

ALASKA CONSTITUTIONAL CONVENTION

January 31, 1956

SEVENTIETH DAY

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

ROBERTSON: Mr. President, today I understand Alaska has lost a very good friend and many of us a close personal friend -- a man who I knew since he first came to Alaska as a young man, who I think was a very loyal American and a very loyal Alaskan. I ask that when the Chaplain gives the invocation, it be in honor of General Noyes and that we all stand in honor of General Noyes at that time.

PRESIDENT EGAN: We have with us today Chaplain Henderson of Ladd Air Force Base who will deliver our daily invocation. Today's invocation will be spread upon the Journal in memory of the passing of General John Noyes.

REV. HENDERSON: Let us pray: Our heavenly Father, we thank Thee that in all the occasions of life Thou has told us to come unto Thee in prayer. So on this day as we would pause to honor and pay tribute to one who has served loyally in this Territory, we would pause for a moment of silence in honor and in the memory of General Noyes. Bless, O God, our Heavenly Father, all who are serving Thee and serving our country and this Territory. Bless these members of the convention in the progress which they have made and in the duties of completion that are now near at hand, that in all things Thy divine guidance may be evidenced. Through Christ, our Lord. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: All present.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Mr. Barr.

BARR: Mr. President, yesterday I tried to put through a certain measure, which was a marked failure, and Mrs. Barr was very much concerned about my lack of success, and in order to secure a little better support next time she whipped up a big batch of fudge, and you will see two boxes on the Secretary's desk there for the members.

PRESIDENT EGAN: You may tell Mrs. Barr that the Convention really appreciates the thought, Mr. Barr. Mr. Hilscher.

HILSCHER: As a result of this gesture I propose that at the proper time the name of "barr-boro" be considered. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

UNIDENTIFIED DELEGATE: We might consent to change the name to "barr-o". (Laughter)

PRESIDENT EGAN: The Convention will come to order. Are there communications or petitions from outside the Convention? Are there reports of standing committees? Mr. Sundborg.

SUNDBORG: Your Committee on Style and Drafting reports back to the Convention Article XV, Apportionment Schedule.

PRESIDENT EGAN: The Chief Clerk may read the report.

SUNDBORG: I believe the report is only to be assigned to the Rules Committee at this time for a place on the calendar.

PRESIDENT EGAN: If there is no objection, the report is assigned to the Rules Committee for its place on the calendar. Are there other reports of standing committees? If not, are there reports of special committees? Are there motions or resolutions to be presented at this time? Mr. Marston.

MARSTON: I have one on the docket, Mr. President.

PRESIDENT EGAN: We have -- the calendar shows the resolution "Friendly Relations with Canada" before us in second reading. Is that correct, Mr. Riley? That is your calendar?

RILEY: It is, Mr. President. I might add for the information of the members that, while this calendar may appear to take daily adjustment, the adjustment is dictated only by the output of the boiler room and the pressure on Style and Drafting, and it represents pretty much their convenience.

PRESIDENT EGAN: The Chief Clerk will please read the resolution "Friendly Relations with Canada". It has to be read by the Chief Clerk.

(The Chief Clerk read the resolution in full.)

PRESIDENT EGAN: Are there proposed amendments for the resolution? Or is there a report of any committee with relation to the resolution? Mr. Marston.

MARSTON: Could I make a little talk on this?

PRESIDENT EGAN: Mr. Marston, the proper thing to do, if there are no amendments, would be to suspend the rules and advance the resolution to third reading. At that time you may talk or any person

may talk. Is there an amendment? Mr. Marston, do you have an amendment?

MARSTON: I have an amendment.

PRESIDENT EGAN: If it is an amendment you might present it at this time. The Chief Clerk will please read the proposed amendment. Mr. Marston, this is a new resolution -- is that correct?

MARSTON: There is a little change -- a very small change.

PRESIDENT EGAN: Well, you might ask unanimous consent that the original resolution be withdrawn, and then after that is accomplished you might ask unanimous consent to introduce this.

MARSTON: I ask unanimous consent to withdraw the first resolution and introduce this new one on Friendly Relations with Canada.

