.

ROSSWOG: Mr. Chairman, I have an amendment on the Secretary's desk.

CHIEF CLERK: "Section 4, line 21, change the word 'three' to 'two'."

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

ROSSWOG: I would like to move that this amendment be adopted.

WHITE: I second the motion.

PRESIDENT EGAN: The motion is open for discussion. That is an amendment on line 21, page 2, the word "three" be changed to the word "two". In other words, it could not be repealed by the legislature for a period less than two years rather than three years. The proposed amendment is open for discussion. Mr. Rosswog.

ROSSWOG: I might like to say that I believe that just in the possibility that we should have a law we should not wait three years to have it repealed. I believe that two years would carry over one session of the legislature and the following session would be able to repeal it, where three years, possibly with a two-year session there would have to wait.

NORDALE: Mr. President, I would like to address a question to Mr. Taylor.

PRESIDENT EGAN: Mrs. Nordale, you may address your question if there is no objection.

NORDALE: Mr. Taylor, I would like to know how the Committee arrived at the figure "three".

TAYLOR: That figure was arrived at with the fact that it would not let the same legislature act upon the matter. The next legislature would perhaps be quite a change in body. At least half of them would be new ones. I don't believe the Committee has any objection to changing it to two years especially if we have every biennium a meeting of the legislature. Otherwise, it would go four years anyway.

PRESIDENT EGAN: Is there further discussion of the proposed amendment? If not the question is, "Shall the amendment as proposed by Mr. Rosswog 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". The Chief Clerk will call the roll.

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

Yeas: 39 - Awes, Barr, Boswell, Collins, Cooper, Cross, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg,

McCutcheon, McLaughlin, McNealy, McNees, Marston, Nordale, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 10 - Coghill, Doogan, Emberg, H. Fischer, Hurley, Metcalf, Nerland, Poulsen, V. Rivers, Mr. President.

Absent: 6 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson.)

CHIEF CLERK: 39 yeas, 10 nays and 6 absent.

PRESIDENT EGAN: The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments to Committee Proposal No. 3? Mr. Smith.

SMITH: I have two amendments on the Chief Clerk's desk.

PRESIDENT EGAN: Would the Chief Clerk please read the first amendment as offered by Mr. Smith. Now, first, are we through with amendments to Section 4? Mr. Smith, would you hold your proposed amendments to Section 3 until we are completed with Section 4?

SMITH: I will be very glad to do that.

PRESIDENT EGAN: You bring it to the attention of the Chair the minute we come to that. Mr. Kilcher, do you have a proposed amendment to Section 4? We will not go back to other sections until we have completed Section 4, 5, and 6. The Chief Clerk may read the proposed amendment as offered by Mr. Kilcher to Section 4.

CHIEF CLERK: "Section 4, page 2, line 20, after the word 'governor' delete the balance and substitute the following: 'nor may it be amended or repealed by the legislature within a period of two years except by a two-thirds majority vote of the members to which each house is entitled'.

HELLENTHAL: Point of order. I think this matter has already been before the body once and possibly twice and that the motion is out of order.

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

CHIEF CLERK: "Section 4, page 2, line 20, after the word 'governor' delete the balance and substitute the following: 'nor may it be amended or repealed by the legislature within a period of two years except by a two-thirds majority vote of the members to which each house is entitled'."

PRESIDENT EGAN: The Chair would have to hold it changes the three years to read "two years" and whether or not the Convention has considered the question of a two-thirds majority vote in a two-year period of time the Chair does not recall that the Convention has considered it. Changing it to two years changes the complete substance.

TAYLOR: I think Mr. Hellenthal's point of order is well taken because we have already, by the adoption of our previous motion, made it two years so the motion to amend as proposed by Mr. Kilcher moves to strike all this and then only adding a few words.

PRESIDENT EGAN: That is correct, Mr. Taylor, but the question I believe Mr. Hellenthal was thinking of was the fact that Mr. Kilcher had previously offered an amendment that called for a two-thirds majority vote of both houses, "but at that time the wording of the section said "three years instead of "two years". Now there is a difference there.

KILCHER: Mr. President, I have to add something to your explanation. If it were only that, I would agree it would just be a matter of taking advantage of a possible technicality and be a loss of time, and that was not the intention. I think the amendment is in order for a different reason. This is the first time that the amendment includes repealing, even before two years. It includes repealing and amending. In that respect it is a new amendment. The other one had a two-thirds majority for amending. I had this amendment written before the decision had been reached as to whether it was going to be two or three years. Irregardless of the three years I would like to see it repealable, not only amendable within two or three years.

HELLENTHAL: I withdraw my point of order.

KILCHER: I would like to grant the legislature the right to repeal before two years and to amend it before two years, both with the two-thirds majority.

PRESIDENT EGAN: The meaning of the proposed amendment is entirely different than the meaning of the previous amendment. The amendment is in order.

KILCHER: I move this amendment.

PRESIDENT EGAN: Mr. Kilcher moves the adoption of the proposed amendment. Is there a second?

BARR: I'll second it.

PRESIDENT EGAN: Mr. Barr seconds the motion. The question is open for discussion. Mrs. Hermann.

HERMANN: This is another attempt not only to write legislation into what should be merely fundamental law but also to write rule-making powers of the legislation into fundamental law. I don't think that majority by which the vote should be passed has any place whatever in a constitution, and I am not adverse to the initiative and referendum but I think that is a great breach of constitution writing to include a proposition in it that should be a subject for the rules of the legislature, not even the laws that the legislature passes, but the rules which they adopt.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, I should feel elated with Mrs. Hermann's remarks because they are contrary to her past performance, and is very weak in my opinion, her logic. However, I don't want to become too optimistic about my amendment because of this, but in rebuttal to her points there I would like to say that if this two-thirds majority were not matter to be included in the constitution, how could we include the ten and three per cent and all the other matters in the constitution. This initiative and referendum as such is part of the body of the constitution and is in no way in relationship whatsoever with the legislature. The legislature has no more relationship to the initiative and referendum stemming from the people than the judicial council has in its relation to the legislature. That is debatable maybe but that is the way I see it. So the two-thirds majority I am glad to discover here in the model constitution, for whatever it's worth. It also says no measure adopted by vote of qualified voters under the initiative and referendum provision of this constitution shall be repealed or amended by the legislature within a period of three years. We have it too, except as a two-thirds vote of all the members. That is the model constitution. So I am not entirely on wild ground and I think by having it down to two years, which I think is reasonable, and by making it amendable as well as repealable within two years, with the two-thirds majority I don't think we are stepping into the sanctum of the legislature's prerogatives. Either we believe in the initiative and referendum or we don't. If something entirely dangerous should come up, not only the people would repeal their own mistakes, but even more efficiently than that, the legislature would be there to repeal its mistakes. The same as we have rules here in this Convention I was told, "If something really bad comes up, don't be afraid of a two-thirds majority. You'll easily get it if something is drastically wrong." Mrs. Hermann has mentioned that several times in the past and the same rule would apply to the legislature. I don't see why they should be afraid to have a two-thirds ruling and I don't think that matter should not be included in the constitution. I think in my obligations towards the people whom I have promised a few last ditch fights in this matter and who will be decisive maybe, maybe 50 or 100 votes may be decisive.

