

## ALASKA CONSTITUTIONAL CONVENTION

January 29, 1956

SIXTY-EIGHTH DAY

PRESIDENT EGAN: The Convention will come to order. Reverend Armstrong, could we call upon you to give the daily invocation?

REVEREND ARMSTRONG: Gracious Father, at the beginning of this new week, we thank Thee that we can come together on this day, Thy day, to discuss the business that is important to our future lives. We pray that the decisions made today might spell a forward advance for statehood, for better living, towards a higher way of life for every one of us. We trust in Thee. We thank Thee for the trust Thou hast placed in us. In Christ's name. Amen.

PRESIDENT EGAN: Would the Chief Clerk please call the roll.

(The Chief Clerk then called the roll.)

CHIEF CLERK: Two absent.

PRESIDENT EGAN: A quorum is present and the Convention will proceed with its regular order of business. Are there any communications or petitions from outside the Convention? Are there reports of standing committees or of select committees? Mr. McNealy.

MCNEALY: Under reports of standing committees, I would like at this time on behalf of the Committee on Ordinances to introduce Proposal No. 17/c, the Tennessee Plan.

PRESIDENT EGAN: The Chief Clerk will please read Committee Proposal No. 17/c for the first time.

CHIEF CLERK: "Committee Proposal No. 17/c, Schedule."

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

RILEY: Mr. President, in view of the fact that the calendar was completed yesterday, the calendar did not appear on the desks this morning. The Rules Committee anticipated that other measures would be introduced today and, accordingly, I ask unanimous consent that the rules be suspended and that Proposal No. 17/c be advanced to second reading for consideration and first place today on the calendar.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the rules be suspended, that Committee Proposal No. 17/c be placed on the calendar in second reading for consideration at this time. Is

there objection? If there is no objection, it is so ordered and 17/c will be our first order of business in second reading today. Are there reports of select committees? Are there reports or resolutions to be placed before the body? Is there any other unfinished business? If not, the Chief Clerk may please read Committee Proposal No. 17/c for the second time.

(The Chief Clerk then read Committee Proposal 17/c for the second time.)

PRESIDENT EGAN: Are there amendments? Mr. Stewart.

STEWART: I would like to call attention to what I think is a typographical error at this time.

PRESIDENT EGAN: It would be proper, Mr. Stewart.

STEWART: On page 4, line 10, "Alaska Constitutional Convention by Chapter 46, Session Laws of Alaska, 1945", I think that is "1955".

PRESIDENT EGAN: Do you ask unanimous consent that that change be made, Mr. Stewart?

STEWART: I do.

PRESIDENT EGAN: Hearing no objection to that change, it is so ordered. Are there proposed amendments for Section 27? Mr. McNealy, do you have an explanation or statement to make in relation to this?

MCNEALY: Mr. President, there are probably two fundamental matters here: one is whether the Convention is going to adopt the Tennessee Plan ordinance, and second, an almost equally fundamental matter is whether consideration is to be given to the method of primary elections. I do wish to call attention that it was promised to have been ready to distribute by 1:30; it was to be on the desks here. It was a substitution. The only difference in the substitution will be that the dates would be more clearly set out as to direct primary procedure. That is one of the big problems that faces the Convention here that a great many people feel that there should be a direct primary and a great many people feel that, due to the time element, that a party convention system of nominating candidates, and, in addition to that, allowing the independent candidates to file should be adopted. The only difficulty we find with the direct primary is the tight, the very tight schedule that is involved here, if it is possible for it to work out. The Secretary of the Convention has contacted the various clerks of the court, and they say that it is administratively possible to use the direct primary system providing that no one falls down anyplace along the line from the dates of filing until the distribution and

counting of the ballots is concerned. And that was the reason the Committee thought of providing this alternate plan of the party convention, because we have discussed this matter and worked on it and considered it from every angle, and the Committee is very fearful of the direct primary nominations. And, for that reason, we definitely felt or knew that we had to put in the party convention system of nominating; in the event that fell down, we would be able to proceed through the party convention. The difficulty with trying it -- there are many things -- of course, that can happen here. There is a possibility, I think, which I think all of the attorneys realize here, which in fact I think everybody realizes here, and that is that on the direct primary there is some little question there about the legality of running for an office which doesn't exist, which of course would be cured at the time the constitution is ratified and the convention held afterward -- the nominations for the office -- if it would cure that one legal technicality there. The other is that I don't think we have too much to fear from this -- about the Director of Finance not cooperating, because all of us who are present here remember, at least in the house of representatives, and very likely the same thing in the senate, that when this Convention bill was passed that there was doubts whether or not the Governor was favorable or not favorable; whether actually there would be the possibility of voting upon the delegates to this Convention since that was about as irregular for the Legislature to do as the adoption of the Tennessee Plan would be for this Convention. However, as we all know there was cooperation on the part of all of the Territorial officials and clerks of the court to make this Convention possible, and from what Mr. Stewart has been able to learn, there will be that same cooperation in regard to the ratification vote of this constitution and, also, to this Tennessee Plan. Now, I just had a note here from the boiler room that the revised Tennessee Plan will be down in about 20 minutes, which will undoubtedly obviate a great deal of amendments to be offered from the floor. We have called in several here who are conversant with election mechanics -- "Dixie" Hall, Clerk of Court, and others, together with the experts -- and there will be a lot of so-called bugs ironed out of 17/c as to the direct primary, and the rest of it will probably remain the same. I do want to call attention to the fact of how close the schedule will run, and I believe these will be mimeographed also and placed on the desks, but, as we all know, the Territorial date for filing of primary candidates and for independent candidates filing for office is on February 1. We won't sign the constitution until February 5. Territorial law requires that these candidates file before February 1 and be certified to the clerks of the court by February 10. It is proposed in this ordinance to advance the filing dates for primary candidates and independent candidates to February 20, which, as we know, is a 20-day jump in time there; and then to allow -- the date for certifying these candidates to the clerk of the court would be advanced to February 25 rather than February 10, and, under the

Territorial statutes, all the ballots are required by law to be in the precinct by March 15 because of absentee ballot voting, which I believe allows some 40 days, so the ballots from this Convention must also be in the precinct on March 15. And then, of course, there would be the primary election on April 24. The clerks are then required to certify the primary results to the Director of Finance by June 15, with the deadline for the primary results to be certified from the clerk of court to the Director of Finance by June 25. Now, if the direct primary system did for any reason fail, then the party nominating conventions would have to be held about June 25, or between June 25 and July 15, in order that the results could be certified to the Director of Finance by July 15, which would also be the deadline under Convention system for independent candidates to file because they must be in the hands of the Director of Finance so he would have to certify the names to be printed on the ballots in the elections to be held this fall. And I might state as to printing the ballots that Mr. Hall felt, and I believe it will be required also since the February 1 date has gone by, that any ordinances passed by this Convention together with the ballot on ratifying the constitution will of necessity have to be printed -- caused to be printed by the Secretary of the Convention. There are a great many problems, and your Committee felt that the matter of the direct primary election should be discussed from the floor and the only fault that I find at all is that, in the event that it should fall down, the direct primary, somewhere along the line and not be able to go through, it might give the people a chance to discredit it in light of any party conventions later on. The Committee feels it is strictly a matter for the Convention, and we have done everything possible here to provide the mechanics for a direct primary and, in the alternative, for the party convention.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I have a parliamentary inquiry addressed to the Chair. If I should move to strike subsection 1 of Section 28 in order to get the proceedings on the way, would that require a suspension of the rules?

PRESIDENT EGAN: No, it would not because we are in the amending process in second reading.

McLAUGHLIN: Then, Mr. Chairman, I move to strike subsection 1 of Section 28. I might point out, I believe, that that would in effect nullify the whole Tennessee Plan and I so move merely to get it before the Convention. I move to strike subsection 1 of Section 28.

PRESIDENT EGAN: Mr. McLaughlin moves that subsection 1 of Section 28, that it be deleted from the proposal. Is there a second to the motion?

BUCKALEW: I second the motion.

PRESIDENT EGAN: It is moved and seconded that subsection 1 of Section 28 be deleted from the proposal. The proposed amendment is open for discussion. Is there any discussion on the proposed motion? Mr. Stewart.

STEWART: May we ask Mr. McLaughlin to give a little clearer explanation as to what is involved here.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: The explanation is that, if the Convention, in substance, as I understand it, votes yes to strike that section, the Convention then has gone on record that they do not desire the Tennessee Plan, because you have in substance cut the essentials of the plan immediately from the schedule. So that issue, as I understand it, is that if you vote yes, in favor of my amendment, you don't wish the Tennessee Plan. If you vote no, against my amendment, you desire the Tennessee Plan. So, at least the question is presented to the Convention: whether you desire the Tennessee Plan or whether you do not. I present it to the Convention merely because I presume the next question is the question as to the primaries; how it shall be held or how the selection of candidates will be determined, but the first question should be whether or not you favor the Tennessee Plan.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, it seems to me the issue is clearly outlined and I request a roll call.

PRESIDENT EGAN: If there is no further discussion -- Mr. Marston.

MARSTON: Mr. President, you mean to say we are going to vote now on whether to have the Tennessee Plan or not?

PRESIDENT EGAN: No, Mr. Marston, what Mr. McLaughlin said was that it will indicate, if you vote yes on this deletion of this subsection at this time, it would indicate that you do not favor the Tennessee Plan, because it cuts the heart out of this proposed plan. If you vote no, it indicates that the Convention favors some sort of plan such as this.

MARSTON: Are we going to have debate on this question? Well, I think now is the time to do it, not later on.

PRESIDENT EGAN: If any person opposes the motion or if he favors the motion, he can debate that motion now.

MARSTON: Mr. President, may I speak now?

PRESIDENT EGAN: Mr. Marston.

MARSTON: I have not been selected for this job; I didn't know it could be decided so suddenly. If somebody is going to talk on this and present it, I would like to sit down and listen to it.

PRESIDENT EGAN: Mr. Marston, this does not decide the question. It merely puts before the Convention a motion that would indicate the feeling of the Convention as to whether or not -- because if you adopt this motion as it is presented here, it would probably indicate that the Convention does not favor this sort of plan. So, you have the floor and you can debate this motion.

MARSTON: I wasn't picked to do this job and had no intention to do it, but I don't want to see this time go by without expression from the floor. I think "Sir Galahad" who came here from the South and presented this great program has the right plan. I think it's a terrific story, and I think that it is now or never for statehood and Lehleitner -- the Tennessee Plan is the only course; if we turn that down, then we have wasted our time here. We came here to build a constitution for the great State of Alaska and we can become a state now and not wait forever; it's now or never, and I think the Tennessee Plan is the only course that we can take. That is all I can say. Thank you for the time.

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

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

Yeas: 0

Nays: 53 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 2 - Coghill, R. Rivers.)

CHIEF CLERK: 53 nays and 2 absent.

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

McLAUGHLIN: Mr. Chairman, I haven't consulted with Mr. McNealy on this, but I am trying to get the show on the road. I now move to strike subsection 4 of Section 28 as it appears on page 3.

PRESIDENT EGAN: Mr. McLaughlin moves to strike, or delete, from Committee Proposal No. 17/c, subsection 4 of Section 28, page 3.

V. RIVERS: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Victor Rivers. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I make this motion because subsection 4 as it reads will determine the only thing in substance. If you vote for my amendment, it means, in substance, that you will vote against party conventions. You will vote against party conventions because just a cursory reading indicates that it would prohibit party conventions, and then the determination is whether you want to put it on the primary alone; that is, is it to be a primary election? That is my understanding that that would be the result of it. I present it on the floor so that there can be debate.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, may I direct a question or two to the Chairman of the Ordinance Committee?

PRESIDENT EGAN: If there's no objection.

WHITE: Mr. McNealy, in presenting both sections 3 and 4 to the Convention, was it the intention of the Committee that possibly we might allow them both to remain in, or was it the definite intention of the Committee that one or the other would be stricken?

McNEALY: It was the intention of the Committee, and I might state that we felt that it would be almost necessary that Section 4 at least remain in because of the mechanical, the administrative difficulties, and the possible legal difficulties of the direct primary. In answer to that and, as Mr. McLaughlin stated, and he certainly is on the right course of getting this matter before the body for consideration, but in his proposed amendment -- Mr. Chairman, could I ask for a one-minute recess at this time?

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

RECESS

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

McLAUGHLIN: Mr. Chairman, with my usual deliberation, I glanced through the proposal and picked the wrong section to be stricken. I request unanimous consent that my proposed amendment be withdrawn.

PRESIDENT EGAN: Mr. McLaughlin asks unanimous consent that his proposed amendment be withdrawn.

LONDBORG: I object.

PRESIDENT EGAN: Mr. Londborg objects to the withdrawing of the proposed amendment.

McLAUGHLIN: If I might explain to Mr. Londborg through the Chair, the amendment that I had presented does not strike at the heart of the problem. The amendment which I propose to substitute for it will strike at the heart of the problem, the determination whether it shall be primary or by convention.

LONDBORG: Mr President, how am I to know whether it strikes at the heart of the problem? As far as I am concerned, I don't know what else you are going to offer.

McLAUGHLIN: Mr. Londborg, here is what I am going to offer. I am prepared to offer an amendment to strike, commencing on page 2, line 21, after "offices", all wording following the word "offices" to the end of page 2, and all wording commencing on line 1 of page 3, all the way down to the word "then" in line 13.

PRESIDENT EGAN: Is objection still heard to Mr. McLaughlin's unanimous consent request?

LONDBORG: I have not withdrawn.

PRESIDENT EGAN: Do you so move, Mr. McLaughlin?

McLAUGHLIN: I so move.

RILEY: I second the motion.

PRESIDENT EGAN: It was so moved, seconded by Mr. Riley. Mr. Sundborg.

SUNDBORG: Mr. President, I would like to say to Mr. Londborg that if he still thinks he wants to strike, that he can offer the motion that Mr. McLaughlin is attempting to withdraw. It doesn't mean it can't be renewed; it hasn't been voted on.

PRESIDENT EGAN: The question is, "Shall Mr. McLaughlin be allowed to withdraw his proposed amendment?" The Chief Clerk will call the roll.

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

Yeas: 45 - Armstrong, Awes, Buckalew, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Robertson, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 8 - Barr, Boswell, Cooper, Londborg, Reader, V. Rivers, Rosswog, Sweeney.

Absent: 2 - Coghill, R. Rivers.)

CHIEF CLERK: 45 yeas, 8 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it, and the amendment is ordered withdrawn. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I move to strike all the words on line 21, page 2, following the word "offices"; and I further move to strike all the words on page 3 commencing with the first word of line 1 down to and including line 13, the word, first word in line 13, "then".