PRESIDENT EGAN: Is there objection? If there is no objection, it is so ordered; the original resolution is ordered withdrawn. Now, Mr. Marston, you might offer the new one. You might ask unanimous consent.

MARSTON: I ask unanimous consent to offer this new resolution on Friendly Relations with Canada.

PRESIDENT EGAN: Mr. Marston asks unanimous consent that this substitute resolution be offered to the Convention at this time. Is there objection? Hearing no objection the Chief Clerk may read the resolution for the first time.

CHIEF CLERK: Resolution, Friendly Relations with Canada.

PRESIDENT EGAN: Do you ask unanimous consent that it be advanced to second reading at this time, Mr. Marston?

MARSTON: Mr. President, I ask unanimous consent that it be advanced to second reading at this time.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing none, it is so ordered, and the Chief Clerk may read the resolution for the second time.

(The Chief Clerk read the resolution in full.)

PRESIDENT EGAN: Are there amendments to the resolution? If there are no amendments to be offered, Mr. Marston, it would be in order, if you so desire, to move to suspend the rules and ask that the resolution be advanced to third reading, be read by "resolve" only, and placed in final passage.

MARSTON: I move and ask unanimous consent that the rules be suspended and this be advanced to third reading.

PRESIDENT EGAN: Mr. Marston moves and asks unanimous consent that the rules be suspended as to the resolution "Friendly Relations with Canada", that the resolution be advanced to third reading, read the third time by "resolve" only, and placed on final passage. Is there objection?

HERMANN: I object.

PRESIDENT EGAN: Objection is heard. Mrs. Hermann.

HERMANN: I am not sure about this, but has this been in Style and Drafting?

PRESIDENT EGAN: The new resolution, as far as the Chair knows, Mrs. Hermann, has not been to Style and Drafting. But by unanimous consent, if the unanimous consent request carries, it would not be necessary to send it back to Style and Drafting unless Mr. Marston would like to see that it be further styled.

HERMANN: Well, in the absence of the Chairman of the Style and Drafting Committee, I think I will have to continue to object to the unanimous consent request.

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

MARSTON: I do.

PRESIDENT EGAN: Mr. Marston so moves. Mrs. Fischer seconds the motion, that the rules be suspended, the resolution be advanced to third reading, read the third time by "resolve" only, and placed in final passage. The question is -- Mr. Barr.

BARR: I think it is rather important that Style and Drafting does look this over. After all, it's -- you might call it social correspondence between this country and Canada, and style is fairly important.

PRESIDENT EGAN: Mr. Barr, it would be -- under the rules with relation to resolutions, it probably would not be out of order even after it had passed the body for it to go to Style and Drafting for phraseology changes. Mr. White.

WHITE: I feel the same way as Mr. Barr. I have nothing against the wording of this resolution as it stands. But there will undoubtedly be lots of other resolutions, and I see no reason why they all shouldn't follow the usual course of committee proposals.

PRESIDENT EGAN: Well, that is up to the body. The question is, "Shall the rules be suspended and the resolution advanced to third reading?" The Chief Clerk will call the roll.

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

Yeas: 34 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cross, Doogan, H. Fischer, Harris, Hellenthal, Hilscher, Hurley, Kilcher, King, Lee, Londborg, McCutcheon, McNees, Marston, Nerland, Nolan, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, VanderLeest, Walsh, Mr. President.

Nays: 14 - Barr, Cooper, Emberg, Gray, Hermann, Hinckel, Knight, Laws, Metcalf, Reader, R. Rivers, Sweeney, White, Wien.

Absent: 7 - Davis, V. Fischer, Johnson, McLaughlin, McNealy, Nordale, Sundborg.)

CHIEF CLERK: 34 yeas, 14 nays, and 7 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Mr. Hurley.

HURLEY: I move that the resolution be submitted to the Style and Drafting Committee for consideration and report to the Convention.

PRESIDENT EGAN: Mr. Hurley moves that the resolution be referred to the Style and Drafting Committee for consideration and report to the Convention. Is there objection? Mr. Peratrovich.

PERATROVICH: On this motion that we just took, was it two-thirds of the membership or two-thirds of the members present?