In that respect I think it will not be a loss of time to give this a little bit more thought and I strongly urge that true friends of the initiative and referendum system give it some consideration and accept this amendment.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I am a true friend of the initiative and referendum, and I don't know just what we are voting on here, and I'd like to know before the vote.

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

KILCHER: May I request the Chief Clerk to read it as the paragraph would read, including the amendment.

CHIEF CLERK: "No law passed by the initiative may be vetoed by the Governor nor may it be amended or repealed by the legislature within a period of two years except by a two-thirds majority vote of the members to which each house is entitled."

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I am a little bit puzzled. Delegate Kilcher has contended for the strongest possible initiative. At he present time, the way we have it now written, there is no repeal by the legislature allowed at all for two years. Now he wants to whack it down and say the legislature may repeal some law which was initiated by a two-thirds vote of both houses. We have already fought the battle out that we were not in favor of having the legislature repeal something that was initiated within a period of two years. I contended that they should have the power to amend at any time to protect the state against ill-advised financial drains upon the treasury or something that might bankrupt the state, but the amendatory process could protect the state in almost any event. I am going to vote against the amendment because I think it reflects the way we worked it out to this point and this represents a reversal of Mr. Kilcher's previous position.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Would you have the Chief Clerk read that just once more?

CHIEF CLERK: "Section 4, page 2, line 20, after the word 'governor' delete the balance and substitute the following: nor may it be amended or repealed by the legislature within a period of two years except by a two-thirds majority vote of the members to which each house is entitled."

HERMANN: May I ask a question of Mr. Kilcher?

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Does he mean that in joint session or single session?

KILCHER: Single session.

PRESIDENT EGAN: The question is, "Shall the amendment as proposed by Mr. Kilcher 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". The "noes" have it and the proposed amendment has failed of adoption. Are there other amendments to Section 4? Mr. Smith.

SMITH: I believe my second amendment I have on the Chief Clerk's desk does relate to Section 4.

CHIEF CLERK: It does not say what page. Is it after the word "chosen"?

SMITH: Line 3, page 2 of the original.

CHIEF CLERK: That is taken out already I think.

SMITH: Go back to the amendment.

CHIEF CLERK: That has already been deleted by Mr. Rivers' amendment which revamped that first part.

SMITH: Go back to Mr. Rivers' amendment then. It would be probably better to go back to the amended version. It would be on page 2, line 7. It would come after the word "chosen".

CHIEF CLERK: It has to be to amend Mr. Rivers' amendment because we can't refer to this. It is after the word "chosen", add the words "but not to exceed eight thousand signatures in any event."

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

SMITH: I move the adoption of the amendment to Mr. Rivers' amendment.

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

SMITH: I ask unanimous consent.

SUNDBORG: I object.

EMBERG: I second the motion.

PRESIDENT EGAN: Mr. Emberg seconded the motion. Mr. Smith.

SMITH: The reason for the amendment is that as the population

increases in Alaska it would require more and more signatures to initiate a petition, that is to make a petition valid. After you reach a certain number of signatures it naturally will become more and more difficult and the purpose of the amendment is to hold the obtaining of signatures to at least what I would call a reasonable level. It would not affect the initiative procedure in any way until the population of the Territory reached a rather large figure, and I am sorry that I did not bring my reference material. I know that a like provision does occur in some state constitutions and I cannot refer to those due to lack of material.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, it is true that the proposal or the article as we now have it amended would require that a larger number of signatures be obtained as the population of the state grew, and I think it should. I think it would be dangerous to put in this limit of only 8,000. I hope this constitution will still be in effect and still governing the State of Alaska when population may be a million or two million people, and to make it possible at that time for a mere 8,000 people, which would be an infinitesimal proportion of the people of the state, to saddle the state with all of the bother of going through an initiative or referendum election, I think would be very bad and very dangerous.

PRESIDENT EGAN: Mr. Marston.

MARSTON: There is one state, I think California, has set a limit, and down there in Long Beach, California, they have a lot of clubs and they can get a bunch of people most any time they want on a question. I know the feelings back of this. It sounds good, but it works out wrong. I am going to vote against this, and I am going to vote against any more amendments that come up here.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: In regard to the remarks that were made by Delegate Sundborg, with the population of a future state of a million or two million, these signatures have to be by qualified electors. They will have to be checked. If you get 100,000 signatures to a petition, it would take practically the entire period between the two sessions of the legislature to get through that part of the procedure. I don't think we should require in the future that 50,000 signatures are required for a petition.

PRESIDENT EGAN: Mr. Barr.

BARR: I am against putting any definite figures in the constitution like 8,000 for instance. We don't know what Alaska will

be like 100 years from now. I don't suppose the population will grow as fast as it will in some other areas, but the Indians who sold the Island of Manhattan did not imagine there would be as many pale faces on that island as there are now. If there is a large population of two or three or four million here, that means a large population consisting of reasonable people, but also a larger percentage of crackpots who will want to put over their own ideas. Therefore we should require the same percentage of signatures and those signatures should be checked for that very reason.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I believe if we adopted this amendment we would be indulging in mere conjecture or guess work as to trying to establish a limitation upon a number of signatures that could possibly be on a petition. Now the State of New York saw fit in adopting the initiative and referendum that possibly 10,000,000 votes in the State of New York, that they only require not more than 50,000 signatures on an initiative petition. Perhaps they felt too it was quite burdensome to require more than that for the reason it would be very difficult to check. How can we say now 8,000 is the maximum we can use? Why not leave that to the future generation because I don't think in the next 10 or 20 years, in case the initiative is used, that we are going to have a population that is going to require any 8,000 signatures. We are going to have a phenomenal increase in population if we do, and I think we should not guess on these things. I think the next Constitutional Convention will possibly have a little better idea than we have now.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I would like to add to Mr. Taylor and to detract from Mr. Barr's picturesque speech about Manhattan Island that these same Indians could not foresee what was going to happen, that there was going to be a Constitutional Convention in a hundred years, so we should not project these matters into a hundred years. We should realize that such minor matters should be taken up in the next Constitutional Convention. It is really not so spectacular as Mr. Barr likes to think.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Smith be adopted by the Convention?" All in favor will signify by saying aye, all opposed by saying "no". The "noes have it and the proposed amendment has failed of adoption. Are there other amendments to Section 4, Proposal No. 3? Mr. Hellenthal.