PRESIDENT EGAN: Mr. McLaughlin, do you also include in that the capitalization of the word "One", of the "O" in the "One"?

McLAUGHLIN: I also strike the word "One"; everything on page 3 commencing with the first word of line 1 down to and including "then one" on line 13 of page 3.

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

STEWART: I'll second.

PRESIDENT EGAN: Seconded by Mr. Stewart. The proposed amendment is open for discussion. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, as I understand it, when I move to strike this, I, in substance, have stricken and am prepared to raise the question of whether or not the primary shall be held on the 24th day of April with qualifying candidates.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, as Mr. McLaughlin has said, this would, in effect, strike the primary system, and it seems to me some basic questions arise, and I would like to address a further question to the Chairman of the Ordinance Committee.

PRESIDENT EGAN: If there is no objection, Mr. White, you may address your question.

WHITE: Mr. McNealy, whether or not the Convention prefers one system over another, it seems to me there are at least three basic considerations in trying to decide whether or not we should strike the primary system. I would wonder what the advice of the Ordinance Committee is as to the practicality as to timing of going through the primary system, first of all; secondly, the power of the Convention to provide a filing date separate from the one already in existence under Territorial law; and thirdly, the power of the Convention to provide that nominations would take place in the primary election at the same time the ordinance was ratified.

PRESIDENT EGAN: Mr. McNealy, you may answer the question if you wish.

McNEALY: Mr. President, from the outset, the Committee on Ordinances felt that a direct primary system should be had for the nomination of these candidates and we worked from every angle there to provide for a direct primary. We finally ran up against the legal obstacles as well as the administrative obstacles of holding the elections at later dates than were provided by law, and we then dropped the primary plan and wrote only the convention plan into our ordinance. However, there were a number of people, members of this Convention and outside the Convention, that approached the Committee with reference to making every attempt to provide for a direct primary, so a complete and further study was made and we endeavored to get all of the advice we could. As I mentioned before, Mr. Stewart contacted the various clerks of the court and it eventually resolved it down to this, in just a few words: that if everyone, from the candidates filing themselves, if they can get their filings in by February 20, and then if the Director of Finance will accept those, and if he will certify them back to the clerks of the court, and if the ballots can be printed and distributed to all precincts by March 15; in other words, if everyone who comes in contact -- our problem is not only on this Tennessee Plan, the greater problem is here. I grant that because it is a matter of additional ballots as far as the administrative problem is concerned, though you have the same thing to face with ratification of the constitution, or any other ordinances that might come out of this body. But the word that we have from the clerks of the court, at least, and especially from "Dixie" Hall here in Fairbanks that, if every person from the Director of Finance on down to the precinct level will cooperate and there are no slipups any place, then it is administratively possible for a direct primary. If there is a holdup on the part of the Director or clerk of any court or distribution of these by the various commissioners or under the clerks of the court, then it would possibly, in effect, be administratively impossible to work under

the direct primary system. I don't know whether I have answered all of Mr. White's questions.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, that answers part of it. Mr. McNealy, the second part was the opinion of the Committee as to the power of the Convention legally to provide for a separate filing date and legally to provide for the primary election of those candidates at the same time as the ratification is taking place, the ratification of the ordinance.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: In answer to that, Mr. President, it goes back to -- I might answer a portion of that, Mr. President, by reading a short citation from a case cited in 59 Southwestern on a subject somewhat similar in covering elections that, "A constitutional convention is not a coordinate branch of the government but is a body of representatives of the people convened only on special occasions and for the purpose of reviving or revising or framing a constitution. The powers it has are usually expressly conferred upon it together with such implied and inherent powers as may be necessary to carry into effect those expressly conferred." The Convention here has an inherent power, and under our enabling act, to take all measures necessary and proper in preparation for the admission of Alaska as a state. However, to enforce any of these, this Convention would have no power by way of a writ of mandamus to force the Director of Finance to do anything, or to force the clerks of the court to do anything, any more than we have the power to force them to cause a vote to be taken upon the ratification of this constitution. The only thing there I can say, Mr. White, is the officials of the Territory and the federal government did cooperate with the calling of the election held for the delegates of this Convention, and that we can only hope that they will furnish the same cooperation in voting, providing the votes and the ballots for voting on the ratification of the constitution together with any ordinances adopted by this Convention. The very serious thought, though, had the Committee thought that had we a 90 per cent chance of being able to elect by a direct primary, we would not have put in an alternative method of the party convention. If there is one slip-up, if they fail to hold the elections in one division, or if it is attacked on the legal question of whether it is possible for people to run for offices which do not exist and which will not exist, then we still have the convention plan left to fall back on and which might, in effect, deter anyone from bringing action. If the convention plan were knocked out, I don't think there would be any elections held on this at all. There is that very grave possibility. The Committee considered, also, and we tried to tie it in so far -- and the revised copy that comes out here on the desks will possibly save a great many amendments on the

floor, because we tied it in as closely as possible with the Territorial law; and all of you here who are familiar with the public utility districts and the organizing of them -- we do have a little precedent here in Alaska that it is possible for the courts to order an election which would be similar to this Convention ordering an election. If the people vote to become independent as a public utility district, then the candidates running at the same time, and the five highest number of candidates are elected to office, so they are, in effect, running for an office which does not exist unless the people vote for a public utility district. So we do have that little precedent in Territorial law which we have endeavored to follow as much as possible.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I would like to make an inquiry of the Chair and then ask a question of Mr. McNealy, if I may.

PRESIDENT EGAN: Your inquiry, Mr. Davis?

DAVIS: In the first place, while Mr. McNealy has been talking, there has been passed out a proposal marked, Committee Proposal No. 17/c, Revised, and I think I notice that the section numbers are different in that revised plan than in the original plan, and I would like to inquire of the Chair as to whether or not it is clear that the vote we took a while ago and the vote that will be taken on Mr. McLaughlin's motion has to do with the original plan and not with the revised plan?

PRESIDENT EGAN: Mr. Davis, that question has arisen in the mind of the Chair. If Mr. McLaughlin and the other delegates would be agreeable, it would seem that it might be well, inasmuch as it seems to be the wish of the Committee that this Committee Proposal No. 17/c, Revised, be placed before the Convention in some way at this time, that possibly we could read this proposal and then hold any amendments in abeyance until such time as we would have the revised proposal before us. Is that --

DAVIS: Either that or, since we are voting here to find out actually the intent of the body, as I understand it, then it seems to me we could proceed under the present Proposal No. 17/c. All I want to do is make sure the record shows that we are voting on Section 28 of the present one, because Section 28 of the revised is something entirely different.

PRESIDENT EGAN: That is correct.

DAVIS: Either way, I think, would be acceptable; it's just a matter of making sure how we are proceeding is what I had in mind.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a few minutes.

## RECESS

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

McLAUGHLIN: Mr. Chairman, I request unanimous consent to withdraw my proposed amendment to Committee Proposal No. 17/c.

PRESIDENT EGAN: Mr. McLaughlin asks unanimous consent for the withdrawal of his proposed amendment to Committee Proposal No. 17/c.

McLAUGHLIN: My purpose for doing that is that it is my understanding Mr. McNealy is going to withdraw No. 17/c and submit 17/c, Revised, and then I shall move later to remove the comparable words.

PRESIDENT EGAN: Is there objection to Mr. McLaughlin's unanimous consent request? Mr. Davis.

DAVIS: One question first: if I understand correctly, he is only withdrawing his last motion?

PRESIDENT EGAN: Yes, that is right, at this time. Is there objection? If there is no objection, it is so ordered and the motion is ordered withdrawn. Mr. McNealy.

MCNEALY: Mr. President, I move and ask unanimous consent that the original Committee Proposal No. 17/c be withdrawn from the record.

PRESIDENT EGAN: Mr. McNealy moves and asks unanimous consent that the original Committee Proposal No. 17/c be withdrawn from the calendar. Is there objection? If there is no objection, Committee Proposal 17/c is ordered withdrawn. Mr. McNealy.

MCNEALY: I now offer Committee Proposal 17/c, Revised, for consideration of the body.

PRESIDENT EGAN: Mr. McNealy -- the Ordinance Committee now offers Committee Proposal No. 17/c, Revised, for the Convention. The Chief Clerk will please read Committee Proposal No. 17/c, Revised, for the first time.

CHIEF CLERK: "Committee Proposal No. 17/c, Revised, Schedule."

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. President, I infer that it has been referred to the Rules Committee for placement on the calendar, and I ask unanimous consent that the rules be suspended and that Committee Proposal No. 17/c, Revised, be placed on the calendar as the next order of business.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that Committee Proposal No. 17/c, Revised, be placed on the calendar in second reading as the next order of business. Is there

objection? Hearing no objection, it is so ordered. The Chief Clerk may proceed with the reading of Committee Proposal No. 17/c, Revised, for the second time.

(The Chief Clerk then read Committee Proposal No. 17/c, Revised, for the second time.)

PRESIDENT EGAN: Mr. McNealy, would you care to offer an explanation of the changes made in this?

McNEALY: Mr. President, first I wish to state that I have, on two or three occasions on the floor if not more, have not spoken so very highly of some of our experts connected with this Convention. I do wish, in regard to this particular ordinance, to say that the experts have been of invaluable aid in the technicalities involved in this particular one and have been of great assistance. The greater change made here under this is that in the matter of endeavoring to pinpoint the essential elements necessary, such as the filing fees and the actions to be taken by the Director of Finance, the clerks of the court, and the time in which these various parties should act. It has gone along -- I believe on each desk there is a mimeographed sheet showing a possible Territorial and State Election Schedule, and by "state election schedule", we mean the ratification of the constitution and any ordinances; and while it is a very tight schedule, it has been coordinated insofar as possible with the proper sections of the Territorial law. We have also provided in this, which I note was not in the other, that in the event some candidate holding another office, if he should be successful, then he would not be entitled to the compensation of both offices. I do wish to state also that, wherever Chapter 46 of Session Laws of Alaska appears, it says, on my mimeographed copy, it says 1945; however, the meaning is 1955. I believe that this more clearly expresses the intent of the Committee, and it also contains Sections 27 and 28 which the Convention remembers are ordinances or transitional measures that were referred to us from other committees here on the floor, and they are included here so that this completes all of the proposed ordinances of the Ordinance Committee unless more are referred to us in some way.

PRESIDENT EGAN: Are there questions or proposed amendments for Section 27 of Committee Proposal No. 17/c, Revised? Are there proposed amendments to be offered for Section 28? Mr. Sundborg.

SUNDBORG: Mr. President, I have a question I would like to direct to Mr. McNealy.

PRESIDENT EGAN: You may, Mr. Sundborg.

SUNDBORG: Mr. McNealy, I take it that the reason you include Section 28 is that, although this would be in a transitional measure in our constitution, that transitional measure would not yet be in effect? Is that correct, Mr. McNealy?

McNEALY: That is true.

SUNDBORG: Would not the original law, part of the federal law, which is already in effect and which takes care of this problem, be still in effect and thus make it unnecessary here?

McNEALY: I might state, Mr. President, that it was the feeling or the opinion of the Committee that it was true, since Section 28 is set out by federal law, that it still would be in effect; notwithstanding, however, it was referred to us from another committee and was taken to remove it from the body of the constitution.

SUNDBORG: I am sorry; I was trying to read this with reference to the Tennessee Plan which -- it is not in there with reference to the Tennessee Plan at all, is it?

McNEALY: No. It goes back to the Organic Act.

SUNDBORG: I am straightened out on that now; thank you.

PRESIDENT EGAN: Are there proposed amendments to Section 29? Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I move that on page 3 -- I move to strike all language on page 3 commencing with the numeral 4, the bracketed numeral 4, on line 14, line 14 of page 3, and all subsequent wording on that page; and I move additionally to strike all the wording on page 4; and I move to strike additionally on page 5 all the wording commencing on line 1 down to the word "then" on line 7 -- it includes the word "then" on line 7. If I may read this again -- I move to strike all the wording on page 3 after line 13, all the wording on page 3 after line 13; all the wording on page 4; all the wording on page 5 commencing with line 1 down to and including the word "then" on line 7, page 5.

SUNDBORG: I second the motion.

PRESIDENT EGAN: Mr. McLaughlin moves the adoption of the amendment, Mr. Sundborg seconds the motion. Mr. Davis.

DAVIS: Now, Mr President, in order to get this matter clear in my mind, I would like to ask Mr. McNealy some questions.

PRESIDENT EGAN: If there is no objection, Mr. Davis, you may ask your questions.

DAVIS: Mr. McNealy, as I understand the proposed amendment, if adopted, the effect will be that the senators and representatives, if authorized by the ratification of the constitution and adoption of the ordinance, those parties would be nominated then strictly by party conventions. We have stricken out any

reference to a primary here for nomination of those officials. Is that your understanding?

McNEALY: Mr. President. That is my understanding, Mr. Davis.

DAVIS: Now then, it is also my understanding that, if we take the 17/c, revised, as it is written, that you set up alternative plans: first, a plan to nominate the proposed senators and representative by primary if a primary can be used for that purpose, but that the Committee has doubts, first, as to whether or not there might be some question about the legality of using a primary for that purpose (you have already mentioned the reasons for your doubts); second, you have further doubt as to whether the primary can be made to work administratively even if there wasn't any question about its illegality, and, for that reason, you have put in the alternative plan. Is that correct?

McNEALY: That is correct. We felt that it was most essential to retain the alternative plan of the party convention for the reasons stated, Mr. Davis.

DAVIS: Now then, one further question. It is the Committee's belief, if I understood you correctly a while ago, that, if the primary can be made to do the job, that that is a desirable way to proceed here, and you have only put in the alternative to take care of the contingency of the primary failing either by reason of being held to be illegal or by reason of being administratively impossible? Is that right?

McNEALY: Mr. President. That is a correct statement, Mr. Davis.

DAVIS: So, if we adopt Mr. McLaughlin's proposed amendment, we have then taken a course that the Committee feels is not desirable? Is that right?

McNEALY: Mr. President, it's a question that I can't answer directly, because it's the feeling of the Committee and from the parties that we have talked to who are in the know that there is, probably, I would say there is a very slim chance of the primary system working.

PRESIDENT EGAN: Mr. Davis.

DAVIS: However, to put my question another way, it is the desire, or it is the feeling of the Committee that both plans should be retained, and that the primary should be used if it can be made to work; otherwise, we will fall back on the alternative plan? Is that correct?

McNEALY: That is the feeling of the Committee, our desire to have the direct primary if at all possible, but with all the obstacles we face, then we can fall back, as you state, Mr. Davis, on the alternative.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, may I direct a question to Mr. McNealy?

PRESIDENT EGAN: You may direct a question, Mr. Johnson.