PRESIDENT EGAN: It was two-thirds of the membership to which the body is entitled, Mr. Peratrovich, under the rules. So it would take 37 votes to suspend the rules. If there is no objection, the resolution is referred to the Style and Drafting Committee. Mr. Marston.

MARSTON: I should talk a little on this because it has more than a social correspondence her, as suggested here, so Style and Drafting could get the moment back of this.

PRESIDENT EGAN: Mr. Marston, it would probably be well, and the Chair knows that the Style and Drafting Committee would welcome your appearance before the Committee at the time they consider this, and you will get an opportunity to speak fully on the subject when it comes up again in third reading, but you can be heard before the Style and Drafting Committee at the time it is before them.

MARSTON: I have some things that this body ought to have now.

PRESIDENT EGAN: Is there objection to hearing Mr. Marston at this time? Mr. Buckalew.

BUCKALEW: Mr. President, would it be in order to suspend the rules

again and consider this resolution, and then after it has passed refer it to Style and Drafting and polish it up if necessary?

PRESIDENT EGAN: Mr. Buckalew, it seems we just voted on a motion to suspend and until another meeting the suspension of the rules for that purpose would be out of order, but if there is no objection, Mr. Marston, you might -- if there is objection, of course, you would have to be heard before Style and Drafting Committee. If there is no objection you might speak your words.

MARSTON: I appreciate it. I think you should have it. This is more than friendly relations -- it is friendly relations, but we are becoming a sovereign people here. We have made the first step and there is no return. It's a chain action, and we are going forward, and this has relation to all of what I say right here, this friendly relations with Canada. We have a great land here with billions of dollars of wealth in pulp and timber and oil and coal -- hundreds of billions of dollars, and it's a bigger piece of land than most countries in the world, and we are sending three men down to Washington, D. C., to see if we can't join up with those people there and become a sovereign people as we should be. We are tired of the colonialism we have had here. We have made the effort; we have made the first move; and I am very proud of this group of people here. They have moved forward and they have taken the first step. Now, these three men who are going down will meet a problem down there. I was down there one time with a group of business people. I saw a fellow named Joe Martin, who was sitting on the lid, and we tried to get to the Senate, and they would have taken our deal then, but we couldn't get to the Senate. He sat on the lid. We saw the President, but somebody was cramping his style and we didn't get beyond that. They didn't roll out the red carpet and play the band and music to us, and our fellows are going to meet the same thing when we send them down. We have got a piece of ground here that is worth hundreds of billions of dollars, and I want them to come back, if they don't make a success of the deal there, by way of Canada and talk to the Canadian people there. They have a great land and they adjoin us here, and this is just a gesture to them. And if we don't make a deal in Washington, D. C., our boys will come back, our salesmen, by way of Canada, and talk to them. Maybe we can join up with them; if we don't we can make a treaty with them, and they will be our neighbors. You know, when I was in Washington, D.C., I met some other people down there -- some Hawaiians -- and they were in there trying to join up with the United States also -- a fine bunch of fellows. They got only lip service, and I saw them last winter after five years and they were a very much discouraged people; they had given up; they couldn't make it; they are in worse shape than we are. Well, here we are a big piece of land. We have got land bigger than most nations, and we can make friendly relations if we don't make a success of it, by joining with Canada. We can make friendly relations with them and have a treaty with them and we can have the greatest nation in the world and the people will come from all over the world -- hundreds of thousands of people -- and

join us. We will be bordered on the east by the great land of Canada, and we will make friendly relations with them; bordered on the south by the Pacific Ocean; bordered on the west by the Bering Sea; and on the north by the Arctic Ocean and the aurora borealis -- a great big land that can stand out by itself. That is the third course we can take. I am just giving the courses so we can think it through. The time has come to think it through as a sovereign people. We have tried to succeed with the United States. We have complied with all requirements to join them and we have completely complied, but somehow we haven't made the deal with them yet. If they don't want a deal -- well, all right. Then we have got a piece of land that is wealthy, and hundreds of thousands of people will come and join us if we open the gate and let them come in. We can be a sovereign people, and I say "Give us men to match our mountains, and we will be a sovereign people, an independent nation." I really prefer the third course. Let's try the first way if we can, and that is what this little thing means -- a gesture to Canada. We will follow it up. I am going to Canada after the Convention is over and I'm going to talk to the folks there. I used to live up there. They are much interested in what happens across the line; more so than people in Washington, D. C., are interested in what happens up here, those Canadians are. It's a big land, and we are going to keep friendly relations and we are going to be a sovereign people and this little document is the first leader on that. We are on the way and there is no return; we are going to be a sovereign people. Thank you.