HELLENTHAL: I have an amendment I have not quite finished writing up.

PRESIDENT EGAN: If there is no objection the Convention will

stand at recess for 30 seconds.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk will read the amendment as proposed by Mr. Hellenthal.

TAYLOR: Just before you read that, I would like to know which one the Clerk is reading from. We have what we originally called here the revised one.

PRESIDENT EGAN: The Chief Clerk cannot very well read from the revised proposal because as yet there is no real revised proposal. That is for information purposes only. You can refer your original proposal to the revision of amendments up to this time, but she has to read on the proposal before her, the official proposal with the amendments. Those amendments are just tentative, naturally until we are through second reading.

CHIEF CLERK: This is an amendment to the Rivers amendment. It is that part of Section 4, so you can follow it on the amended copy. It is on line 5 of the amended copy.

PRESIDENT EGAN: Actually this reference to the Rivers amendment, the amendment is not anyone's any more. It is part of the original proposal. There is nothing separate about it.

CHIEF CLERK: There is no line to refer to it, so it has to be referred to that way. It is line 5 of the amended copy, page 2, add the following words --

HELLENTHAL: The amendment is in line 5, strike "qualified electors equal to 10% of the number of votes cast for governor" and substitute the words, "10% of the voters who cast votes for governor".

PRESIDENT EGAN: What is your pleasure, Mr. Hellenthal, if that is your amendment.

HELLENTHAL: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Hellenthal moves the adoption of his amendment. Is there a second?

SMITH: I second it.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: The reason I make this amendment is that it struck me to check a petition will be very difficult because you have to determine in each case whether a person is a qualified elector and where you have 7,000 or 8,000 names that is going

to be an enormous and very, very expensive job. If you tie it in with 10 per cent of the voters who cast votes for the governor in the preceding general election at which there will be a poll book kept and the names will be there, it will eliminate the very costly and very expensive checking process that would be necessary if the present language is retained. I thought that was worthy of consideration by the body.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: It does not appear to me that is a valid reason for changing the language. Even if you checked the poll book and saw the name "John Jones" listed as having voted in that election, it does not indicate from his signing the book whether he voted for the governor. He could have voted for only one or two offices. The fact that he signed the poll book is no indication that he voted for governor or anyone else. I don't see that possibly could be a check. Under the wording as Mr. Hellenthal has offered that would be the implication, and it would be an impossibility.

HELLENTHAL: Mr. President, I had overlooked that, and I should ask with the permission of my second that the words "governor" be stricken in the amendment so it will read "at which the governor was chosen."

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. Johnson stated my point of view.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, if that amendment was adopted it would deprive perhaps many people who are qualified voters in the state from signing a petition for an initiative due to the fact that through circumstances beyond their control they might not have been in their home precinct, might not have been able to vote and therefore would be deprived of the right of participating in the initiative. I think it should be 10 per cent of the number who voted in that preceding election, not those of the actual people who did vote but 10 per cent of the number.

PRESIDENT EGAN: Mr. Taylor, are you saying that the proposal as it reads right now does not require that the qualified voter actually voted in the election? It only requires that a number of qualified voters equal to the 10 per cent signing these petitions, is that right?

TAYLOR: Now under the amendment those people must have voted in the preceding election. What if they were not in the state and had been voting for years?

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I think it would be a good thing for more than one reason. As Mr. Hellenthal stated, it would be about the best way to check because you would have the records to go by in checking. Then, also, I don't think that anyone is going to be denied the privilege of voting whether he's home or not, with our absentee ballot system. If they have not taken the interest to vote, I don't think it is too serious to deny them the right of initiation.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: There is a proposal that has been on this floor in which there is a system of registration of voters that is going to be set up. You at all times from one year to the next, you have a list of the qualified voters in the state. So you will know by the number of votes cast in any one election what percentage of the number of qualified voters did vote in an election.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: I believe Section 3 would take care of Mr. Hellenthal's objection. It says the legislature shall prescribe the procedure to be followed in exercising the powers.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: No, it would not, because if we adopt the present language. In other words, the check is tied in with a check of qualified electors, we are bound by it. That is covered by the constitution and that would be the rule that would have to be followed in checking the petitions, so I do this merely for practical reasons. It is much cheaper and much easier to check a list of voters that voted at the preceding election at which the governor was chosen. It is true, as Mr. Taylor said, that people, newcomers, would not be able to sign the petition nor would people who were through no fault of their own, "outside", but we have to balance the thing out and sometimes it is best to deprive them of their right to sign the initiative petition because a greater good would result by making it more practical and cheaper and easier to check. Now, as I understand it, the Legislative Committee will recommend a governor will be chosen every four years, so very, very few people would be hurt by Mr. Taylor's suggestion, and it might put a premium on voting. There would be more reason to vote at the general election.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Point of inquiry to Mr. Hellenthal. Mr. Hellenthal, now if we adopt a system of registration of legally qualified voters, a young fellow who becomes of voting age, he immediately goes up and registers and as a qualified voter, does that not

take care of the objection to the present language?

HELLENTHAL: The section on elections and suffrage that was adopted in second reading did not subscribe a system of voter registration. It merely said that the legislature might do it if they saw fit and you will recall from the debate, that many, many delegates felt that there should be no registration at all from the hinterland areas because it would be impractical so I don't think your point is very well taken in that regard, because there is no requirement of registration.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I think Mr. Taylor's point is extremely well taken. The mention of the voters of the hinterlands has strengthened Mr. Taylor's argument for the same reason that some of the delegates in the past debate have been opposed to registration of votes. Let's not forget that some have been for it, and if because of the objection of Mr. Hellenthal, in five or ten years from now we should find that it is cumbersome to define qualified voters, provided this amendment is not adopted, then the legislature will have an added reason to devise some system of registering the voters which I would be in favor personally, so I think we can leave that matter up to the legislature and have trust in it, and I am not in favor of the amendment.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: A point of inquiry. Have we officially changed Mr. Hellenthal's original proposed amendment?

PRESIDENT EGAN: Mr. Hellenthal asked unanimous consent, but the Chair does not recall whether the Chair stated that there is no objection to the proposed amendment to the amendment of Mr. Hellenthal. What was that?

HELLENTHAL: Striking the words "for governor".

PRESIDENT EGAN: Is there objection to that?

TAYLOR: I object.

HELLENTHAL: I so move.

PRESIDENT EGAN: Mr. Hellenthal so moves.