JOHNSON: Mr. McNealy, if the primary plan should fail or be inoperative, administratively, and if it should develop that that fact wouldn't be known until after a considerable amount of money had been expended by way of preparation of ballots, etc., then that expense would be of no avail and would be wasted? Is that correct?

McNEALY: That is true, Mr. Johnson; the cost of printing ballots would be money thrown away.

JOHNSON: I believe that, under the convention system, as I understand it at any rate, all of the expense would fall on the respective political parties, is that not correct, rather than upon the Territory or this convention fund?

McNEALY: Mr. President, in answering that, the expense there would fall upon the political parties.

JOHNSON: Thank you.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I think Mr. McNealy outlined the position of the Committee quite fully. The only thing I wanted to say is that the Committee had a desire to use the primary machinery if at all possible; and then, within the last couple of days, we discovered that it looked like it was almost administratively impossible, and the Committee, of course, was aware of all the legal obstacles, subject to a taxpayer's suit, whether this Convention could alter the existing election laws and require the Governor to allow the filing dates on February 20. I think the opinion of the Committee now is that we probably can't use the primary machinery, except we wanted to get it out on the floor and let the Convention make the decision. If the Convention felt like it was possible, well, fine; but we just wanted the Convention to make the decision. I think that was right, wasn't it, Mr. McNealy?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, that is correct.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I would like to ask Mr. McNealy some questions merely to point out the problem. First of all, Mr. McNealy, are you aware that at some of our public hearings,

some people indicated favoring the Tennessee Plan if the primary plan is adopted, that is the Tennessee Plan, where you have a regular primary election? You could anticipate that, could you not? And people might be opposed to the Tennessee Plan if it were based -- the selection of candidates that were to run for the Plan were picked by party convention.

McNEALY: Mr. President, that has been called to the attention of the Committee.

McLAUGHLIN: Has the Committee considered the possibility that the party convention plan might not be representative?

McNEALY: My answer to that, Mr. President, we feel it is not as unrepresentative as some think, for the reason that there is provisions for party convention due to death or disability of any person who is already in office here in the Territory, and then further, there still is the opening there for the independent candidates to file. However, I believe, in answer to Mr. McLaughlin's question, we all realize, at least to my knowledge, it has been a great many years since an independent candidate has been elected to any important office in the Territory.

McLAUGHLIN: Has the Committee considered the possibility that in some parties you might have several conventions? (Laughter)

PRESIDENT EGAN: The Convention will come to order. Mr. McLaughlin, do you have another question?

McNEALY: Is it necessary that I answer that?

McLAUGHLIN: I will pass over that. Another question, Mr. McNealy: you based your premise of a primary election on the date, holding it on the 24th of April, 1956. Had the Committee considered other independent primaries, either this year, let us say, special primaries, or primaries in subsequent years, and the possibility of having money available to pay for those primaries?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, that is one thing that the Committee very early in the Convention kept almost as much an eye on the funds under the control of the Administration Committee as they did themselves, hoping there would be sufficient funds to hold a special primary election. The other alternative there for a primary and the only one that we know would be the primary election in 1958. I won't speak on that at this time except that we felt that, if the primary election was delayed until 1958, there would be no need of the plan at all. It would have lost any effectiveness that it might have. Mr. President, if I might state as a point of information to the delegates, there have been a number of states who have elected their representatives

and senators to Congress on the same day that the people ratified the constitution. That was done in Michigan, California, Minnesota, and Tennessee where there was no enabling act; and, to speed up the processes in the seven states where there was an enabling Act of Congress, Nebraska, North Dakota, South Dakota, Utah, Washington, Montana, and Oklahoma also elected their representatives to Congress on the same date that they voted to ratify their constitutions.

PRESIDENT EGAN: Miss Awes.

AWES: May I ask Mr. McNealy a question?

PRESIDENT EGAN: You may, Miss Awes.

AWES: Mr. McNealy, did your Committee consider something else that seems to me might be a serious problem here? Even if we adopted this today, there would still be about only three weeks left before the final filing date, and some of your substantial residents of the Territory, the type of people you would want to file, often are very involved in their business or profession, whatever it might be, and it might take them considerably longer than three weeks to even know whether they could arrange their personal affairs so that they could do a thing of this type, so you might end up on February 20 with a certain number of people who had filed, but not what you could consider an adequate list of candidates.

MCNEALY: The Committee had considered that point also and that there was that possibility of getting candidates who might not be the most suitable or the most representative candidates. However, since the direct primary had to be considered and that most everyone knows there has been talk about this particular plan, at least the possibility of its being adopted, and while it may cause inconvenience to some, in answer to Miss Awes' question, while it would be entirely possible that we might lose some good candidates, at the same time, it was just a question of what was the greater good for the whole is the way the Committee felt on that point.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: May I ask Mr. McNealy a question?

PRESIDENT EGAN: You may, Mrs. Hermann.

HERMANN: Have you also considered the possibility, Mr. McNealy, that you might not get very good candidates through a political convention?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: The Committee felt this way: that through the Convention system, we probably would get political candidates with the emphasis on the political, Mrs. Hermann.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I think the Committee generally felt that through the party convention we would possibly get the best available candidates in the Territory. I think Mr. McNealy was probably just joshing, but I think this is a serious matter. I think we will get the best qualified people in Alaska through party conventions.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I rise to speak in favor of the amendment. I have been interested along with most of the others in the Tennessee Plan for a long time, and it is wonderful to me to see at the outset that we are all agreed unanimously on the advisability of undertaking the plan, and, in that connection, I think its only merit, its only usefulness to us will be if we go through with it as soon as possible; so, in my thinking, I have long since discarded the possibility of putting it off until the next general election in 1958. Now, I am not a lawyer, but in my mind there is no doubt as to the legality or power of the Convention to undertake the plan in the first place and, in the second place, to provide any system that is deemed workable. The Enabling Act of the Convention distinctly says, "...the Convention shall have power to make ordinances and to take all measures necessary or proper in preparation for the admission of Alaska as a State of the Union." Further along, "...at which election the persons entitled to vote for delegates under this Act shall be entitled to vote on the ratification or rejection of the constitution and the ordinances submitted, under such rules and regulations as the Convention may prescribe." And, in an opinion submitted to us by the Attorney General on another matter, I find these quotations: in a decision rendered by the Supreme Court of Minnesota, "In a territory, the source of all power is Congress. But in the formation of a constitution and state government the power emanates from the people,"; and in a decision rendered by the Supreme Court of Mississippi referring to a convention, "It is the highest legislative body known to free men in a representative government. It is supreme in its sphere. It wields the powers of sovereignty, specially delegated to it, for the purpose and the occasion, by the whole electoral body, for the good of the whole commonwealth." So, I think that it is within our power and it is legal to provide a primary system, to provide a separate filing date if that is necessary, and to provide for nominations of candidates for these offices at the same time the constitution is being ratified. I have, since the outset, hoped that we would be able to go the primary route on this matter because I think it is preferable. I don't share the opinion expressed here a minute ago that we would necessarily get the best candidates at party convention, but I am impressed

by the decisions, the opinions of the Ordinance Committee that, because of the date, that this whole thing might fall down administratively on a timing basis, and that should it fall down or should certain individuals vitally concerned with the carrying out of the primary system not hurry to perform their duties, the Convention would have no power to force them to. Now, the next thing that is before us for consideration is the inclusion of both of these systems, but, in considering them, it seems to me that to leave in the provisions for a primary election and then make provision for a party convention should the primary election fall down might lead to chaos. Who is going to decide when it has fallen down? I can envision all kinds of difficulties arising from leaving both sections in, so it appears to me that we must strike one or the other. Early in the Convention, I was interested with others in looking into the possibility of the Convention having enough money left over when it got through to provide for a separate primary so that we could vote on the ordinance and the ratification of the constitution at the regular primary election in April, and then hold another primary specifically to choose these candidates at some subsequent date; but, as you all know, I am sure, I am advised by the Administration Committee that there is no possibility that we will have enough money left over at the end of this Convention to pay for a separate (separate) primary, which would cost, I understand, approximately \$40,000. So, it seems to me, in weighing all these factors, we would come at last to the convention system, and I think that, if this body decides that the convention system in this case is the only orderly and safe way to approach this matter, that the public, in its wisdom and in favoring the Tennessee Plan as we are all sure they do, will accept this system in this instance as being the most practical, or the only practical way of approaching the matter. I think there is plenty of precedent for a convention system and that with an approach seriously by both parties, as I am sure it will be, our chances of getting good candidates from party conventions are probably at least equal to getting good candidates from a primary election.

PRESIDENT EGAN: Mr. Stewart had been trying to get the floor for some time.

STEWART: Mr. President, most of what I would say has already been said, but we have gone on record here as being in favor of the Tennessee Plan, which means sending of two senators and a representative to the United States Congress, and the general understanding of the plan is that that should be as soon as possible. At the earliest possible date, those men should appear there, and we must send to the Congress in those capacities the men who will represent the Territory in the best possible manner by their character, by their abilities. They must be outstanding men. They will have serious duties to perform. Now, I think that it has been amply demonstrated here by what has been said that the primary election system, which we would all like

to follow if feasible, may work out disastrously, and the filing date, for one thing, is so early -- so soon now -- the necessary filing date -- that I doubt that the kind of men we are talking about could possibly make up their minds and decide they would take the chances that are involved in this primary procedure and file; whereas, by following the method of nominations, the eyes of the Territory will be focused on those two conventions. I don't believe those party conventions would dare, in the face of that public observation, put up men except those that they are pretty sure of -- or quite sure of -- as sure as possible will be the type of men that we want to send back there as senators and a representative. Therefore, I think this amendment should carry and we should go right ahead on this basis, boldly and earnestly, on the basis of having them nominated by conventions. Then the uncertainties will be largely wiped out. I don't think anyone is going to object on a legal ground when this Convention decides to go that route, and I urge you that that is the best way to do it in my estimation.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr President, I am on the Ordinance Committee, and one of the first items and perhaps the item that took up most of our time for the first three or four weeks of this Convention was this matter. I never dreamed that I would be standing on the floor of any public body and recommending that we not use a primary system for election of officers, but I find myself entirely in agreement with Mr. White in this particular case. I think the only proper way and logical way for us to proceed is to provide for nomination of these candidates by party convention. Some of the fears which I had to begin with when we found ourselves in the position of having to consider party nominations was that perhaps the parties in Alaska are not, in my opinion, truly representative of all of the voters. I have always felt that Alaskans are by nature independent and for that reason are quite apt to vote not on strict party lines. I was somewhat worried about the general idea, but the more thought I gave to it, the more I was convinced that this is the only practical way to solve our problem. The hearings that I held and the immediate criticism of the Tennessee Plan, the way we had reported it out for the hearings, was that parties would nominate the candidates. Fortunately, I had an opportunity to explain the reasons why this was adopted temporarily, and I had no opposition after it was fully explained. The other thing that I feel very strongly about is that, if we do eliminate the primary system for this particular election that two things follow: one is that the political parties have a duty to the voters of the Territory to nominate their candidates at a special Territorial convention after having gone to the grass roots of their party system and nominated -- elected their delegates from the various small areas to convene in the manner of the democratic system. I think it would be a blow to the confidence of the people if the hierarchy of the party

system in rump session were to decide on the candidates to be put on the ballot. They owe it to the people to start from the beginning. In my own mind, I am yielding to what I am not entirely proud of in order to get this job done, and, if these political parties react in the manner that they should, I feel that they will do a great justice not only to themselves but to the people of Alaska. There is one other item which gives me great fears concerning the primary election; that is, electing these candidates at the regular primary and that again goes to the matter of the calendar. I note that there are only five days allowed for the closing date for filing of candidacy and the certification of those candidates to the clerks of the court in the four judicial divisions. I am reasonably sure that a complaining party could obtain a temporary injunction for the distribution of these ballots for five or six or ten days with very little grounds, and on that basis destroy the whole procedure of the primary election. It has been mentioned before that the Committee gave great thought, intense observation to the finances, attempting to figure out how we could finance a special primary election. We decided it could not be done, so the only alternative was to recommend the party convention and that was done before the recess. After recess there were reverberations, just as I had mentioned, about the convention system. Very recently, some of the people who I thought would be the last to complain about the party nomination system have complained vigorously, but I feel that the Committee has considered all of the facets of this problem, and in presenting these alternatives to the floor, I think desires that the floor express themselves one way or the other; because, as Mr. White so aptly pointed out, there is quite apt to be a waste of money and considerable confusion if we allow both systems to remain in our ordinance. I therefore feel that we should support the amendment that is offered to strike from our ordinance the nomination for the special offices by primary election.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I favor the course advised by Mr. White, Mr. Stewart, and Mr. Hurley, not only for the reasons stated but for an additional set of reasons. Even if we had the money, even if it were legal, and even if we had time, I believe it would be ill-advised to elect the people who would be our members of the Congress at the very same election where voters would be casting their ballots for or against the Tennessee Plan. Inevitably, the Plan would become involved with personalities, at least in the minds of the voters, and when they were looking at the Plan, they would also be looking at the list of candidates, they would be fearful of some of the candidates. Anybody can file in this Territory. All you need is the desire to do so and \$40. And I would venture that, if we opened this up to a primary, we might have a list of 15 or 20 people there, maybe some of them just running for the free advertising involved, and some of them in the hopes that they might get in. But in any event I think we might have a great

list of screwballs and crackpots at this first election where all they needed, as I say, would be the desire to run and \$40, so I think the thing to do is to support Mr. McLaughlin's amendment and to go straight out for nomination by party convention the first time around. If we do that, I think it might be desirable to provide that the initial terms for the senators might be somewhat shorter than are provided in 17/c, Revised, but we could get to that in due course. But I do support the amendment.

PRESIDENT EGAN: Mr. Smith.

SMITH: I would like to ask a question of Mr. McNealy or Mr. Hurley.

PRESIDENT EGAN: You may ask your question, Mr. Smith.

SMITH: The question is; Did the Committee consider that the question as to whether or not, if this Convention sets up whatever dates it might feel desirable for a special primary, if the people voted in favor of the ordinance, would there be any doubt but what the legislature would appropriate the necessary moneys to carry out the primary?

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, yes, we certainly did. The reason we went off of that track was because of the simple fact that, unless there was a special session called by the Governor, there would not be a meeting of the Territorial legislature until after the next general election, and we hesitated to expect the Governor to call a special legislative session in order to appropriate the money, but we did feel that, if this plan was accepted by the people and if there were a Territorial legislature available and funds available, that they would certainly appropriate the money for a special primary. But we discarded the plan because of the fact that a regular session will not come until after the general election.