PRESIDENT EGAN: Thank you, Mr. Marston. (Applause) We now have before us Article No. XV, the Style and Drafting Committee's report on the Apportionment Schedule. Do we have the report available for every delegate at this time, Mr. Sundborg?

SUNDBORG: Mr. President, it might be advisable to read this. It would serve, I think, to pick up errors since there are a lot of proper names with which many of the delegates would be familiar.

PRESIDENT EGAN: The Chief Clerk will please read the report of the Style and Drafting Committee in relation to Article XV.

(The Chief Clerk read the report in full.)

PRESIDENT EGAN: Does the Chairman of the Style and Drafting Committee have any reports to make at this time?

SUNDBORG: As the delegates will notice, there has been almost no style and drafting involved in our reporting the Apportionment Schedule. The only portion of this that is new or changed is that appearing at the top of page 3, which is the section heading, the subhead under section -- the introduction saying, "The election districts set forth in Section 1 shall include the following territory:" is all that is new. We have corrected from the enrolled copy several typographical errors and other errors in spelling which had not been caught on the floor in second reading. If you

would like, I could call attention to each of those in case any of the delegates might have different versions of what should have been done. There are only very few of them.

PRESIDENT EGAN: You might, Mr. Sundborg.

SUNDBORG: On page 3, we changed the spelling of Kosciusko, which was incorrect in the enrolled copy, having contained an extra "e". It may be that has been corrected by the Engrossment Committee before it came on the floor. In any event, there was an "e" in Kosciusko, which was purely a boiler room error and did not belong. And then, in the next line we, instead of Kashevarof Islands as in the enrolled copy -- we have been assured by the chairman of the Apportionment Committee that it should be Kashevarof Island without the "s". In four places we have dropped the capital "M" down to a small "m" in the word "mainland", since that is in accordance with our policy on capitalization. In Election District No. 16, the Bethel District, on page 7, in the last line, we have corrected the spelling of Saint Matthew which in the enrolled copy had been Saint Matthews, M-a-t-t-h-e-w-s, which is, we are assured, incorrect. The greatest change was made in the Election District No. 21, Barrow District, where the enrolled copy said "The area drained by all streams flowing into the Chuckchi Sea and the Arctic Ocean" and so on, and this was done on the advice of geographers as the Chuckchi Sea is a part of the territory of Soviet Russia, and no streams flow into it, speaking in the exact sense, from any part of Alaska. We have changed that to say "The area drained by all streams flowing into the Arctic Ocean". It is, of course, exactly the same boundary line but a slightly different expression. Those are the only changes, Mr. President, from the enrolled copy.

PRESIDENT EGAN: Mr. Stewart.

STEWART: Mr. Sundborg, in Section 24, Wade Hampton, I notice "The area drained by the lower Yukon River and its tributaries from Tuckers Slough to the mouth of the Bering Sea..." I don't know what the mouth of a sea is, really. Doesn't it mean the mouth of the Yukon at Bering Sea.

SUNDBORG: That is a mistake in typing, apparently. The enrolled copy said "to the mouth at the Bering Sea". That would be correct, and I would ask unanimous consent that the Style and Drafting Committee Report with respect to Election District No. 24, on page 8, on the second line of the description of Election District No. 24, be made to read "at the Bering Sea" instead of "of the Bering Sea".

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request. Is there objection?

ROBERTSON: Which one is that -- what page?

PRESIDENT EGAN: Page 8, Section 24, second line in the section. Mr. Robertson, change the word "of" to read the word "at". Is there objection to the adoption of the amendment? Hearing none it is so ordered. Mr. Cross.