HELLENTHAL: As a point of order, I wonder just why anyone should object to that when the moving party and my second agreed to the deletion.

PRESIDENT EGAN: You offered the motion originally, Mr. Hellenthal. You had to offer the amendment to the motion as

an amendment.

HELLENTHAL: I merely offered it as a deletion from the motion with the consent of the second.

PRESIDENT EGAN: If members of the delegation objected then it would require the same amendment as if it came from some other member of the Convention. Is there a second to your motion to amend the amendment, the original motion?

SMITH: I second it.

PRESIDENT EGAN: The question is, "Shall the "original motion be amended to strike the words "for governor"?"

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: All those in favor of the proposed amendment to the proposed amendment will signify by saying "aye", all opposed by saying "no". The "ayes have it and the proposed amendment has been adopted. Mr. Cooper.

COOPER: Now we are back on the original amendment?

SWEENEY: Excuse me. Will you yield for a moment? May we have something read here? I don't know what we're discussing, I did not get it clearly the first time.

CHIEF CLERK: "Strike 'qualified electors equal to 10% of the number of votes cast for governor'"

PRESIDENT EGAN: That has been stricken now.

CHIEF CLERK: "And insert '10% of the voters who cast votes'."

PRESIDENT EGAN: Read the amendment as it is now before the Convention, the proposed amendment.

CHIEF CLERK: "Strike 'qualified electors equal to 10% of the number of votes cast for governor' and substitute '10% of the voters who cast votes.'"

PRESIDENT EGAN: That is right. Mr. Cooper.

COOPER: Mr. President, in line with this, I am not particularly in favor of tying the 10% of the voters who cast votes for the governor for this reason -- 27,000 votes were cast for this particular election to the Constitutional Convention, which is representative of 13 per cent, roughly, of the estimated 1954 population of Alaska. Now there would be a four-year time lag not reflecting the increased population in Alaska. When you take 10 per cent of the voters who cast votes for governor, I personally would be in favor of 10 per cent of the voters

who cast votes in the preceding general election period.

PRESIDENT EGAN: That is the way it is now.

COOPER: No, sir. The words "cast votes in the preceding general election at which the governor was chosen" is the way it states right now. The only two words that were eliminated were "governor nor".

HELLENTHAL: They were eliminated from the first amendment, so --

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

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Cooper, you had the floor.

COOPER: I yield to Mr. Hellenenthal.

HELLENTHAL: I hate to burden the assembly here, but this thought occurred rather rapidly and my motion was predicated on a notion that I had that there would be one general election every four years, but there will be a general election every two years, so I would like to ask permission of my second again to amend my motion by also deleting the words "at which the governor was chosen" from line 7.

PRESIDENT EGAN: You offer that as a proposed amendment to the proposed amendment?

HELLENTHAL: Yes.

PRESIDENT EGAN: If there is no objection, Mr. Hellenenthal asks unanimous consent.

V. RIVERS: I object.

HELLENTHAL: I so move.

COOPER: I second the motion.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The proposed amendment is open for discussion. Does everyone have the question clearly in mind? Would the Chief Clerk read the proposed amendment to the amendment again.

CHIEF CLERK: "Strike the words 'at which the governor was chosen' and insert a period after 'election', on line 7."

V. RIVERS: How will it then read?

PRESIDENT EGAN: The Chief Clerk will please read it as it would read if the proposed amendment were adopted.

CHIEF CLERK: "... prepared by the attorney general may be circulated and must be signed by 10 per cent of the voters who cast votes in the preceding general election."

PRESIDENT EGAN: The question is, "Shall the proposed amendment to the amendment be adopted by the Convention?" All those in favor of the adoption to the proposed amendment will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment to the amendment has been adopted. Now we have the original amendment before us.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Lee.

LEE: Mr. Chairman, I am quite impressed with this amendment. It seems that this is really going to make it very much more difficult for an initiative to be put on the ballot. To only have 27,000 people, as an example, that can sign a petition is going to make it very difficult with the other restrictions that we also have. I am going to vote against it.

PRESIDENT EGAN: Mr. Riley.

RILEY: A little earlier Mr. Johnson called attention to one point, namely one of uncertainty as to precisely who these people were who cast votes for governor. I don't see that it is yet corrected, and I would like to check Mr. Hellenenthal through the Chair, if I may. As I heard the language last read it states, "Ten per cent of the voters who cast votes in the preceding general election." Do you mean ten per cent of those people who cast votes?

HELLENTHAL: Ten per cent of the total vote is my understanding of that language.

RILEY: They must actually have cast votes in the last general election - - signatories. That was the way I would read it, and it seemed to me a weakness.

PRESIDENT EGAN: Mr. Gray.

GRAY: I am going to vote against this measure and probably all other measures that come up, but what I see about this is you are disenfranchising some 70 per cent of the people by changing it as far as the initiative is concerned. The way it reads right now is better than anything that I have seen right now as far as the true purpose of the initiative. By changing the words, as I see it, you are disenfranchising the

greater majority of the people, and that is not the purpose of this initiative.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I think Mr. Lee's statement was correct. He says it is going to make it extremely difficult. In fact, if this amendment passes, it is going to emasculate the entire article, and there is absolutely no use of having it in the constitution because it is just so much verbiage in there without any possibility of action being taken under an initiative, because if you are going to make it 10 per cent of those people you have got to find out those people who vote in a certain election and hunt those people down. There might be thousands who did not vote in that election for some reason or another, but they can't sign. Now this is the finest way that has come up yet to actually kill this article. You are not going to have an initiative if this goes through.

MCLAUGHLIN: Point of order. I think --

PRESIDENT EGAN: Mr. Hellenthal.

MCLAUGHLIN: Mr. Hellenthal already has had the floor.

PRESIDENT EGAN: Is there anyone else who wishes to speak prior to anyone who closes the debate? Mr. Cooper.

COOPER: I am not in favor of the actual wording at this time. However, I am in favor of the idea that is trying to be put across here. If you will bear with me on the revised form that we are using temporarily, starting in line 4, "may then be circulated and must be signed by a number equal to 10 per cent of the voters who cast votes in the preceding general election". I believe that was the intent. That is not the way it exists right now. I don't particularly care or even believe that 10 per cent of the people that voted in the last election should be the only people that have the right to initiate the initiative, but a number equal to 10 per cent if they are qualified electors.

PRESIDENT EGAN: Mr. Marston.