SMITH: Thank you, Mr. Hurley. My thoughts had run in a little different direction; that it would be quite a bit cheaper to hold a special general election also, but since the discussion here, I have no fears at all but what the people of the Territory will accept this Plan either way. I think that they will accept it if the nominations are brought about by convention, and, actually, I have no doubts whatsoever that either way will be acceptable after being fully explained.

PRESIDENT EGAN: Mr. Nolan, the Chair would like to declare a 20-minute recess at this time. The stenotypist has been going very steadily here and, if there is no objection -- are there committee announcements? Mr. Rosswog.

ROSSWOG: Local Government Committee will meet immediately upon recess.

PRESIDENT EGAN: The Committee on Local Government will meet immediately upon recess. Mr. McNealy.

McNEALY: The Committee on Ordinances will meet in the back of the gallery. If there are any questions, we can answer them at that time.

PRESIDENT EGAN: The Committee on Ordinances will meet in the back of the gallery immediately upon recess. If there is no objection, the Convention is at recess until 4:15.

#### RECESS

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

NOLAN: Mr. President, I am against Mr. McLaughlin's amendment striking out the primary system at this time. There are a number of reasons that come to my mind. One of them is that the Republican party at this time has two committees; we don't know if they will be able to get together to pick a candidate. If one group picks a candidate, the other group might file some kind of injunction against them to prevent them, and I can't see anything in here that would take care of that, and I think its a rather serious situation at this time; and the other reason is that I think it is a rather dangerous step to deprive the people of the primary right. I think that the Committee's original proposal here of allowing the two plans is very good, and I think that the people who are interested in filing for this office would have lots of time, because this plan will probably be adopted by the Convention by February 1, which would give them 25 days to make up their minds and file instead of the five days, and, in fact, I think the people that would be interested in filing have practically made up their minds already. I also think that the question of legality of it or whether there would be enough time can be determined in two or three weeks, and then, if it was found out that the primary plan wasn't feasible, the people would know it through the papers that there was no other alternative but the convention system. I think if the Convention itself came right out and said, "The only way that you can have senators and a representative is by the convention system", I don't think that would set so well with them. It might tend with a lot of people to have them vote against the adoption of the Tennessee Plan. That is why I would like to see both the primary system and the Convention system stay within the article.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, we have been...

KILCHER: Point of order.

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

KILCHER: I believe Mr. Buckalew has spoken once.

PRESIDENT EGAN: Have you spoken on this amendment, Mr. Buckalew?

BUCKALEW: Yes.

PRESIDENT EGAN: Then your point of order is well taken, Mr. Kilcher. Mr. Peratrovich.

PERATROVICH: I would like to ask Mr. McLaughlin a question, if I may.

PRESIDENT EGAN: If there is no objection, Mr. Peratrovich, you may ask your question.

PERATROVICH: If your proposed amendment should carry, the intent of that is just a one-time operation as to the method of nominating the candidates. Am I right on that?

McLAUGHLIN: Mr. Peratrovich, my intent is to raise the question of whether or not we want a primary. If my amendment is successful, no primary is possible under the circumstances; that is, you have to rely on party conventions.

PERATROVICH: But I mean that is only for a one-time operation?

McLAUGHLIN: That is a one-time operation.

PERATROVICH: That's the point I want to make. Thank you.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I don't believe I have spoken on this matter before; I did ask a question. So, if I may make just one observation --

PRESIDENT EGAN: If all you have done was asked a question, you may speak on this.

JOHNSON: Senator Nolan has raised the point that perhaps the Republican party would not be able to hold a convention and nominate any candidates. I fail to see that that is any argument against this motion, because, as someone else has pointed out here today, it is certainly the responsibility of each political party to hold conventions, duly constituted, and to nominate the best men available, and I am quite certain that that will be done not only in the Democratic party but in the Republican party. So I don't believe that Mr. Nolan's fears are well taken; I am for this amendment.

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

LONDBORG: I thought for a while I might be the only one to speak against the amendment, but I hear Senator Nolan speaking against it. It seems to me we have become victims of circumstances here as far as the elimination of this paragraph. The way it has been explained now by Mr. McNealy and others is that there is such a fine line of possibility of having a primary that we had better forget about it. I think, if we had thought of this a little sooner or at least brought it out on the floor sooner, gotten the Tennessee Plan adopted sooner, we could have gotten in under even this first primary filing date of February 1. I received the information when I was home on the recess and read every word of it and was sold on the plan, providing that we could follow through with the proper procedure for elections, having the primary and the general elections. I was rather disappointed that the plan didn't come out as soon as we got back, but for some reason it was postponed and postponed and postponed -- maybe so that the filing date would be too near on us -- I don't know. But I think the first two senators and the first representative that we send should be the people's choice right from the beginning to the end. It may be, and probably will be, our most important ones we ever send out there, and I think they should be the ones that the people have a right to pick in the first place. If we vote for this amendment, we are precluding any possibility of the people's choice; it is going to be just a party caucus, a party choice, and the people will have to vote in the general election on someone the people as a whole had no say-so about. Now a lot of things have been brought up through the question period; for instance, the possibility of having our own primary election after the ratification of the constitution. Now we are informed that we wouldn't have enough money to do that. Well, it seems the legislature appropriated a certain amount of money that was to be enough to include a special election for ratification if necessary. Evidently we have gone overboard on our spending so that we can't even have a special primary election. I think we should have checked in on that. Figuring that we would gear it along with the regular primary election, it probably gave us a little extra money to spend and it's evidently spent. It seems that another question has been raised that we wouldn't be able to provide for another legal filing date; the one mentioned was February 20. We have the right to do as the law states; we have the right to set a special election date or ratification date if we want to; and, if we don't have the right to provide for a legal filing date or even another legal primary, then I don't think we have the right to put in these candidates on with the general election either. It has also been mentioned that there may not be enough filing time between now and the 20th of February. I think sometimes, if you have a shorter filing time, you might get your best candidates. They are the ones that are going to say, "I will go regardless of what it will cost." If you give them enough time to think about it, then you may get, as somebody said, 10 or 20 of them going in just for the ride and the free advertisement.

The longer you have, why, perhaps the more you will get in there. It's just like what one fellow said about another's crowded cabin, "If it was any bigger, there would be more junk in it." I think the same could be true here. You might be assured of getting the best ones. I think Mr. McNealy's remark that it would be a political candidate, although it was inferred that remark was humorously put, I think it is a very well-put remark. It would be a political candidate -- it would be a politician in the strictest sense of the word. Otherwise they wouldn't be nominated, I don't believe, at a party convention. It seems to me that we would have just as good a chance to get as good, if not better men elected in the general election if they are nominated in the primary. That has been the system that we have used up here in Alaska, and I don't know if we should give it up just because we are on a fine line as far as the schedule is concerned to make it and rule this out entirely. Someone mentioned that, if they can have a nomination by party convention, that you will get better ones; and that, if they have a whole bunch in the primary, they will vote against the Tennessee Plan because they see a bunch of names and they don't like those particular people. I am not so sure but what there will be a few voting against the Tennessee Plan because they are not certain, and they'll never know until the middle of summer who the party is going to put up. That is really getting a pig in the poke. I think we have a lot better chance of selling the Tennessee Plan when this constitution comes out for ratification if the people could be assured of nominating their candidates for these two senate offices and the representative office on the primary election, and I think this amendment to strike this section should be voted down, and that is the reason, by the way, that I objected to Mr. McLaughlin's withdrawal of the other one because I think that is the one that should be struck. It wasn't because I didn't understand it or hadn't read it, but I think that is the one that should have gone out. I think we all ought to give a lot of serious consideration to this before we just throw away our primary system. Someone said it would get down to the grass roots if we have it by the party, but I think we would go to the brass most probably, just whoever happens to be the party chief, they are the ones who would do the picking.

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: Mr. President, with the Chair's permission, I would like to direct a couple of questions to Mr. Londborg.

PRESIDENT EGAN: If there is no objection.

McCUTCHEON: Mr. Londborg. do you belong to a political party?

LONDBORG: Mr. McCutcheon, yes I do.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I object on a point of order to that line of questioning here. We are here under a nonpartisan ballot and I don't believe it is proper.

McCUTCHEON: Mr. President, the question is not frivolous. I am attempting to evaluate Mr. Londborg's comments and there are two questions that I require to have answered before I can evaluate properly his comments on this subject, which is pertinent.

PRESIDENT EGAN: The Convention will be at recess, Mr. McCutcheon, for a minute.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Is there further discussion? Mr. Walsh.

WALSH: During the previous recess, I went to the Chairman, Mr. McNealy, with these thoughts in mind -- before any of this argument started in this Convention -- and I talked and expressed myself to Chairman in these terms -- these words: If the McLaughlin amendment carries, then we wouldn't have any names on the primary ballot for these offices, is that right?

PRESIDENT EGAN: That is right.

WALSH: But we would have on the primary ballot a referendum for or against the Tennessee Plan. My fears were then, at that time, and I think so again, that there would be a sufficient, or could be a sufficient number of people disappointed because they were not allowed to vote on the primary ballot for these candidates who would be subsequently nominated by the convention system, and it might possibly -- these are my thoughts, nobody else's but my own -- cause our Tennessee Plan to be rejected as a result of that and I think we should give more thought to it. Now, I approached the Chairman of the Committee with those thoughts in mind before this argument started, and those are still my thoughts.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: I have had a good deal of experience in the process of sending ballots out for both primary and general elections, and I am convinced that there is absolutely no possibility of getting the ballots out in any orderly fashion. I can foresee the regular primary ballots going out to the precincts; these ballots coming along later; the tally sheets and the certificates of judges getting lost in the shuffle; and it being a very disorderly and an ineffective sort of thing, which could do much more damage to the Tennessee Plan than if we just forget it and go ahead by party convention. The people who are so afraid of party organizations should stop and think that, in a convention, which starts with a caucus in the town where all members of the party are free

to go and express themselves, and moves on to the division and then on to the Territorial convention, the people who attend that convention are going to give a good deal of very serious thought to that individual whom they wish to carry that party label into the Congress of the United States. And in the meantime, the people who do not have any party affiliation and who do not believe in the party system of government have plenty of time to seek among the independent members of the population for someone to represent them, and it is no difficult task to get a petition signed and to get out and back that candidate in the very same manner that the political parties back theirs. So, I don't think anyone has any need to fear not good representation from the whole population in a general election.

PRESIDENT EGAN: Mr. Hilscher.

BUCKALEW: I had a question for Delegate Nordale.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: I, as a member of the Committee, should like to say a few words on this. I somewhat feel like Mr. Walsh does, that we have a critical situation to take care of. We have learned apparently that the only organized opposition to the Tennessee Plan is being directed to the possible lack of a primary. Now, I think it is sufficiently serious that this Convention should weight this very carefully before adopting Mr. McLaughlin's amendment, because, as Mr. Walsh points out, there may be many people who for one reason of propoganda or otherwise might call this thing a rigged election. Now, I also would like to point out, as our Chairman has, the difficulties of getting the ballots out to the precincts. Normally here in the Fourth Division, if I remember correctly, at practically every election there are one or two precincts that do not even get their ordinary ballots in time for election. Now, we should very seriously weight whether or not an elimination of a possible primary is going to build up a vocal opposition to the Tennessee Plan, seizing upon any feature which they might serve to defeat the plan, or whether we should leave it in and, if it works, fine and dandy; if it doesn't work, then revert to the party system. If Mr. McLaughlin can come up with an amendment or another idea which will still give any independent, any NP [no party], who wishes to protect his rights, then fine and dandy.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: One suggestion that I would like to ask of Mr. McNealy which might clarify some of the objections to the amendment is this: Mr. McNealy, what is required under the provisions of page 5? It say, "The names of qualifying independent candidates for these offices shall also be placed on the ballot for the next general election." What is the requirement to file as an independent candidate; what are the qualifications?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President. Mr. McLaughlin, if I am incorrect on this statement I know that Mrs. Nordale can clarify it. My remembrance of the law is that they would be required to have a

petition, I believe its 200 signatures on a Territory-wide basis, and to pay a filing fee of \$40 with the Director of Finance to have their name placed on the ballot. It's either 150 or 200 signatures and the \$40 filing fee is the only requirement.

McLAUGHLIN: Now, assuming that we struck out the primary system as being unworkable at the moment, and then on page 5 we provided that the chairman and secretary of the central committee of each major political party shall, immediately upon such nominations being made and in no event later than July 15 -- if we changed July 15 to July 1, 1956, that would mean, would it not, that the conventions of both, shall we say, the Democratic and Republican parties will have been held and the chairman and secretary of the central committee will have reported to the clerk of court the names of candidates nominated by the conventions. And, if you have left open until July 14 the time for filing independent candidacies, would that not mean that anyone who felt that he had been deprived of his right to run by virtue of the failure of the party to nominate him at the convention, that would give him, in substance, 15 days to secure the 200 signatures to get on the ballot, would it not?

McNEALY: Mr. President, that is entirely right; it would. As I remember it, if that amendment were made, it would give the independent candidate an advantage that he doesn't have at the present time. He could see who was nominated and, if he wasn't satisfied or if he wasn't nominated, he could then file.

McLAUGHLIN: Then in theory, if that convention in nominating Mr. A and Mr. B were not following the will of the party, then Mr. C would have substantially 14 days to secure the signatures of 200 dissenting Democrats or Republicans and secure \$40 to put himself on the ballot?

McNEALY: That is correct.

PRESIDENT EGAN: Is there further discussion? Mrs. Hermann had been trying to get the floor.