CROSS: May I call the Committee's attention to a spelling? The Goodhope River is one word; it is written here as two words. That is in Section 22, next to the last line.

PRESIDENT EGAN: It appears both in Sections 22 and 23.

SUNDBORG: It was in that same form in the enrolled copy, but if Mr. Cross is certain that it should be one word --

CROSS: Yes. It should be one word instead of two.

SUNDBORG: It would be satisfactory to the Chairman of the Apportionment Committee, Mr. Hellenthal?

HELLENTHAL: Mr. Cross is dead right. The book which is used as a guide is the Geographic Dictionary of Alaska, United States Geological Survey, Department of the Interior, prepared by Marcus Baker, and it shows it as the Goodhope, one word, River.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I ask unanimous consent, Mr. President, that on line 8 of the report, or page 8 of the report of the Style and Drafting Committee, in the description of Election District No. 22, the Kobuk Election District, next to the last line of that description, the words "Good Hope" be stricken and a single word "Goodhope" be inserted in their place, and that the same change be made on the fourth line of the description, of Election District No. 23, the Nome Election District; make "Goodhope" one word instead of two.

PRESIDENT EGAN: Mr. Peratovich.

PERATROVICH: I just wanted to ask Mr. Sundborg -- on that Suemez Island, there, Section 1 --

PRESIDENT EGAN: Mr. Cross, did you have another question before we adopt this?

CROSS: I see we have overlooked this Chamisso Island.

PRESIDENT EGAN: We will have to act on this request first, Mr. Cross. Mr. Sundborg has asked unanimous consent that the changes changing Good Hope in both cases to read as one word be adopted. Is there objection? Hearing no objection the change is ordered adopted. Mr. Coghill.

COGHILL: I notice the other day we had made a change and I had it in my copy that Section No. 18 and Section No. 19, in describing

the east boundaries of Section 18 and the west boundaries of Section 19, the Clear Creek question was brought up. In Section 19 we had it near Blair Lake, but on the other copy we didn't. In Section No. 18, it is not; it just says "including Clear Creek on the east". Was that intended to be that way?

SUNDBORG: I am sure it should be carried into both sections, so I will ask unanimous consent that in the description of Election District No. 18, the Yukon-Koyukuk Election District, on the fifth line of the description. after the words "Clear Creek" that there be inserted ", near Blair Lakes,".

PREISIDENT EGAN: Mr. Sundborg asks unanimous consent that those words and the commas be added to Section 18. Is there objection? Hearing no objection, the change is ordered adopted. Are there other questions? Mr. Cross.

CROSS: Chamisso Islands is a collection of about three small, rocky islands less than a mile off from the land that is included in the Kobuk area. The way it is here, it is in the Nome area; that is in Section 23, enumerated among the islands. That could be stricken from Section 23 and the words "and Chamisso Islands" added to the Kobuk area. That would be a substantive change. That is a small bird refuge of only a few acres altogether, and less than a mile off from the Kobuk area.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Undoubtedly Mr. Cross is right. However, we have had the map posted and repeatedly asked people to go over to Room 404 of the Mines Building to bring these matters to the attention of the Committee. Oftentimes what appears to be a very innocuous change develops into a free-for-all. I doubt very much if this is that type of change, but I think we should leave something for this redistricting board to do. I know they have a few other problems, and I think no harm would be done in leaving it as it is.

PRESIDENT EGAN: Mr. Cross.

CROSS: This is really unimportant; it's a bird refuge. No one is allowed to live on it. It's largely a matter of technical drafting.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: On that same question, I must say I tried to check the spelling of that because there was a change made there, and I couldn't find it on the map at all anywhere in the Nome District where it should have been.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Chamisso - it's spelled correctly. Chamisso Island,

231 feet high, named after Dr. Louis Adelbert von Chamisso in 1816. The native name is E-ow-ick.

SUNDBORG: Where is it?

MCNEES: On the north shore of Kotzebue Sound; the northeast shore of Kotzebue Sound.