MARSTON: We went over this carefully in the Committee, and this language is one the experts passed, and as I said before, I am going to vote no and continue to on all amendments on this thing.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. Taylor's guess as to my motives is incorrect. This amendment was made in a sincere effort to tie in the checking of the petition with an easily ascertainable list of people rather than to have to examine the qualifications of

each person whose name appears on the petition. I speak with a little experience on this ground. As a lawyer we are often engaged to check petitions for liquor licenses. People who protest the issuance of a license will want to check the petition. Very deserving people will come in the office and they say, "This is a petition. It is a phony. Those are not qualified electors whose names appear on the petition. Will you check it?" And I think there are others here that have checked those petitions and to check a liquor petition with 5,000 names on it to determine if there are actually 5,000 qualified voters can cost the people who are making the intelligent inquiry in the neighborhood of 3,000 or 4,000 dollars, it is an immense job. It makes it virtually impossible in large areas to check liquor petitions. It likewise, if we tie in the initiative petition with qualified electors it will make it virtually impossible to check it. Now that should give consolation to the people who are fanatically in favor of an initiative and a referendum. But regardless of that, if we are going to have the initiative and referendum we should make it easy to check those petitions, and practical. This way no one is going to check the petition. When you come in with a whole bunch of petitions, there is no one who is going to have the money or the time to do it, but if you tie it in with the list of people who voted at the last election then it makes sense, but qualified electors, no.

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

HILSCHER: May we have it again?

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

CHIEF CLERK: "Line 5, strike 'qualified electors equal to 10 per cent of the number of votes cast for governor' and substitute '10 per cent of the voters who cast votes' and strike everything after 'election' on that sentence on line 7."

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 will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption. Are there other amendments to Section 4?

COOPER: Mr. President, I have an amendment to Section 4.

PRESIDENT EGAN: You have the amendment ready to submit, Mr. Cooper? The Chief Clerk may read the proposed amendment as submitted by Mr. Cooper.

CHIEF CLERK: "Line 6 of the amended Proposal No. 3, after 'cast' delete 'for governor' and insert a period after 'election' in line 7."

PRESIDENT EGAN: What is the proposed amendment?

CHIEF CLERK: "Delete the words 'for governor' on line 6 and insert a period after 'election'."

COOPER: Mr. President, I move the adoption of that by unanimous consent.

PRESIDENT EGAN: Mr. Cooper asks unanimous consent that the amendment be adopted. Is there objection?

GRAY: I object.

SUNDBORG: I second it.

PRESIDENT EGAN: Mr. Cooper.

COOPER: It would then read: "If certified to be sufficient, the initiative or referendum petition containing a summary of the subject matter prepared by the attorney general may then be circulated and must be signed by qualified electors equal to 10 per cent of the number of votes cast in the preceding general election."

TAYLOR: May I rise to a point of information?

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I would like to ask Mr. Cooper as to whether that number of votes cast in the preceding election would be all those votes cast for the governor, the secretary of state and all the senators and all the representatives? There are going to be a lot of votes cast in those elections, maybe a hundred thousand of them. I think they should be for some particular office. They should be the guiding star in this thing and not leave it to "the votes cast" because if there are votes cast by a hundred thousand people in Alaska.

PRESIDENT EGAN: Mr. Gray.

GRAY: We are back to the purpose of the original writing. We might have two elections, the governor's election where everybody votes and then a side election where a minority group because the national names are not on the ballot. That is why they poll the governor's vote to give a true representation of the voting populace which is the reason they poll the governor's vote. Your other elections may be very, very minor. You never know but they may be very minor and that's the purpose of this particular deal.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, as I pointed out earlier when I first discussed this matter, had there been a general election in 1950 in Alaska, the population at that time was 108,000. Using the percentage of voters that cast votes for the Constitutional Convention, 13 per cent of an estimated 185,000 people voted in Alaska. Now if you tie this 10 per cent to the last preceding general election at which the governor was elected, there can be a four-year time lag. For instance, since 1950 through 1954, there was an increase of 80,000 people in Alaska, and I do not like this time lag. It is estimated in 1955 the population went over 200,000 in Alaska which is an increase of 20,000 in one year. Your general elections when we become a state will be elections at which you elect your representatives and your U. S. representatives, not just the governor or U. S. senators, so I believe that in the future, the forthcoming state of Alaska, the general elections, once every two years, will poll a larger number of votes, and the 10 per cent to initiate the initiative will be a better cross section of the people than the qualified voters of Alaska.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I believe Mr. Taylor is right in the terminology of what would be left. The number of votes cast, that leaves it up in the air, but if I might address a question to Mr. Cooper, I wonder if it would not clarify it if you would have 10 per cent of the number of voters voting at the last general election. That is what you mean, but the words "votes cast" --

COOPER: I thought when a voter voted he cast a vote.

LONDBORG: I think Mr. Taylor brought up the plurality of the situation and it would clarify it by putting "the voters voting".

TAYLOR: I might suggest he might word it "ballots cast at the preceding election".

COOPER: Yes, I see. That would be all right.

PRESIDENT EGAN: Are you asking that your amendment be amended, Mr. Cooper? What would you like the amendment to be? If there is no objection the Convention will stand at recess for one minute.

RECESS

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

COOPER: In lieu of the word "votes", delete the word "votes" and insert "ballots". It would now read "qualified electors equal to ten per cent of the number of ballots cast in the preceding general election."

PRESIDENT EGAN: Delete the word "votes" and insert the word "ballots".

COOPER: I ask unanimous consent. Mr. Victor Rivers.

V. RIVERS: Is the matter open for discussion?

COOPER: I so move.

V. FISCHER: I second the motion.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I rise to ask a question. What if we have a special referendum or a special ballot in which ballots are cast not for individuals, but on a point at issue, such as a referendum or initiative ballot or another ballot entirely separate from the vote in which an individual is elected? This matter of ballots could cover too wide a scope and could extend somewhat considerably beyond the actual number of voters.

LONDBORG: That is why I addressed a question to Mr. Cooper asking if it wouldn't be better to put "voters who voted". Now in every division at present you can write and ask the clerk of the court how many people voted at the last general election and they will tell you exactly and you have the number.

PRESIDENT EGAN: Mr. Cooper.

COOPER: After thinking it over, the words, "ballots cast in the preceding general election" in Committee Report No. 1, the general elections were established in October of an even numbered year and held every two years thereafter. That is a definition of general election.

PRESIDENT EGAN: The words "general election" still appear in this section?

COOPER: Yes, they do. "Ten per cent of the number of ballots cast in the preceding general election."

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

KILCHER: Can't one of our experts here on the floor say whether a person at a given time can cast more than one ballot as well as more than one vote?

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Certainly, if you have a separate ballot on a referendum to go along with the general election ballot, each voter is casting two ballots.

KILCHER: This wording then is inaccurate?

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: On the other hand, you could have as many as 50 times the total number of voters because you may make 50 votes on one ballot.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I still believe that the number of voters who voted, how many times they made an "x" doesn't matter.