HERMANN: I intended to stay out of this hassle, but I think we are losing sight of the principal factor involved, and that is whether or not a vote for this amendment will tend to convey to the people of Alaska that we are scrapping the primary system. I can't vote for the amendment; I am going to vote against it, not because I think we should choose between the primary and the convention system of nominating, but because I think that, as long as there is any chance whatever of our being able to proceed by the primary system, we should not scrap it by any vote in this Convention. If it fails, if the time element is too close and it fails to work as we hope it will and as the Committee says it has a chance of working, although maybe not a 50-50 chance, then I think we should keep it along with the convention system, and we can at least say to the people of Alaska that we tried to keep the candidates nominated by the primary election system. If it won't work, we still have the convention system to fall back on. Now, I know a whole lot about convention systems of nominations, and when they are not backed by a primary, they tend to become somewhat corrupt, and that is a masterpiece of under-

statement. I don't know who the respective Republican and Democratic parties in Alaska would nominate for officers under this plan, but I do know the sentiment every place I have heard it, both here in Fairbanks and in my travels to hold hearings, is distinctly against nominations by convention. I think we will have an awfully hard time convincing the people of Alaska that we are on the up-and-up in this desire of ours if we right now rule out the primary system and say, "No, you have to choose your candidates by the convention system." Let's keep it in the ordinance and, if it doesn't work, even if it costs some money, as everybody seems to be a little bit worried about, what it costs in money is going to be worth many times that amount in public relations that are going to be generated in favor of the Tennessee Plan. Even if it costs some money to keep it, let's keep it. Let's use it if we can and, if in the final analysis we find it won't work, we still have the convention system that we can resort to. I don't take too much stock in this independent filing, because I think that most people who would want to run for the office of United States Senator and Representative won't want to run on the Independent ticket. I think that most people who aspire for such high office desire to be associated with a party and not to be eliminated from it, either through the choice of the convention for someone else or because they deliberately withdraw from it themselves. I don't think that is the answer, providing that independent candidates can file. What we are asked to do here today by this motion which Mr. McLaughlin has put before us for the sole purpose, he says, of letting us make a determination and not for any interest he has in it himself one way or the other -- what we have to do here today is to decide whether we are going to say we are not trusting to the primary system; we would rather have the convention system. I cannot vote for the motion and I hope that less than 28 people will vote for it.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I respect Mrs. Hermann's opinion in these matters, but this is one time I will have to say I disagree with her. Personally, I think there are so many risks connected in putting this matter in the primary election that we should hesitate about keeping the primary provisions in the article. We are not scrapping the primary system. It just happens that circumstances are such that time alone makes it hazardous to scrap the convention system and let the convention system come on in. And then, another thing, we know the primary elections are handled by the clerks of the court; they are paid out of federal funds. Now, we do not know whether all of the clerks of the federal court, of the United States courts in Alaska, are going to react favorably in handling, in addition to the primary election of the Territorial officials, the added problem of distributing these ballots to the election judges, who are also paid by the United States, and whether they are going to be zealous in the dis-

charge of their duties if they do, to see that these special ballots are put out to the election judges in the various precincts both near and far. Furthermore, this Convention has no mandate to do this. We have no authority to expend the money which they say it would take to have these ballots printed and distributed. We might have to go to the next Legislature with our hat in our hands and say we made a mistake; we spent \$4,000 or \$5,000 on the printing of ballots, but we didn't get them in the hands of the election judges in time and now we would like to have you bail us out. I think the members of this Convention would receive a lot of censure from all directions if we did that when we stand here and know and have been informed that the time is so short that it is well nigh impossible to use the primary, and I believe that the people of Alaska understand that. Now, I don't see that there is anything too terribly wrong about a convention system, especially where any person that doesn't believe in conventions has a right to get his group together to sign a petition for an independent. Now, those people that don't belong to one of the great parties actually have no business selecting the candidates for those parties. If they cannot take enough interest in political affairs to align themselves with one of those parties, they should run independently or support independent candidates. And now we go back, and for many many years candidates were selected only by conventions. All of our presidents were selected by convention. Lincoln and Roosevelt were both selected by conventions; Wilson, and all of the great presidents as well as the mediocre and the poor ones have been selected. We have selected men by the primary, wonderful men, and we have also selected some failures, so the primary is no criterion -- the use of the primary is no criterion that we are going to get good men always. And I think in this first election that, when the word goes out -- down to the precincts where the call goes for the delegates to a divisional convention to select candidates for a territorial election [convention] to select the nominees for Senators and one Representative for Washington, D. C., that they will immediately start thinking as to who would be the best person that they could send back there, or the best persons, and I think we can get as able a person out of the convention as we will be a primary. Another thing, I think every person in Alaska, regardless of whether Republican or Democratic, is going to be intensely interested in their candidates for the positions of the Senators and Representative. It will be the biggest convention ever held in the Territory, and they will go there for the purpose of selecting the best and the ablest men they possibly can to go back, because, when those men get back there, they are going to have to be men of knowledge and of influence, because they are going to do a selling job upon our constitution and our admission to the states. I would hesitate very much to risk our chances of having candidates before the general election this fall by attempting to subject the selection of these candidates to the primary. I think we should support Mr. McLaughlin's amendment.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: I haven't lost faith in the convention of the political parties, either Democratic or Republican, of which I am a member, although I have probably been thrown out of more conventions than any other person here. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

ROBERTSON: I am going to stand by our Alaskan time-honored system of the primary in this matter, and I think what Mr. Walsh suggested, and also Mrs. Hermann, should bear great weight with us in casting our votes upon this matter, so I will have to vote no, against this motion.

PRESIDENT EGAN: Mr. Knight.

KNIGHT: I fully concur with the remarks of Delegates Hermann, Walsh, Nolan, and Robertson, and I am going to vote against this amendment because I think we are throwing away our birthright.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I had not intended to speak on this, but I feel that, when the people of Alaska go to the polls, faced with the question of "for the Tennessee Plan" or "against the Tennessee Plan", and let us say they vote for the Tennessee Plan, the people will then have indicated clearly and unequivocally (unequivocally) that they desire the plan to be instituted through the use of the party convention. The people will have their chance to speak on this matter, and, if the people vote for the plan, and I hope that they will, I think that they will then remove any doubt. In the last analysis, the people of Alaska will decide this thing. I would feel like Mr. Robertson if the people were not going to have a chance to express their wishes at the referendum, but since they are, I feel that this motion should be carried and the matter should be left to the political conventions.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: We have unanimously voted only a little while ago that we are in favor of the Tennessee Plan. Our job right now is to find what is the most workable way to put that plan into operation. Numerous questions have been raised about whether the primary process can work in this case. I am sure every delegate here, or almost every delegate, wants to have the primary if possible. But since the primary may very well spell defeat of the Tennessee Plan because of the machinery not being able to operate properly, I believe that we should adopt Mr. McLaughlin's amendment.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Is there anyone else who wishes to be heard? Mr. Kilcher.

KILCHER: Mr. President, I have intended to speak all along on this question, and having learned a few things I think is some advantage in letting others speak first. It relieves me of commenting on a lot of things that I was going to because others have already said it. However, I think I have to reply to some of the previous speakers, some of their arguments or shades of arguments, rather, and I would like to make the theme of my little speech a note that I jotted down a few minutes before Delegate Hermann has spoken, and I am pleased to note that in this particular instance that we had almost a totally identical idea. My little note says here -- a little catch word, "at least we have tried"; and I have to go back to the time of our Christmas holidays, of our hearings at home, and there are a lot of us to our great surprise have found not only little opposition to the Tennessee Plan but have found that the Tennessee Plan had been a boost to the general statehood idea as such. And like Delegate Hermann, I have found that the main -- possible -- objection to the plan was that it might be handled too politically, and politically I mean in the more evil sense of the word. In other words, the need of the primary has been stressed. I have received letters only a few days ago where this very need was stressed again. I have, ever since we came back, been holding in favor of the Tennessee Plan. I have tried to find a solution whereby the primaries, if possible, could be worked in, and I think we have found such a solution. It is before us now. I am sorry that the plan, as such, had not been brought before the Convention sooner. I personally think it could have, but that is spilled milk; there is no use to talk about it even. Now as to the question at hand, the amendment of Mr. McLaughlin's -- for me the question boils down simply to the following: Which course will insure us greater success for statehood? And, in a narrow sense, statehood now means the Tennessee Plan. Which course will insure greater success? That is for me the only consideration. I am, I think, in the enviable position of having no ax to grind. I can afford to be unpopular. I actually can't lose a thing by saying what I am going to say, so I say that to point out that my arguments in the matter are based on quite a deal of observation and study, as a member of the Committee and otherwise, and I have come to the conclusion that this plan as it is before us is workable, and not only workable with some degree of success, some chance of success, but it is desirable, a desirable plan, even if it should not work out. Now to start with its technical aspects, it has been stressed all along, and I think it has been stressed too long. Too much time has been lost in stressing that point; time lost that actually makes the point more stressed. Namely, that it technically is impossible to have primaries; for instance, 30 days are legally necessary for the ballots to be available before the election date. Somebody is welcome to

interrupt me if I am wrong -- I would appreciate it. Now, in the elections in which we were chosen as delegates to this Convention, I recall that out in the outlying areas the ballots only came in from three to seven days ahead of the election, entirely illegally as far as I am concerned. Also the names on the ballots were not properly rotated the way I understand they should be, a matter than I didn't even know about until this very thing occurred. They happen to be more precise in Seldovia; officials connected with the elections have been worried and bets have been put as to whether that very election would not be enjoined against for the fact that several things were not quite up to law; not enough notice given, notices not posted, etc. Well, nothing has happened. I don't see why, in a similar situation, if it should arise in our primary process, anything should happen either. I don't see any difference in the situation and, if something should happen, I think this plan would have the added advantage of getting the opposition out of the brush. Let them fire an injunction; let them stop that particular ballot. That won't stop the whole primary process for our Territorial legislature; that wouldn't stop the other ballot titles. It could possibly stop this little ballot that is limping a little bit behind the others. It might stop it from being printed, in which case we wouldn't lose so much money. It might stop it after it has been printed, in which case we might lose a couple of thousand, which is trivial, but it also might be possible that this ballot would go out. If there is passive resistance of the officials involved, let's point at them; if an injunction is brought forth, let's point at them; and, if the poor little ballot makes all the hurdles, which I think it could well make, we would have the primaries and you all seem to agree that would be a beautiful thing to have. Personally, I believe so myself. We have primary elections about a matter that is very important to all of us and we have agreed on the primary system. The primary system has not been attacked officially as far as I have heard. Our sole contention the last few weeks and today seems is it possible, not is it desirable. It may seem to some of the members to be undesirable, but this is not the official question on the floor, but, "Is it possible?". I think it is possible, and in case it should be technically impossible, administratively, or legal obstacles should be thrown in our way, which could be well exploited by the pro-Tennessee Plan, pro-statehood propaganda, if obstacles should be unsurmountable, we have provided for an alternative. The people then will know exactly why there are no primaries. We have honestly tried, and as far as one of the other minor arguments is concerned that the possible candidates will be taken by surprise, that is, I think, a slightly facetious argument to start with. It will be three weeks from tomorrow that the papers will report our action of today. It will be three weeks from tomorrow when these people in question can make up their minds to file. If they are sincere, and we only want sincere and serious people as our ambassadors to Washington,

D. C., then they will file and will gladly do so. As to the convention next summer a few things have been pointed out that I would like to go into. This party convention next summer, as Delegate Nordale has pointed out, could be and will probably be preceded by a precinct caucus. As we all know, the precinct caucus is taken part in by a small percentage of the people in the parties, by the active party members. Each party has five or ten times more actual voting members than are active on the precinct level -- we know that. And whereas this convention plan -- great interest is generated -- might be a good way of raising the interest in direct party work, we must also think that summer is a bad time for this added little spurt in political activities. Most of us are very busy in summer. Not only the people that everybody know are specifically busy, the farmers, construction workers, homesteaders, fishermen, even people in town haven't as much time in summer as they have in the winter, so that a caucus, even if people were very much interested, wouldn't be too much of a success. And those people that do not take active part in caucuses, as I tried to point out, are not necessarily independents. I think the independent in Alaska is more or less of a myth as far as its vast numbers are concerned. There are a lot of people who are party members, or rather party sympathizers. They belong in the heart of the party without making much fuss about it, and it is those who, at the primaries, play an important role. I might even say the primaries have been established for those, not so much for the independents, and I think the people of Alaska are watching us. They will read the papers tomorrow and if they realize that they are going to have a choice, the public officials involved in the machinery of the primaries know that they are watched. I think everybody will make as good an effort as possible; we will have successful primaries; we will have excellent candidates; and, if it should not work -- and I think there is a small possibility that it won't -- we will have a convention this summer and at least we will have tried.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, two of the delegates have suggested that the Tennessee Plan might have been brought on to the floor earlier. One of them went so far as to suggest that possibly there was some ulterior motive in holding it until this time instead of bringing it out before. I would like to suggest at this time that, in this as in all other things, first things come first. Now, until we have a constitution, there isn't any reason for a Tennessee Plan. There isn't any reason for electing Senators and a Representative. So far as I as an individual am concerned, it wasn't until 10:00 o'clock last night that I was convinced we were going to have a constitution. It now appears to me that we now, at least, are almost to the top of the hill, and that after tomorrow or the next day, we should be on the downgrade, and, for that reason, I think it is now proper to consider the Tennessee Plan. I think it would have been highly

inadvisable to do so before this time. Now I, personally, am in favor of party primaries as against conventions. I started out thinking that probably the Committee's plan of presenting alternatives here was the best way to do it and that we should keep both plans. After hearing the arguments that have been made on both sides, I am convinced that the chance of a primary being held is so small as not to be worth the effort, and so far as I am concerned I am going to vote for McLaughlin's amendment.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: I think in either way we would vote on this that we would have the support of the press in giving the story as it is reported here on the floor. If we should vote for Mr. McLaughlin's plan, as I will vote for it, I do not believe that there will be a report come to the voters of Alaska that we have deliberately tried to scuttle any plan or any procedure that is authorized by our people. I think, too, that this shows the need of statehood. The thing that we have talked about today shows that we are politically immature because we have not had the responsibilities of statehood, and I believe we are stepping forward as we vote for this amendment. I believe that we are taking the direction of sending the men from a party to the Congress the way Congress would want us to do it.

PRESIDENT EGAN: Mr. McNees.

McNEES: I yield to Mr. Lee.

PRESIDENT EGAN: Mr. Lee.

LEE: I have little to say. I would like to explain my position on this. I happen to concur with Mr. Davis and Mr. Armstrong. It is against my lifelong convictions to deny people the primary elections. In this respect, I know the people who sent me to this convention will understand the situation when I explain it and I am not concerned -- I think they have faith in all of us here. There have been many instances when they have shown complete faith in our job, and I think that all the people respect us for it, and I think they are going to understand my vote.

PRESIDENT EGAN: Mr. McNees.

McNEES: Mr. President, I have not spoken on this before and I feel we are facing just two issues here where there might be others involved. I am a hearty supporter of the Tennessee Plan. I think it is American; I think it is Alaskan; and I think under the particular circumstances, it is very, very practical. This Convention is unanimous in their thinking that way, and I am certain that we will find a strong majority support in the Territory as a whole for it. I have heard a great deal of

support for the primary system; I want to add my support to that. I have also heard a great deal of argument for the caucus or convention plan of organization. I think it is pretty much a matter of grasping for straws if we go after it because of the time element involved. I have wondered if the Committee, or, perhaps, if this delegation here as a whole had given proper consideration that there might be an alternative plan available to us. This very Convention was brought about at the conclusion of the Territorial legislature last year. An election was held and this body evolved from that election. My suggestion is that we put the Tennessee Plan on the ballot and let them vote "yes" or "no" on it. Following their "yes" or "no" on the Tennessee Plan, we write in another block whereby we provide that the Governor of Alaska shall arrange for the selection of nominees' names to appear on the ballot at the general election by one of three methods: first, a primary or special election to be held; secondly, a party convention to be held; and, third, a nonpartisan convention to be held. I can see many merits in this system. We are not taking away at all from the value of the spotlight on the Tennessee Plan by such an arrangement. I don't think that, in any instance, under any given circumstance, should be a matter of issue, I think it should be set out where the people can vote "yes" or "no" on it, just as it has been prepared in the committee proposal, but I furthermore feel that the people have the prerogative of saying how those nominees will appear on the general election ballot in the fall, and I feel that this is the only fair way to present the question to the people. If Mr. McLaughlin's amendment does carry, I shall introduce and I shall support an amendment to strike the appearance of the mandatory caucus selection of nominees on the ballot and support a plan whereby that choice is left up to the people.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Point of inquiry. Are the questions that I answered counted against me on the privilege of speaking on this amendment?