SUNDBORG: Mr. President, in view of the fact that it is uninhabited and certainly of no importance here, I would like to ask unanimous consent to strike it entirely from the description of Election District No. 23 and not put it anywhere else.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I am going to object and go along with Mr. Cross and get the birds in the right district. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

SUNDBORG: I withdraw my unanimous consent request then.

PRESIDENT EGAN: Mr. Gray, did you have a question?

GRAY: I have no question, but I have an explanation which might help the Committee on these things. In the apportionment there, we felt that the islands belonged to the closest mainland group. Because there are islands from one end -- and if you start in, where are you going to stop? Now Chamisso lies right in the heart of Kotzebue Sound; it couldn't belong anyplace but in Kotzebue Sound. We have Nunivak Island, we have the Pribilofs, and we have the Aleutian Islands, and around the Kenai -- they all belong to the mainland right across from them. There is Chamisso only about a mile off shore; it couldn't be anyplace else. It becomes quite a problem to Southeastern, and actually a lot of names could be left out. For instance, in my own district, there is no particular point in including Douglas, Shelter, and Benjamin Islands; they could not possibly be anyplace else; they are only a half-mile to a mile off the mainland. I don't believe there should be any confusion about these islands. You could name islands until -- until -- well, I couldn't figure out the exact number. (Laughter)

PRESIDENT EGAN: The Convention will come to order.

GRAY: But I believe if there is any question on these they just be stricken from the record. They would not go anyplace else -- and the birds will be in the right place.

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

SUNDBORG: Mr. President, I would like to renew my unanimous consent request that the word Chamisso in the next to last line of the

description of Election District No. 23, the Nome Election District, be stricken.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that the word Chamisso be deleted from Section 23. Is there objection? Hearing no objection, it is so ordered. Mr. Peratrovich.

PERATROVICH: Mine is very minor. I just want to ask Mr. Sundborg about Suemez in Section 1. Did you check the spelling on that? I notice on the local charts it is spelled S-u-m-e-z.

SUNDBORG: I defer to Mr. Hellenthal who has the geographical dictionary in hand.

HELLENTHAL: "Suemez; Island, in Bucareli Bay, Prince of Wales Archipelago. So named by the Spaniards, 1775 - 1792"; and it's S-u-e-m-e-z according to this book.

PERATROVICH: It must be correct then. I am just going by the charts we have.

HELLENTHAL: I might suggest this: where there is a variance between this book and the charts, we have taken the further precaution of checking the amendments to this that have been made by the Coast and Geodetic Survey, and perhaps Mr. Sundborg could ask unanimous consent to do that, and ask permission to correct it if there is an amendment changing this.

SUNDBORG: Mr. President, I ask unanimous consent that if the word "Suemez" in the description of Election District No. 1, Prince of Wales District, is found to be incorrectly spelled here, that the Style and Drafting Committee be authorized to correct it before it goes into the constitution.

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request relative to the spelling of "Suemez". Is there objection? Hearing no objection, the Style and Drafting Committee is ordered to make the change if it is necessary. Are there other questions relating to the schedule? Mr. Robertson.

ROBERTSON: Mr. President. I would like to ask the Apportionment Committee about Sections 4 and 6; I don't make a point of it, but Chichagof -- of course there are very few people there at the present time but it again may become populated -- is on Klag Bay and my recollection is that Klag Bay empties into Lisianski Strait and I don't think Lisianski Strait empties into either --

GRAY: Point of order. It does not empty into Lisianski Strait; it is south. It empties into Chichagof Bay, but I think Mr. Stewart can take care of that for you, Mr. Robertson.

ROBERTSON: I was just wondering which district it comes in.