PRESIDENT EGAN: The question is, "Shall the proposed amendment to the amendment be, as offered by Mr. Cooper, be adopted by the Convention?" All those in favor 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 of adoption. We now have the original amendment as offered by Mr. Cooper. Mr. Londborg.

LONDBORG: I would like to move to amend that amendment to read, "voters who voted".

TAYLOR: I rise to a point of order. There is no amendment before the house.

PRESIDENT EGAN: The proposed amendment is still before us in its original form, Mr. Taylor.

LONDBORG: Strike the words "vote cast" and put in "voters who voted" or "voters voting", "ten per cent of the number of voters who voted in the preceding general election."

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I move the amendment be tabled.

METCALF: I second the motion.

PRESIDENT EGAN: Mr. McNealy moved, seconded by Mr. Metcalf, that the amendment be tabled. The question is, "Shall the proposed amendment as offered by Mr. Cooper be laid on the table?" All those in favor of laying the proposed amendment on the table will signify by saying "aye", all opposed by saying "no".

KILCHER: Point of order. I don't think there was an amendment by Mr. Cooper on the table. It was the original amendment.

PRESIDENT EGAN: It was the original amendment as offered by Mr. Cooper. The Chief Clerk will call the roll on the question as to whether or not to lay the amendment on the table. Mr. Stewart.

STEWART: May we have the amendment read.

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

CHIEF CLERK: "Line 6 of the revised proposal No. 3, after the word 'cast' delete the words 'for governor' and insert a period after the word 'election' on line 7."

PRESIDENT EGAN: The question is, "Shall the proposed amendment be laid on the table? The Chief Clerk will call the roll.

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

Yeas: 15 - Collins, Gray, Kilcher, Knight, McNealy, Marston, Metcalf, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Taylor, VanderLeest, White.

Nays: 33 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Nerland, Nordale, Reader, Smith, Stewart, Sundborg, Sweeney, Walsh, Wien, Mr. President.

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson.)

CHIEF CLERK: 15 yeas, 33 nays and 7 absent.

PRESIDENT EGAN: The "nays" have it and the proposed amendment has not been laid on the table. Mr. Londborg.

LONDBORG: I believe my motion for amendment is in order now, to delete the words "votes cast" on that particular line and insert "voters who voted". I so move.

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

BARR: Second.

LONDBORG: I ask unanimous consent.

TAYLOR: I object.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Objection is heard. Mr. Riley.

RILEY: Mr. President, this is, I beg your pardon, this is just on the amendment to the amendment?

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

CHIEF CLERK: "On line 6 strike the words 'votes cast' and insert the words 'voters who voted'."

PRESIDENT EGAN: The question is, "Shall the proposed amendment to the amendment as offered by Mr. Londborg be adopted?" All in favor will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted, the amendment to the amendment. Now we are back to the original amendment as amended. Mr. Riley.

RILEY: Mr. President, just a point of information to Mr. Cooper. Did you include in your original amendment that the words following "election" in line 7 in that sentence be stricken?

COOPER: Yes, a period after the word "election".

PRESIDENT EGAN: Would the Chief Clerk please read that particular section as it will read if the proposed amendment would be adopted.

CHIEF CLERK: "If certified to be sufficient, the initiative or referendum petition containing a summary of the subject matter prepared by the attorney general may then be circulated and must be signed by qualified electors equal to ten per cent of the number of voters who voted in the preceding general election."

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 by saying "no". The Chief Clerk will call the roll.

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

Yeas: 28 - Awes, Barr, Boswell, Coghill, Cooper, Cross, Emberg, H. Fischer, V. Fischer, Hinckel, Johnson, Kilcher, Knight, Laws, Lee, Londborg, McNees, Nerland, Poulsen, Reader, Riley, R. Rivers, Stewart, Sundborg, VanderLeest, Walsh, Wien, Mr. President.

Nays: 20 - Collins, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nordale, V. Rivers, Rosswog, Smith, Sweeney, Taylor, White.

Absent: 7 - Armstrong, Buckalew, Davis, Doogan, Nolan, Peratrovich, Robertson.)

CHIEF CLERK: 28 yeas, 20 nays and 7 absent.

PRESIDENT EGAN: The "yeas" have it and so the proposed amendment as amended has been adopted by the Convention. Are there other amendments to Section 4, Committee Proposal No. 3? Are there amendments to Section 5 of the Committee Proposal No. 3? Are there amendments to Section 6 of the Committee Proposal No. 3?

CHIEF CLERK: Yes, I have one.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment to Section 6 of Committee Proposal No. 3.

CHIEF CLERK: We are back to the original proposal, page 3, line 6, strike the words "involving moral turpitude". Whose amendment is that?

CHIEF CLERK: Mr. Hellenthal's.

HELLENTHAL: I so move.

HERMANN: I second the motion.

PRESIDENT EGAN: The question is open for discussion. Mr. Hellenthal.

HELLENTHAL: Briefly, the reason for this is that a public official unlike an ordinary citizen should be beyond reproach, and irrespective of the nature of the crime he should be subject to recall. That does not mean he has to be recalled if he commits a crime, but he should be subject to recall. The way it reads now he is only subject to recall for crimes involving moral turpitude. Now I can think of many cases not involving moral turpitude where I would sign a recall petition. For example, if a hypocrite in public office voted one way and then pursued a course of conduct in his private life exactly the opposite of the way he voted in order to appease people, I would like to see that man recalled even though the offense might be very slight. And for that reason, and primarily because the public official must be irreproachable, I think he should be subject to recall for the slightest offense.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I am just wondering about the definition of the words "crime" there. I am wondering now if we are going to recall a public official for going through a red light or parking overtime.

What is the definition of the word "crime" according to the legal definition?

PRESIDENT EGAN: Mr. Hellenthal, can you answer that?

HELLENTHAL: I would under certain circumstances sign a recall petition for a public official who went through a red light, especially if that official was a director of public safety or had led a big newspaper campaign to protect people's lives and health and safety. I would sign a petition, but perhaps somebody else would not, and the petition might fail but the door should be open. "Moral turpitude" is too high a standard. It is going to protect too many inefficient people. Maybe it is a poor illustration but I can recall a group of legislators who violated the fishing laws. In a sense they were recalled, they were not re-elected. Those circumstances did not involve moral turpitude, but any legislator who would vote to prohibit people from fishing at certain times, at certain places, and then turn around and violate that same law within a few months should be recalled whether it involves moral turpitude or not.