PRESIDENT EGAN: The Chair does not recollect that you spoke to the amendment, Mr. McNealy. Questions were directed to you and would not be counted against your time.

McNEALY: Mr. President, I had hesitated and hoped it would not be necessary and didn't want to speak on the amendment because, both in the Committee and in the earlier presentation on the floor, I had endeavored, or thought I was endeavoring at least, to be as impartial as possible. Since there has been a divergence in the opinion of two or three of our Committee members, then at least as an individual I will just briefly express my views here, and one of the parties said he had no political aspiration or anything so could therefore vote against the amendment here --

KILCHER: Point of order. The party alluded to is no doubt myself and I made no such allegations.

PRESIDENT EGAN: Mr. McNealy has not -- your point of order is not well taken. Mr. McNealy, you may continue.

McNEALY: The point is I have been more or less in politics in a small way and I would like to have this direct primary system. I think a lot of the people that I know as voters in this Division might be somewhat opposed to my taking a stand on this, but the administrative difficulties and the legal difficulties are so great that I have been long convinced of the practical impossibility of holding this direct primary. Now, there never has been any intention of the Committee to hold up the advancement of this Tennessee Plan to the body, and Mr. Davis more ably stated it than I could. As you all know, the ordinances and those things connected with it come at the tag end of the constitution and the reason this Committee has been coming in here with 17/a and 17/b and 17/c and Revised is that ordinances that we had drawn prior to the recess we had to revise in order to fit the stable parts, the permanent parts of the constitution which you delegates have drawn. And in that connection, had the Tennessee Plan come out before this time, it would have come out as it was in the interim report that was sent to you at home or that came out before the recess, which contained only the convention plan because we were convinced at that time of the impossibility, and it has only been in the last few days that the Committee has dug in and tried to do everything we could. We were afraid that, if we came out of Committee or the majority of the Committee suggested only the convention plan to the floor, that this body would feel that our Committee had been unfaithful in the performance of its duties in not endeavoring to spread the full picture out upon the floor. I am seriously afraid here that, if a direct primary system is attempted here, and that it can fall on its face, and the discredit that will be given by failure to put the names on the ballots, or failure of the ballots to get out, or failure of getting the ballots out in one Division, or failure of the Director of Finance to certify the names, or even attacks as to legality by any taxpayer bringing an action to enjoin putting on the names, that the publicity out of that is going to hurt the whole of the Tennessee Plan and will discredit it to such a point that the convention system provided for as an alternate can very well fail or lose a great deal of its effect and, as Mr. Delegate Kilcher so ably stated that, at Seldovia in his area there, the ballots got there only seven days ahead of time in a well-planned and a well-organized election, and how possible, not only possible but how very probable it is going to be of Seldovia and the areas not getting any ballots at all under this type of an election. Now I don't want to belabor this point or take up the time of the Convention, but the important things that we have given such a great deal of study to, if an attempt were made or it was thought by any member of the body that an election can be held at a later date

then, if this body should say that there should be elections held later than at the general election to actually elect these men at a general election, then I, for one, would be the first one on the floor to move to strike the whole of the Tennessee Plan for this reason that, if it is going to have any effect, it must follow in logical sequence with the constitution, and our Senators and Representative must be back there at the opening of the new session of Congress. I know the delegates here understand that there is a chance and an opportunity that, when a new session of Congress opens up the first half of the session, that there is a period there of three or four months where it's a possibility of getting some work done and getting in new bills. If we have to go over into the second session in 1958 to have our parties back there, then each and every Senator and Congressman has his own measures carried over from the 1957 session and is going to be tied up, so we will get no consideration for statehood at all. In conclusion, the Committee at least did this much, ladies and gentlemen: we realize that the point here is the great difficulty -- the Director of Finance under the law and we tried to tie this in with the existing law -- certifies to the clerks of the court by June 25, I believe it is, of each year to these parties in the primary elections; and if there is any difficulty in the party machinery of the National Committee of the Republican party or the National Committee of the Democratic party, there is a question of whether a convention can be authorized between the dates of June 25 and the dates of July 1 or July 15. We have done one other thing that we thought would help out here. A suggestion came to us from political-minded persons, we'll put it, to say that the convention held earlier by the Democratic party and the convention to be held shortly by the Republican party would constitute the conventions to nominate these candidates, and our Committee felt that it would be very unfair because, if we require them under this convention plan to hold new conventions, it would certainly bring the interest up at a precinct level, and, as I believe Mr. Taylor so aptly stated here, the convention would be full of people there, and there would be great interest in that convention, and everyone interested would then have a chance to take part for the reason stated. I feel, and against my will, that I am going to have to support the amendment.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: May I ask a question of Mr. McLaughlin?

PRESIDENT EGAN: You may ask your question.

HILSCHER: Should your amendment win and the primary election be eliminated, do you contemplate any further amendment, any outlet which might be helpful to those who are inclined to favor the primary system or the independent filing system?

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: I do plan, tentatively, if the amendment carries, to move to strike on page 5, line 15, the "15" in July 15 and substitute the words "July 1"; my intent being, subject to more intelligent amendments, to allow -- authorize a 14-day period in which discontented candidates who were not nominated by their party could, in substance, file, secure 200 signatures, and file as independent candidates; and, upon recommendation of the Convention, possibly make an amendment authorizing any candidate to submit any party label under which he might desire to run except two specific party labels, to wit, Democratic or Republican.

PRESIDENT EGAN: Mr. Kilcher, you have already had the floor.

KILCHER: May I ask a question of Mr. McLaughlin?

PRESIDENT EGAN: If there is no objection, you may ask a question.

KILCHER: Did you intend to reserve this 14-day period only for discontented party members?

McLAUGHLIN: Not for discontented party members; for discontented party members and all others so that there will never need be any assertion that any person didn't have the opportunity, with the assistance of 200 adherents and \$40, of being placed on the ballot.

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

SUNDBORG: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 39 - Armstrong, Awes, Barr, Boswell, Buckalew, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, King, Laws, Lee, McCutcheon, McLaughlin, McNealy, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, White, Wien, Mr. President.

Nays: 14 - Collins, Cooper, Harris, Hermann, Kilcher, Knight, Londborg, McNees, Nolan, Reader, Robertson, Sweeney, VanderLeest, Walsh.

Absent: 2 - Coghill, R. Rivers.)

3531

CHIEF CLERK: 39 yeas, 14 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it, and the amendment is ordered adopted. Mr. McNees.

McNEES: Mr. President, I have an amendment.

PRESIDENT EGAN: You may submit your amendment, Mr. McNees.

McNEES: Beginning on line 7, page 5, I move to strike beginning with the word "party" all the material down to and including the word "election" on line 20.

PRESIDENT EGAN: Mr. McNees moves beginning on line 7, page 5, beginning with the word "party"...

McNEES: Again recognizing that some rearrangement will have to be made of the last six lines on page 5 in the body of the text so that the discontented party members, etc., might have room to file ahead of whatever deadline is set up for filing by the Governor's office, but I think that could well be done by moving it up and into the old Section 3 perhaps, or create a new section in there. Furthermore, I would like to add to that amendment that another bracket where a vote might be made be added following the old Section 8, with these words inserted --

PRESIDENT EGAN: Mr. McNees, what do you mean by the old section 8?

McNEES: Section 8 on page 7.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, if he is going to rewrite this thing, I think he ought to have it mimeographed.

PRESIDENT EGAN: Mr. McNees, that would be something that would be awfully confusing. It would be better if you would offer your amendments one at a time. That would be on page 5, the deletion of all the words beginning on line 7 with the word "party" through the word "election" on line 20.

McNEES: That is correct.

PRESIDENT EGAN: Miss Awes.

AWES: It is past the time when we usually adjourn. I move we adjourn until 7:00 o'clock and then Mr. McNees could get his amendment mimeographed.

PRESIDENT EGAN: Miss Awes moves that the Convention stand at recess until 7:00 p.m. Mr. Rosswog.

ROSSWOG: I have a committee announcement. There will be a Local Government Committee meeting immediately on recess in the gallery.

PRESIDENT EGAN: Local Government, if recess carries, in the gallery. Mr. Sundborg.

SUNDBORG: Meeting of the Style and Drafting Committee in the gallery immediately upon recess.

PRESIDENT EGAN: Style and Drafting Committee immediately upon recess in the gallery. Are there other committee announcements? Is there a second to the motion for recess? Do you ask unanimous consent, Miss Awes?

AWES: I do.

UNIDENTIFIED DELEGATE: I object.

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

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Knight seconds the motion. The question is, "Shall the Convention stand at recess until 7:00 p.m. All those in favor of standing at recess until 7:00 p.m. will signify by saying "aye"; all opposed by saying "no". The Chief Clerk will call the roll.

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

Yeas: 17 - Awes, Barr, Buckalew, Collins, Doogan, Emberg, Johnson, Kilcher, Knight, Londborg, McLaughlin, McNees, Poulsen, Rosswog, Smith, Wien, Mr. President.

Nays: 36 - Armstrong, Boswell, Cooper, Cross, Davis, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Laws, Lee, McCutcheon, McNealy, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, Riley, V. Rivers, Robertson, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White.

Absent: 2 - Coghill, R. Rivers.)

CHIEF CLERK: 17 yeas, 36 nays, and 2 absent.

PRESIDENT EGAN: So the "nays" have it and the Convention is still in session. The Chair would like to announce that it is the

understanding of the Chair that there is a bus scheduled to leave the University at 6:20. The Chair would stand corrected if that is not correct, and it might be that the delegates should decide whether or not they want to work tonight or attempt to catch that bus; or later at a time that would enable the delegates to catch the late bus. Mr. Sundborg.

SUNDBORG: I would like to inquire whether anyone has determined whether the cafeteria is in shape to feed this large group tonight in case we decide to recess through the dinner hour.

PRESIDENT EGAN: The Chairman of the Administration Committee is not here. The question is -- Mr. McNees, on your amendment -- it seems that Mr. McNees was -- are you speaking to your amendment?

CHIEF CLERK: It hasn't been seconded.

PRESIDENT EGAN: Did you move the adoption of your proposed amendment, Mr. McNees?

McNEES: I so move the adoption.

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

BARR: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Barr. If there is no discussion --

UNIDENTIFIED DELEGATE: May we have it read again, please?

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

CHIEF CLERK: "Page 5, line 7, strike the material beginning with the word 'party' through the word 'election' on line 20."

PRESIDENT EGAN: Mr. McNees.

McNEES: The particular merits as I would see that this amendment would have, knowing full well that this present Convention was organized, the election for it was organized and carried through during a period of time equal to that that would be available following the April 24th ratification of the Tennessee Plan, that the time element would be present during which the Governor's office could carry forth, hold a special election for the nomination only, mind you, of candidates for these three very, very important offices. I furthermore feel that it is the voice of the people as a whole that should nominate and in turn elect these three candidates to the first United States Congress that the proposed State of Alaska would be permitted, either by

mandate of their own or by actual seating in that Congress, to participate in it. I therefore feel that the plan has merit. I would like the support of those on the floor that can see it as I see it. I will admit that this amendment alone stands for very little; that there will have to be some rearrangement; that there will have to be a new block on here providing where people may say in what way these candidates for these two offices as Senators to the United States Congress and Representative to the United States Congress shall be elected.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is. "Shall the proposed amendment as offered by Mr. McNees be adopted by the Convention?" All those in favor of adopting 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. The Chair has just received a note which says the cafeteria can handle the delegates -- it looks like fried chicken. Mr. Barr.

BARR: I move that we recess until 7:05.

PRESIDENT EGAN: Delegate Barr moves that the Convention stand at recess until 7:05. Is there a second?

HERMANN: I second the motion.

PRESIDENT EGAN: Seconded by Mrs. Hermann. The question is -- unless there are committee announcements --

HILSCHER: I wish to ask what the rest of the program is for the evening if they're able to tell.

PRESIDENT EGAN: Well, it would be the plan we have before us, Mr. Hilscher. Mr. Hellenthal.

HELLENTHAL: Is there any necessity of having an hour and a quarter -- such as the boiler room problems -- are they working today?

PRESIDENT EGAN: Yes, some of them are working upstairs. Mr. Rosswog.

ROSSWOG: Mr. President, the Local Government Committee meeting will be held in one of the committee rooms upstairs rather than downstairs.

PRESIDENT EGAN: Local Government in one of the committee rooms upstairs. Mr. Nolan.

NOLAN: Mr. President, couldn't we pass this plan by 6:15 and then adjourn until tomorrow morning at 9:00 o'clock. Most of the arguments are over now.

3535

PRESIDENT EGAN: The question before us, Mr. Nolan, is this motion for recess. Do you have a committee announcement, Mr. Doogan?

DOOGAN: No, I would like to ask Mr. Barr to change his recess time until 7:30. The Local Government Committee has a meeting that might take a good half-hour. For information, Mr. Chairman, we ...

BARR: I thought that the final vote was coming up on this right away. I withdraw my motion altogether.

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

BARR: I ask unanimous consent for the withdrawal of my motion.

PRESIDENT EGAN: Mr. Barr asks unanimous consent that his motion be withdrawn. Is there objection? Hearing no objection, it is so ordered. Mr. Taylor.

TAYLOR: Mr. President, I move that we recess at 6:10.

PRESIDENT EGAN: At 6:10?

TAYLOR: Yes.

UNIDENTIFIED DELEGATE: Recess or adjourn?

TAYLOR: Adjourn, I mean, at 6:10.

PRESIDENT EGAN: Adjourn at 6:10 you mean, Mr. Taylor?

TAYLOR: Until 9:00 o'clock in the morning.

SUNDBORG: I think the motion should be that it will be the policy of the Convention to adjourn at 6:10 this evening until 9:00 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Taylor moves that it be the policy of the Convention that the Convention adjourn at 6:10 until 9:00 o'clock tomorrow morning (morning). Is there a second?

STEWART: I second.