V. RIVERS: I still have no definition for "crime", as I requested.

HELLENTHAL: Any crime should be the grounds for recall and then leave it to the good judgment of the people to determine whether the crime was severe enough for them to warrant signing the petition.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: If I might answer Mr. Rivers, generally a crime is any offense which may be punishable by the state and generally crimes are divided into felonies and misdemeanors, but literally, even what we call now petty offenses -- traffic tickets, could be defined to be crimes under an act of the legislature so in effect, if you knocked out the words "moral turpitude", if a legislature decided to describe all parking violations as crimes, then in substance you would have a technical right upon legislative definition to recall a public official for having violated some minor petty traffic law. The crime of its nature varies in each state of the Union. Normally crimes are divided into felonies and misdemeanors, and they pick up a third category, or second, however you think of it, as petty offenses, that is traffic tickets. But in fact the legislature could define everything, all offenses against municipalities or the state as crimes.

V. RIVERS: Don't you think the word "crime" should be qualified by some degree, such as a felony in this matter? We have moral turpitude involved here at the present time. What degree of qualification should we put in front of the word "crime"?

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Merely to clarify it, a felony is what the legislature makes it. In most states the legislature defines (this is an offhand opinion) the legislature defines as felonies those things which are capable of imprisonment. In some other states they determine what a felony is by describing the amount of imprisonment you can receive from it. The legislature can again define any act in violation of a state law as either a felony or misdemeanor.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I am quite in accord with Mr. Hellenthal's sympathies on this matter of recall. I think, however, his efforts to amend here has not gone far enough. It appears to me it should include all of the stated reasons here. A person is subject, or any official should be subject to recall he should be subject to recall period. It doesn't make any difference whether there are grounds or not, if there is a change in the public sympathy with respect to their politics or their attitude in office or anything else, they should be subject to recall. I don't see why there should be any grounds stated whatsoever.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: What is before the house?

PRESIDENT EGAN: It involves the striking of the words "involving moral turpitude" on line 6, page 3, of Committee Proposal No.

R. RIVERS: I know that. I can't remember if the motion was put and seconded.

PRESIDENT EGAN: It was, Mr. Rivers.

R. RIVERS: Very well, Mr. McLaughlin has adequately stated that every violation whereby you can be fined or punished by either long or short incarceration is a crime. So all these little traffic matters are not crimes in the broad sense of the

word. The words "moral turpitude" embody something that is dishonest, such as malappropriation of somebody's property, purposely inflicting pain on people. Those are things known as malum in se. You can take regulations and laws which are malum prohibitum, they are bad only because they are prohibited by a town ordinance or statute. Those do not involve moral turpitude. The council might pass an ordinance to the effect that people shall not cross the street between intersections. There is nothing morally wrong about crossing a street between intersections but if the council passes such an ordinance, then that is malum prohibitum. Now I cannot see subjecting public officials to recall or even being eligible to be recalled as Mr. Hellenthal suggests, because they cross the streets between intersections or violate some minor regulation or ordinance which was malum prohibitum. We might also say that many misdemeanors involve moral turpitude. Petty larceny involves moral turpitude even if it is under \$35.00, which distinguishes between a misdemeanor and a felony. Embezzlement of very minor amounts involve moral turpitude whether classified as a misdemeanor or a felony, so I don't think we can modify this language by saying that they should be subject to recall for any felony that they commit such as Mr. Victor Rivers suggested, because there are too many misdemeanors involving moral turpitude which should be the subject matter of recall. But neither can I see knocking out the words "moral turpitude" here because every public official is subject to recall for the most minor misdemeanor. I think it should be left exactly the way it is.

HELLENTHAL: One of those minor little things might be total neglect to pay your Territorial taxes for example. That does not involve moral turpitude, but I think any public official who refused to pay his taxes should be recalled. It does not involve moral turpitude. I will go farther than that, I have faith in the people. I don't think the people are going to sign recall petitions for people who walk against red lights, I am sure they are not going to but I don't want to put the people in the position where they can not even have a chance to recall a man for example, who has failed to pay his state income taxes but yet who voted for them in the legislature. I know of no reason in logic or morality or common decency which requires us to protect legislators to the extent that they can only be recalled for heinous crimes or those involving moral turpitude. They should be like Caesar's wife, and the sooner they realize it, the better.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I am compelled to disagree with Mr. Hellenthal that failure to pay taxes is not a crime or an offense involving moral turpitude. As I understand it, our Territorial income tax law is based primarily on the federal income tax law, and if you fail to pay your federal income tax you are subject to punishment by imprisonment, and therefore, by the same token it would be a crime involving moral turpitude, so I don't think that that argument follows at all. I am against the amendment because I think there ought to be some protection for public officials. I think it would be ridiculous to subject them to recall simply because they happened to violate some minor infraction of traffic regulation or something of that nature, and they certainly would be open to recall on that ground if the amendment as suggested now by Mr. Hellenthal is adopted.

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

TAYLOR: Mr. Hellenthal gave an illustration as to what would constitute in his opinion the grounds for a recall, that of a public official and he got up and publicly spoke about some measure or something that affected the people and then he acted opposite when he got to be an official, which could be a man who got up and talked very loudly for maybe a prohibition bill, but maybe he gets elected, but he keeps a bottle in his desk and he sets them up to his friends that he knows will take a drink when they come in or something like that, and there are other instances, but I think that Mr. Hellenthal is going to say those are things that will subject an official to recall. We don't have to strike anything in this at all, because he says anything involving moral turpitude or hypocrisy. He has shown that hypocrisy should be grounds for recall of public officials. Public punishment for hypocrisy went out for some time ago it went out with the Spanish Inquisition. I don't think this constitution should be putting anybody that subjects them to something that is the state of mind of a person. I think it should be defeated.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Do you think that those public officials who violated the fishing laws should not be subject to recall? Now I will have to twist the illustration a little because they were not public officials, they were legislators. They voted to put in restrictions on fishing and then turned right around and violated them and pled guilty to the offense. The offense does not involve moral turpitude, but those men who would pass a law and then intentionally violate it are not fit to hold public office.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I think Mr. Hellenthal's illustration is poorly chosen. The fishermen he has in mind violated the regulations of Fish and Wildlife and not any law that the legislature passed.

PRESIDENT EGAN: Mr. Lee.

LEE: That was the point I was going to make.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Hellenthal 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". The "noes" have it and the proposed amendment has failed of adoption. Mr. Johnson.

JOHNSON: I move that the Convention stand adjourned until tomorrow morning at 9 o'clock.

PRESIDENT EGAN: The Chair would like to have this particular invitation read before he puts any motion for adjournment.

JOHNSON: I will withdraw the motion then.

PRESIDENT EGAN: The Chief Clerk will please read the invitation.

(The Chief Clerk read the invitation from Pan American World Airways.)

V. RIVERS: Mr. President, I would like to present a question to the Chairman of the Committee who submitted this proposal. We are still on Section 6, are we not?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Point of order. We had a communication on the floor and it is "please reply". That ought to be taken care of first.

PRESIDENT EGAN: Do you object, Mr. Victor Rivers, to disposing of the reply? That ought to be taken care of. The Chief Clerk can call the office here, if there is no objection, and tell them that if it is possible for the members to attend, that they will. That is about all we can tell them because some of you will probably be at committee meetings. Mr. Victor Rivers.

V. RIVERS: Before we adjourn, I would like to ask a question in regard to this recall. It says "every elected public official in the state, etc." Does that apply to the elected officials within the elected corporate municipalities? I assume it would be meant to apply to the council and mayor of the cities as well as to the officers of the state.

PRESIDENT EGAN: Mr. Collins, could you answer that question? COLLINS: Mr. Taylor could probably answer that.

TAYLOR: We probably felt it would be, but the city would have to provide for it by ordinance if they did, and then the legislature would necessarily have to implement this act also by the proper legislative enactment.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would like to address a question to Mr. Taylor, if I may.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: In line with a suggestion made by Mr. McCutcheon before, that recall be authorized without stating any grounds, would it be possible then, if lines 5 and 6 were stricken, then would it be possible for the legislature to establish grounds for recall?

TAYLOR: Yes. It certainly would have to be implemented, and I think you could it by the legislature upon such grounds as may be provided by law and strike the rest of it. Of course, the common grounds for recall of an elected official are malfeasance, misfeasance, and nonfeasance, or conviction of a crime. Practically all the provisions of constitutions that we ran across were very short and to the point, but the legislature has to implement that act.

PRESIDENT EGAN: Mr. Taylor, if the Chair is not out of order, why are the words "except judicial officers" in this recall section?

TAYLOR: Because in the judicial article there is a method for removing judges.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: There is a historical reason for that. I believe that in the case of the application of Arizona to be admitted to the Union, President Taft vetoed the act of admission on the grounds that they had a provision in there asking for the recall of judicial officers. He was so offended by it because it violated the tradition, that he vetoed the act and the people of Arizona promptly took the recall provision out of the constitution and were admitted to the Union, and then under the right to organize their internal affairs, they promptly put it back in.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Our judiciary article provides for a screening of the judges and appointment by the governor subject to approval and removal by the public at subsequent voting procedures. When we speak here of elected public officials, we say "except judicial officers," because they do go on the ballot periodically, but they are not strictly elected public officials so that only clarifies the point.

PRESIDENT EGAN: Are there other proposed amendments to Section 6? Mr. Victor Fischer?

V. FISCHER: I was just in the process of writing out a proposed amendment to delete lines 5 and 6 on page 3.

PRESIDENT EGAN: Do you offer that as an amendment, Mr. Fischer?

V. FISCHER: Mr. President, I offer that as an amendment and ask unanimous consent. .

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that line 5 and 6 on page 3 of Section 6 be deleted from the proposal. Is there objection?

TAYLOR: I object.

V. FISCHER. I so move.

SUNDBORG: I second the motion.

PRESIDENT EGAN: Mr. Fischer so moves and Mr. Sundborg seconds the motion. The question is open for discussion. Mr. Victor Fischer.

V. FISCHER: Mr. President, as Mr. McCutcheon has stated the case very well before, and that is that every public official

should be liable to recall for whatever grounds the people feel are justified. Secondly, I also feel that when you specify grounds in the constitution, you will end up in the courts each time to determine, "Now is this really malfeasance, or misfeasance?" It will always be a matter of degree to see whether it fits in. Lets leave it to the people. If they feel a man should be kicked out of his job, let the people do it.

PRESIDENT EGAN: Mr. White.

WHITE: May I direct a question to Mr. Fischer?

PRESIDENT EGAN: You may, Mr. White.

WHITE: Mr. Fischer, do you make this amendment with the understanding that line 7 means that the legislature can't prescribe the grounds for recall?

V. FISCHER: I make the amendment with that in mind as well as with the assumption that even if it were silent on it, the legislature could still decide.

WHITE: The legislature then would still have to provide the grounds, and your argument that each recall petition would wind up in court would not have any bearing because it would wind up in court anyhow.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: . It is not necessary that the legislature establish any grounds whatsoever. It is necessary that they establish the procedure for which a recall may be instituted.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I don't concur with Mr. McCutcheon. I think there have to be grounds prescribed. If we don't prescribe the grounds, the legislature will have to do so. You don't indulge in a penalty proceedings without some grounds or criteria for removal.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: If we should strike the two lines as proposed by the amendment, we have nothing left in the recall section that is of any value. We might just as well delete it entirely and give the legislature authority to set up the recall procedure under such conditions that it deems advisable.

HELLENTHAL: I have been checking the Hawaiian Manual on this, and none of the states prescribe the grounds in the constitution. We are being rather novel in the inclusion of lines 5 and 6, and I would certainly think they should be deleted. If there is any doubt about whether the grounds can be properly prescribed by the legislature, a very simple amendment to line 7 adding the words, "The legislature shall prescribe the recall procedure and grounds" therefore would solve it. I would certainly support the elimination of lines 5 and 6.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I would like to know whether Mr. Fischer has not considered that by striking line 5 and 6 alone, the whole article is still vague as to the procedures. I think we are not interested enough in the procedures here, and if we should vote on this, and I would not feel qualified to vote intelligently because I think the whole section there is too vague as to procedure as to how the voters, is it a form of initiative or referendum? I would like to know that.

V. FISCHER: If I may answer that question, Mr. President, the proposed amendment would not change the vagueness of this section in my opinion in any way. It would not make it any vaguer. It would make it broader and give the people more power in terms of scope of recall, and as was pointed out, if the legislature feels that any grounds should be authorized for recall they could do it. In terms of procedure that would have to be a separate amendment.

KILCHER: What I am trying to stress is this, that if recall is made easier from the people's point of view, if the procedure is left to the legislature, the legislature will constrict the procedure, so what you enlarge in one way, unless the procedure is not defined better in this article, the procedure will be constricted. We win one way and lose another.

COGHILL: I rise to a point of order. We might hold this vote over, the time clock is a little slow, and that bus is going to be coming around pretty quick. I move and ask unanimous consent that we adjourn until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Are there any other committee announcements?

COGHILL: The Administration Committee will meet immediately upon adjournment.

PRESIDENT EGAN: The Convention will come to order. Mr. Coghill asks unanimous consent that the Convention adjourn until 9 o'clock tomorrow morning. Is there objection? Hearing no objection it is so ordered, and the Convention stands adjourned until 9 a.m. tomorrow.