PRESIDENT EGAN: Mr. Stewart seconds the motion.

KILCHER: Point of information, Mr. President.

PRESIDENT EGAN: Your point of information.

KILCHER: Isn't there any other work before us that we could do even if we --

PRESIDENT EGAN: Well, we could bring up 17/a if it was the wish of the Convention, but we have before us the motion to adjourn, that it be the policy for the Convention to adjourn. All in favor of the motion as offered by Mr. Taylor signify by saying "aye"; all opposed, by saying "no". The "noes" have it and the Convention is in session. Mr. Davis.

DAVIS: May I ask Mr. McNealy a question?

PRESIDENT EGAN: You may ask your question, Mr. Davis.

DAVIS: Mr. McNealy, will you tell us how it is planned that this Senator, or these Senators and this Representative will be paid if and when we elect them?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, that is an excellent question. If we are going on this matter historically, Mr. Davis, the best of information that the Committee has been able to find, those that had been elected in years past this way, were without compensation, and they had to work doubly hard to get themselves seated in Congress so they could get on the federal payroll. We had considered these and we believe that it is very questionable whether or not -- we doubt the legality of this very much whether the legislature could provide -- any future Territorial legislature could provide salaries for them. The only possible way would be for them to receive any compensation or their expenses, would be if the Territorial legislature should pass a bill appropriating money for their expenses.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I would like to partially answer Mr. Davis' question there and at the same time bring something on the floor. Thought has been given this very question, Mr Davis, of that you may be certain. And personally, I think one of the plans might be, to solve this problem, that the Statehood Committee might even organize even a campaign to get the support of the people behind that and that might at the same time be added evidence of interest in statehood. That could be started before ratification in April too.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Another question, Mr. McNealy, if I may.

PRESIDENT EGAN: If no objection, Mr. Davis.

DAVIS: Mr. McNealy, in the original 17/c which was presented, the following language appeared: "The duties and emoluments of these offices shall be as provided by law". So far as I can see, that language does not appear in the revised 17/c, and I am

wondering if it was left out on purpose or whether it was an oversight in redrafting the Article?

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, we had it in the other Article, and out of that one was -- referring to the top of page 3 of the revised 17/c, it is stated there "...provided that such a person shall receive the compensation assigned to only one of the positions held". Now this was done rather hurriedly, Mr. Davis, and the reason the other was left out was, on rather hurried thinking, was that we didn't want to have too much in this plan as to compensation, but I believe, since you mention it, that your point is well taken there and should definitely be considered.

DAVIS: I would like to know whether the Committee would object to offering an amendment to place the same language in the revised 17/c. If we did it would, I believe, now come in Section, subsection 6 of Section 29, line 5, beginning with the sentence "The candidates receiving the largest number of votes cast for the office shall be elected". That same language appears in the original 17/c and immediately following it appears the sentence I just mentioned. I would like to know if the Committee would object to my offering an amendment to replace that language in the revised section?

McNEALY: Mr. President, after looking it over, and I think the Committee would agree with me, I believe that that language should be replaced and the Committee would support such an amendment.

DAVIS: I would like to state that I, too, have some doubt as to whether the legislature could provide for paying a senator and/or two senators and a representative if there wasn't any such office, but I would like to have it tied down that, unless provision is made, there won't be any compensation. Now I, then, Mr. President, would like to offer the proposed amendment.

BARR: Could I ask Mr. Davis a question before he offers the proposed amendment?

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

BARR: I would like to see that amendment worded so that the legislature is not the only one that can provide expenses or pay. For instance, I had in the back of my mind that perhaps these men could be employed by the Statehood Committee for the purpose of furthering the cause of statehood. In that case it wouldn't be provided -- well, it may be indirectly -- by law.

PRESIDENT EGAN: Mr. Davis, would you object to a two-minute recess? If there is no objection, the Convention will be at recess.

RECESS

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

RILEY: Mr. President, in the course of recess, I have talked to members of the Style and Drafting Committee and have learned from the Committee that they are hopeful, if given an opportunity this evening, of having the bulk of the remaining work in shape for return to the floor tomorrow afternoon. It has occurred to several of us discussing this matter during the recess that, if we were to stay in session this evening long enough to complete the second reading of the Article now before us, and then, if it is the will of the body to suspend the rules and advance to third reading, that there will be ample time left for Style and Drafting to do some work this evening; that the Convention may take up its regular order of business tomorrow morning; and in all likelihood considerable time will have been gained. Accordingly, at this time I should like to suggest that we pursue that course -- we continue now in second reading and defer any immediate action to adjourn until the matter before us is passed.

PRESIDENT EGAN: Is there objection to proceeding in that manner? If not, are there other amendments to be proposed to Committee Proposal No. 17/c as revised? Mr. Davis.

DAVIS: Mr. President, I ...

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment as offered by Mr. Davis.

CHIEF CLERK: "Section 29, subsection 6, line 7, page 6, insert the following sentence after the word 'elected': 'The duties and emoluments of these offices shall be as provided by law'."

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

DAVIS: Mr. President, I move the adoption of the amendment.

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

PRESIDENT EGAN: The question is: "Shall Mr. Davis' proposed amendment be adopted?" Mr. Buckalew.

BUCKALEW: Mr. Davis, my thought on this amendment -- I think the legislature has got to have more leeway to your -- I wanted to offer an amendment. I think the legislature would be able to do something for these individuals if the amendment read, "The legislature may provide expenses for these offices". I don't know, I don't think we can probably -- it is just a thought.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I think it is highly undesirable to mention the legislature here at all. We are proceeding on the basis that these are United States Senators -- this is a member of the House of Representatives. When you say, "provided by law", we are hoping they are going to be paid for by Uncle Sam.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Davis be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying Aye; all opposed by saying No. The "Ayes" have it and the amendment is ordered adopted. Mr. Hurley.

HURLEY: Mr. President, I have a short amendment to subsection 5.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment?

CHIEF CLERK: "Page 5, subsection 5, line 8, after 'made' insert 'for this election only'."

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

HURLEY: Having cleared this with the Chairman of the Committee, I move its adoption.

PRESIDENT EGAN: Mr. Hurley moves the adoption of the proposed amendment, seconded by Mr. Riley. Do you ask unanimous consent Mr. Hurley?

HURLEY: I do.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection the amendment is ordered adopted. Mr. Sundborg.

SUNDBORG: I have an amendment.

PRESIDENT EGAN: Will the Chief Clerk please read the proposed amendment?

CHIEF CLERK: "Page 2, line 12, strike 'the regular' and substitute 'an initial short'; and on line 13, strike '1963' and substitute '1959'."

PRESIDENT EGAN: Would the Chief Clerk please read that little portion there as it would read if the amendment as offered by Mr. Sundborg were adopted?

CHIEF CLERK: On line 12, "one for an initial short term expiring on Jan. 3, 1959".

PRESIDENT EGAN: That is how that portion of the section would read if the amendment were adopted; rather than "one for the regular term expiring on Jan. 3, 1963". Mr. Sundborg.

SUNDBORG: Mr. President, I move the adoption of the amendment.

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

BARR: I second it.

PRESIDENT EGAN: Is there discussion?

SUNDBORG: My thought here is that, since these officers will be elected under an election procedure which is not the usual one in Alaska, it might be best not to elect a Senator for the whole six years at the very first election where there would not be a primary. This would provide that there would be one short term of two years and another short term of four years, and certainly by that time we would hope to be a State and could elect under our regular procedure.

PRESIDENT EGAN: The question is: "Shall the proposed amendment be adopted by the Convention?" All in favor of adopting the amendment signify by saying "Aye"; all opposed, "No". The Ayes have it and the amendment is ordered adopted. Are there other amendments? Will the Chief Clerk please read the proposed amendment?

CHIEF CLERK: From Mr. McLaughlin: "On page 5, line 15, strike the words 'July 15' and substitute the words 'June 30'."

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

McLAUGHLIN: I so move.

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

McNEALY: I second the motion.

PRESIDENT EGAN: Unanimous consent is asked.

McNEES: I object.

PRESIDENT EGAN: Objection is heard. The motion is open for discussion. Mr. McNees.

McNEES: My objection was raised on this basis. I understand this amendment is being introduced, as Mr McLaughlin stated earlier, so that any disgruntled or left out candidates from the party caucus as might be given room to file between June 30 and July 15. My thinking on the subject is this: the provision is made for the introduction of independent candidates on the ticket as well as party nominees. Furthermore, I feel that this should be a matter where a man chooses between the party or maintaining his independent role and given the equal opportunity by the choice which he cares to make. If he decides to go with the party, he should accept party mandate; if he decides to file as an independent, he is given up until July 15 in which to file as

an independent. I do not feel that this extra 14 - or 15-day period should be allowed for the rejectees by the party caucus to be given time to turn coat and file as an independent.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I think Mr. McNees has spoken very wise words there. I think it goes against the whole theory of independent candidates' filing. The person desiring to run for office should make up his mind independently and decide to run for that office, and support himself for that office, and should not be -- the privilege should not be made available to those who have sought nominations through the channels of their political parties and failed to prevail. I think the amendment is ill-advised and should be voted down.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I am prepared to use my privilege of summing up.

PRESIDENT EGAN: Mr. McLaughlin, Mr. McNealy has been attempting to get the floor. Mr McNealy.

McNEALY: Mr. President, I second the amendment for this reason: In line 15, because July 15 is the date that the director of finance is required to certify candidates to the Clerk of Court, and I don't know just how necessary it is, possibly the conventions would go ahead and hold their conventions prior to July 15. However, since that is the required date it would require them to hold the convention by June 30, which falls on a Saturday. However, if this amendment should carry, I would propose, then, that on line 25 the same date be included, June 30.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: The reason I made this amendment is, first, that I assured this Convention I would do it, and, secondly, since we have in substance of necessity deprived the people of the right to enter their names in the primary, we prevent the injustice that many people say could exist through the use of the party convention. If this amendment is adopted, it means this: that the Chairman and Secretary of the Central Committee of each major political party, immediately upon such nominations being made, and in no case later than June 30, 1956, will have to file with the Clerk of the Court the names of the candidates who have been approved by the Convention. That means that, if any person feels he was unjustly deprived of his right to be nominated by the convention, he has substantially 15 days thereafter to secure the requisite number of signatures and file as an independent. As it stood, the convention could meet on July 14, designate its candidates, and then, in spite of popular clamor, the persons who felt they should have been designated, or who the public felt

should have been designated, would not have an opportunity to file. This merely -- it does no harm, and meets a lot of the criticism that we may have on the subject of the party convention. It's helpful because it gives 15 days in which anyone in substance rejected or not considered at the Convention will have an opportunity to secure support and file as an independent.

McNEES: I would like to ask a question through the Chair if I may.

PRESIDENT EGAN: There is no objection, Mr. McNees.

McNEES: Mr. McLaughlin, in the event, we will say, that the party caucus was pretty heavily contested and one man came out with a narrow margin behind the selected candidate, wouldn't there be real danger of this candidate who came close to, shall we say, being nominated by his party group turning and filing as an independent and thereby splitting the party vote in such case when it comes to the general election?

McLAUGHLIN: Yes, quite a possibility. But what of it? You have answered all of the objections then for the primary system. In substance, you have some way -- you have an opportunity to go in and file. One of the criticisms that would be directed against this article is that the convention might be unjust. Well, if it is unjust, then those people who have been unjustly deprived of one of their rights or privileges will have an opportunity to file. You are meeting criticism of the conventions.

McNEES: One more question, if I may. The thinking in my mind on this is that we would have a ticket in the general election, in November that would be cluttered perhaps with numerous names and none of them truly independent.

McLAUGHLIN: That's quite possible.

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: It appears to me that this particular amendment serves no useful purpose, because the person who was to be a contender in a party convention for the office, were he astute enough in politics and otherwise to be a contender in such a thing, he would have secured prior to the time the convention ever met sufficient names to have his name placed on the ballot if he, in effect, was going to bolt the party and run as an independent or under some other banner. So, it's of no merit as far as I can see.

PRESIDENT EGAN: Are there other delegates who wish to be heard before Mr. McLaughlin closes. Mrs. Hermann.

HERMANN: I think the idea of providing for independents to run for the offices if they like is good, but I do not think it

should be tied in with the party conventions so that the people who failed to be nominated at a party convention become candidates, and by so doing, probably become branded by the party ever afterward and are in a bad state politically to the end of their days. I think the provision for independent candidates should be made entirely apart from the idea that disgruntled candidates who failed to make nomination by the party convention will then have an opportunity to run. If the party turns them down and they want to bolt the party, that is their own business. But they should do it -- if they are astute enough to know politics very well, they should know before the convention whether they are going to get turned down or not.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I have no objections to it because I don't think it is applicable to my party, and it might be helpful to the other party; I can see where they could use it. (Laughter)

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

HELLENTHAL: I think the same logic that was so successfully applied to the use of the word "nonpartisan" should be applied to this amendment. (Laughter)

PRESIDENT EGAN: The Convention will come to order. Are there others who wish to be heard? If not, the question is: "Shall the proposed amendment as offered by Mr. McLaughlin be adopted by the Convention?" All those in favor of adopting the proposed amendment signify by saying "Aye"; all opposed, by saying "No". The Noes have it and the amendment has failed of adoption. The Convention will come to order. Are there other amendments to Committee Proposal No. 17/c, as revised? Are there other amendments to be offered at this time? Mr. Fischer.

V. FISCHER: I would like to ask unanimous consent that on page 3, line 7, the words "primary and" be stricken.

PRESIDENT EGAN: Mr. Victor Fischer moves and asks unanimous consent that on page 3, line 7, the words "primary and" be stricken. Is there objection? Mr. Kilcher.

KILCHER: A question, Mr. Fischer. Would you consider, Mr. Fischer, to include into your unanimous consent request any similar possible inconsistencies that might be erased by the Committee on Style and Drafting, to save time that we should hunt through it now.

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

Fischer has asked unanimous consent. Is there objection?

MCNEES: I object.

PRESIDENT EGAN: Mr. Fischer so moves, seconded by Mr. Metcalf, that the amendment be adopted. Mr. McNees.

McNEES: I wasn't objecting. I just wanted to ask a question here for clarification. Would it be your understanding, Mr. Fischer, that, in the event the party caucuses came up with three candidates for the three offices in each party and several independents would have filed also, that this \$40 filing fee to enter the general election would not be applicable?

V. FISCHER: I moved to strike "primary and" in line 7.

McNEES: I know, but doesn't that, if I may ask another question, come right back to the point whereby these candidates then would in turn be required to put up such a fee, and doesn't the word here "...governing primary and general elections applicable..." pertain to that point as well as others in the handling of that election?

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

RECESS

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

V. FISCHER: I move and ask unanimous consent to include the word "general" on line 7 in that motion.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that in his proposed amendment to include the word "general". Is there objection to that? If not, then you may quote it as part of the amendment.

V. FISCHER: I now renew my request for unanimous consent for the adoption of the amendment.

PRESIDENT EGAN: Mr. Fischer renews his request for unanimous consent for the adoption of the amendment. Is there objection? Mr. McNees.

McNEES: There is still, I believe, a question unanswered here. It will be necessary for anyone filing generally, outside the caucus group, to provide the \$40 fee and two hundred signatures. I do feel here, too, that any other candidate going up should be required to put up this fee. We struck it in section 4 here on page 3 along with some of the rest of the material. I do feel there are gaps in here that might well be referred to Style and Drafting. They could come back in their redraft of the copy and perhaps fill in those points that were lost that should be retained, so I am not objecting to the unanimous consent, but I am raising that question on the floor.

PRESIDENT EGAN: Unanimous consent is asked that this particular amendment be adopted. Is there objection? If there is no objection, it is so ordered. Are there other amendments to be offered at this time. Mr. Poulsen.

POULSEN: Mr. President, I also have an amendment and ask for unanimous consent that wherever the words "Tennessee Plan" occur in this Article be stricken and "Alaska Plan" be inserted.

PRESIDENT EGAN: Mr. Poulsen asks unanimous consent that where the words "Tennessee Plan" appear in this proposal, that they be stricken and the words "Alaska Plan" be inserted. Is there objection? Objection is heard. Do you so move, Mr. Poulsen? Mr. Poulsen so moves, seconded by Mr. Buckalew. The motion is open for discussion. Mr. Hurley.

HURLEY: Mr. President, I think the idea is very good, but the whole background of the proposal that we have -- that has been presented by the Ordinance Committee has used this name because undoubtedly the legal precedent for the thing is going to be put before us, and we felt that by using that terminology we would point the finger at previous actions of a similar nature. I certainly concur with Mr. Poulsen 100 per cent in his desire to make it our plan and not somebody else's plan, but unfortunately somebody else has already used it. And the fact that they have used it is extremely important in giving us precedent for the action, so in this particular case, I feel that it would be better to retain the present terminology.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: A great deal of work has already been done in Congress and with the newspapers of the country. They know the Tennessee Plan; they know that Alaska is interested in the Tennessee Plan; and I think that we will gain great favor if we continue the use of the words "Tennessee Plan".

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I will submit that the program as outlined here by the Committee is not the Tennessee Plan, period. And for us to label it as the Tennessee Plan is to be misleading our people. The people may possibly vote against this plan if we proceed here to adopt our two Senators and one Representative, because they may think that we are going to elect our whole state government to boot. So I feel we are not adopting the Tennessee Plan, because our approach has not been bold enough. We have a very, very watered-down version here and it has nothing to do with the Tennessee Plan, except that there was no better name to call it, and I am in hearty concurrence with Mr. Poulsen, because, if we offer it as the Alaska Plan, we are not only going to be misrepresenting things to our voters.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I hate to agree with Mr. McCutcheon. I was on the -- now that might sound funny, but I -- this isn't a Tennessee Plan. It's a watered-down version of the Tennessee Plan. I saw Mr. Poulsen last night, and I promised him on that occasion that I would support his proposal to change the name from "Tennessee" to "Alaska". I will give those hillbillies credit, they went all the way; and I am a little disappointed that we have elected to modify the plan, but I think we had no other choice. I think that we would probably be more honest with Congress and with the people in Alaska to call it the "Alaska Plan".

PRESIDENT EGAN: Mr. Barr.

BARR: If we adopt Mr. Poulsen's proposal, and especially if it should work, it will gain a little honor and glory for Alaska, but we are not in great need of honor or glory right now. We badly need good publicity and lots of it. That publicity has already been started and we have used the Tennessee Plan. A great many of our people yet are not fully acquainted with the Tennessee Plan or the one we are proposing, but, if they know that some other state has already had elected their Senators and Congressmen before being granted statehood, it will establish a precedent. It will show them we are not trying to do something that is too radical, and they will be willing to go along with it, no doubt. So, rather than gain a little honor and glory for Alaska, I think we should be able to take advantage of the publicity that we have.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Briefly, in spirit I agree very much with Mr. Poulsen. I certainly would like to support that. I would like to call this, however, the Alaska version of the Tennessee Plan. But I do want to point out in connection with Tennessee and the other states that used it that they had to go all the way and elect the state senate and house of representatives because in those days it was the legislature who appointed the two Senators, so they had no alternative. Whether or not they would have felt it necessary to go all the way is another question. But there has been such wide publicity given that we will have to agree with Mr. Barr, and neither have he and I agreed too often.

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENENTHAL: Did the Committee give thought to calling it the Alaska-Tennessee Plan?

PRESIDENT EGAN: Mr. McNees.

MCNEES: Rather than adopt the name to suit a maverick plan here, I would rather see us perhaps go on a little bit stronger --

I wouldn't require too much -- and let these party caucuses, when they meet, and our independent would-be governors file their names at the same time and elect the governor and secretary of state. I don't see any reason why we shouldn't. Perhaps they could prevail upon Congress when they get back there, then, to name our governor as the appointed governor for the State of Alaska.

PRESIDENT EGAN: Mr. Buckalew, are you just asking a question?

BUCKALEW: I just wanted to ask ...

PRESIDENT EGAN: There is no objection if you wish to ask a question.

BUCKALEW: Mr. McNees, would you have any objection then to adopting an ordinance in which we repudiate the Organic Act?

McNEES: No, I wouldn't. That has occurred to a lot of us many times.

PRESIDENT EGAN: Is there further discussion? If not, the question is: "Shall the proposed amendment as offered by Mr. Poulsen be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "Aye"; all opposed, by saying "No". The Noes have it and the amendment has failed of adoption. Are there other amendments to proposal No. 17-c, revised? Mrs. Nordale.

NORDALE: Mr. President, may I ask Mr. McNealy a question?

PRESIDENT EGAN: You may ask a question. The Convention will come to order.

NORDALE: Mr. McNealy, do you think it would be advisable to insert, since we have stricken the portion of this ordinance that requires the \$40 fee -- do you think it would be wise to insert it somewhere, for the reason -- I believe that the Territorial law requires a percentage of the salary, but not less than \$10 nor more than \$40? Is that right?

McNEALY: I believe that is correct.

NORDALE: Yes. It seems to me that we should decide on a fixed amount since there is no fixed salary attached. We should either say it's \$10 or \$40 or somewhere in between. Don't you think?

McNEALY: It was the thought of the Committee that the filing fees for all candidates should be \$40.

NORDALE: I think it should be \$40 all right, but don't you think it should be in the body of the Constitution?

PRESIDENT EGAN: The Convention will be at recess while the amendment is prepared.

## RECESS

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

SUNDBORG: Mr. President, I believe there are a good many things in addition to the \$40 that will have to be worked into this by reason of the fact that we have stricken the procedure here for a primary election. There is some language in there as to what should be said on the ballot, and I believe it applies equally well to what should be said on the general election ballot. So I wonder if the Style and Drafting Committee could not have authority of the Convention to make such changes as are necessary to carry out the intention of the body so that this plan will be workable, since it will be without the primary election feature.

PRESIDENT EGAN: First, Mr. Sundborg, before you ask the Convention to do that, are there other amendments that you would like to offer from the floor? Mr. Kilcher.

KILCHER: I would like to move to rescind our action taken awhile ago on an amendment by Mr. Sundborg when we accepted the amendment that the terms should be shortened by two years. If I may, I would like to move that we rescind this action. I think the matter hasn't been given sufficient thought and is a very pertinent question that has not been debated. It has passed our attention and our study, and I think it should come on the floor once more in the form of debate on rescission.

PRESIDENT EGAN: Mr. Kilcher moves that the Convention rescind the action taken on Mr. Sundborg's motion wherein we shortened the term of office of one of the proposed Senators. Is there a second?

BUCKALEW: I second it.

PRESIDENT EGAN: Seconded by Mr. Buckalew. The motion is open for discussion.

KILCHER: My stand is this. I was on the point of debating the question when it was on the floor and decided against it. I expected others might do it. In other words, I slept at the controls. I would like to get the attention of the delegates and think this over carefully. I think Mr. Sundborg had a good intention in this respect, but possibly didn't give it enough thought as he might have if he had had more time or be conversant with the Committee's thinking of weeks past. As has been brought out by Delegate McCutcheon, our Alaska style Tennessee Plan is a watered-down version of the Tennessee Plan. I may say to you delegates that our Alaskan version of the Tennessee Plan has been even more watered down at a time past in the Committee than it is

now. The water has a little color to it now; maybe even a little substance. I think that the amendment of Mr. Sundborg's unintentionally has contributed to further water down our Alaskan adaption of the Tennessee Plan. We must mean to quite an extent what we say in that Tennessee Plan idea. For me, the whole plan can't be bold enough. I am 100 per cent for it, and I think that the very fact that the plan, prima facie as it may be, has looked to be a 100 per cent bold action, is the reason why it has appealed to the people who normally are not very active or even lukewarm to statehood sentiment. It is a thing that catches the fancy of the people. The people will go for something if it is whole or as whole as possible and not a shadow of a substance only. I really think that in a little way to add a little bit more substance to our Tennessee Plan we should leave the terms full. We should leave the terms full as an added indication that we mean business.

PRESIDENT EGAN: Mr. Barr.

BARR: It may or may not interest you to know that I am hungry. I moved for recess a while ago, and then this policy was established that we would recess at 6:10; that was half an hour ago and I find now that they quit feeding in the cafeteria at 7:00 o'clock; so I am going to move for recess again and then go up and eat. I move that we recess until 20 minutes to eight.

PRESIDENT EGAN: Mr. Barr moves and asks unanimous consent that the Convention stand at recess until 20 minutes to eight. Is there objection?

SUNDBORG: I object.

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

BARR: I so move.

JOHNSON: I second the motion.

PRESIDENT EGAN: The question is: "Shall the convention stand at recess until 20 minutes of eight?" All in favor of recessing until 20 minutes of eight will signify by saying "Aye"; all opposed by saying "No". The noes have it and the Convention is still in session. Mr. Londborg.

LONDBORG: I think it is about time we either recess or adjourn or Mr. Kilcher will start sleeping at the controls. I really don't think that Mr. Sundborg's amendment in any way whatsoever waters down this plan we have here. That is merely, I believe, a well worthwhile amendment that puts our Senators and Representatives back on the primary basis a little sooner. I think that was the intent and I think we should vote down the rescinding action.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: As the only person who voted against Mr. Sundborg's amendment, I didn't bring the matter up again because I felt, if I had any logic, I could convey it to Mr. Sundborg at a recess and I still think I can. I think he is wrong, but I would just as soon not take up the time of the Convention telling him.

PRESIDENT EGAN: Mr. McNees.

McNEES: I think we should make some provision in this Article, either by Committee or perhaps giving Style and Drafting a little bit of license, and make these offices perpetual, at least provide for the re-election of the delegates to Congress and to the House in, respectively, 1958 and 1962.

PRESIDENT EGAN: Is there further discussion. Mr. McNealy.

McNEALY: I believe there are so many things throughout this plan here that it should go to Style and Drafting with the authorization of this body to carry out -- in even such matters as Mr. Kilcher suggests. On reflection and word from off the floor, I believe that Mr. Kilcher's motion probably should carry, because there are a great many things to resolve there and, if the Style and Drafting Committee had the whole of the Article and, as was so ably shown the other day when Mr. Davis took a matter off the floor and came back with something we could unanimously agree on, and then we could bring our various ideas to that Committee and possibly Mr. Barr could go -- but I see he has already gone.

PRESIDENT EGAN: The question is, if there is no further discussion -- Mr. Kilcher.

KILCHER: I would like to conclude the debate by stating shortly that the whole basis and justification of the Tennessee Plan is this: that we assume that we are a state; we act as a state; we elect our two Senators and one Congressman for whatever term we think they have coming.

PRESIDENT EGAN: Now the Chair will state that if you vote yes on this rescinding motion, you will restore the regular term expiring on January 3, 1963, rather than the amendment that had been adopted changing it to January 3, 1959. The question is: "Shall the convention rescind its action taken in adopting Mr. Sundborg's amendment?" The Chief Clerk will call the roll.

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

Yeas: 29 - Armstrong, Buckalew, Davis, Doogan, Emberg, H. Fischer, Harris, Hermann, Hinckel, Hurley, Johnson, Kilcher, Lee, McCutcheon, McLaughlin, McNealy, McNees, Nerland, Nolan, Nordale, Peratovich, Poulsen, Riley, Robertson, Smith, Sweeney, White, Wien, Mr. President.

Nays: 19 - Boswell, Cooper, Cross, V. Fischer, Gray, Hellenthal, Hilscher, King, Knight, Laws, Londborg, Marston, Metcalf, Reader, V. Rivers, Rosswog, Stewart, Sundborg, Walsh.

Absent: 7 - Awes, Barr, Coghill, Collins, R. Rivers, Taylor, VanderLeest.)

PRESIDENT EGAN: Mr. McLaughlin changes his vote from no to yes. Mr. Kilcher.

KILCHER: Is it too late now to call for the rest of the house?

PRESIDENT EGAN: Yes, it is too late now for anything except if anyone wishes to change their vote before it's announced.

CHIEF CLERK: 29 Yeas, 19 Nays, and 7 absent.

PRESIDENT EGAN: So the yeas have it, and the action has been rescinded. Mr. Hellenthal.

HELLENTHAL: I move that this Proposal 17/c Revised be referred to the Committee on Style and Drafting with the power to suggest amendments of substance preserving the right to treat those matters of substance recommended by them by majority vote.

PRESIDENT EGAN: You have heard the unanimous consent request of

Mr. Hellenthal. Is there objection? Is there objection to the unanimous consent request to refer the proposal to the Style and Drafting Committee under the conditions stated? Hearing no objection, it is so ordered. Mr. Hellenthal.

HELLENTHAL: I move we adjourn until 9:00 or 9:01 a.m. tomorrow morning.

PRESIDENT EGAN: Mr. Hellenthal moves that the Convention stand adjourned until one minute after nine tomorrow morning. Is there objection? Objection is heard. Do you so move, Mr. Hellenthal?

HELLENTHAL: I so move.

PRESIDENT EGAN: Mr. Hellenthal so moves, seconded by Mr. Robertson, that the Convention stand adjourned until 9:01 a.m. tomorrow. All those in favor of adjourning until 9:01 tomorrow will signify by saying "Aye"; all opposed, by saying "No".

PRESIDENT EGAN: The "Ayes" have it and the Convention stands adjourned.