GRAY: It is in the Sitka District. Mr. President, if I may have the floor for a few minutes. When we froze the lines last night, we ran into something that I would really like to have a little consideration on. We have frozen the lines and moved Hoonah completely out of the Sitka District. That didn't give me too much concern before, because in the redistricting we felt they would be able to get in their own district. Hoonah is sitting in a place that might be in the Sitka District, it might be in the Juneau District, and it might be in the Yakutat-Skagway District. Now when we froze those lines -- there are good points with every one -- but it doesn't take much of a change and doesn't make any difference to the apportionment of the schedule on whether we include in the Sitka District all of Chichagof Island, or all of Chichagof Island except that flowing into Icy Straits. I hesitate -- I would like to request five minutes' recess, and I'll see Mr. Knight from Sitka. Mr. B. D. Stewart from Sitka, and Mr. Frank Peratrovich who is interested in that area because they are his people, and with what we have here and as long as Hoonah is not represented -- what we have -- we delegates here well, the point is, let's put Hoonah in the right district, because it is going to be solidified.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: May we also take up the matter of Livengood at the same time? I feel that an injustice might possibly have been done there, and I would like to be able to deliberate that during the recess.

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

RECESS

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

GRAY: I beg the indulgence of the members here, but we feel that we have Hoonah in the right place. Now, the main concern I had, I was on the Apportionment Board that placed Hoonah where it was and I just wanted to be assured that the other members interested in that area had had a last-minute opportunity to say where Hoonah was, and we all agreed that under our system of watershed apportionment we have Hoonah in the same place and I am pleased to announce that there will be no change.

PRESIDENT EGAN: Are there other questions? Mr. Kilcher?

KILCHER: I would like to ask a question of Mr. Sundborg about in Section 12 on page 6. That was a section that was considerably changed in many small ways, and the picture wasn't clear on the hand-amended copy. Now, I know what should be in this article, but I wonder if a person that 's not acquainted with the area could offhand see what it means, so I will try it on you, Mr.

Sundborg. If you are reading actually the whole article, in the center of it, in line 4, there is mentioned "to but not including Resurrection Creek on the north and the area east of the confluence of the Kenai and Russian Rivers and that area west of Cook Inlet". What is qualified by "not including"?

SUNDBORG: On line 4?

KILCHER: Lines 4, 5, and 6. I have a hunch that maybe a comma or something is needed.

SUNDBORG: May I be given a moment to read it? I am sorry, Mr. Kilcher, I can't help you out; I don't know. Of course, we didn't change any of these descriptions; we took them from the geographers and assumed they are correct.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I believe no one could describe, or could follow the description of these unless they had a quadrangle description placed by the Geophysics Institute or the Geological Institute over here, that "not including Resurrection Creek", it would show where Resurrection Creek was coming in -- the line would be drawn so (indicating). I don't think you could offhand describe it; it would have to be a map.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: It's one of the amendments we have written in there and just wondered if -- the fact is that "not including" refers to "Resurrection Creek ... and the area east of the confluence". That was the way it was understood to be if these two areas should be included, but then, unless there is a comma after Russian Rivers, it might also be assumed that the area west of Cook Inlet comes in -- it might be assumed that would also be included.

PRESIDENT EGAN: Mr. Kilcher, if there is no objection, the Convention will be at recess for one minute.

RECESS

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

SUNDBORG: Mr. President, in line with the conference I had with the Chairman of the Committee on Apportionment during the recess, and with Mr. Kilcher, I ask unanimous consent that in the description of Election District No. 12 on page 6, this being the Kenai Cook Inlet Election District, that, on the sixth line of the description, after Russian Rivers, a semicolon be inserted.

PRESIDENT EGAN: Do you ask unanimous consent that that change be adopted?

SUNDBORG: I do, Mr. President.

PRESIDENT EGAN: Is there objection to the unanimous consent request? If not, the change is ordered adopted. Mr. Sundborg.

SUNDBORG: I have two other minor changes which I would like to ask unanimous consent to have made. On page 7 in the description of Election District No. 16, the Bethel Election District, in the next to last line, the word "Saint" in "Saint Matthew" be changed in form to the abbreviation "St." I ask unanimous consent.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent for the adoption of the proposed change. Is there objection? If there is no objection the change is ordered adopted.

SUNDBORG: In the description of Election District No. 23, the Nome Election District, page 8, in the next to last line of that description, I ask that a similar change be made in the name "Saint Lawrence"; change it from "S-a-i-n-t" to "S-t-." I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the change be adopted. Is there objection? Hearing no objection the change is ordered adopted. Are there other questions relating to the apportionment schedule and description of the election districts? Mr. Sundborg.

SUNDBORG: If there are no questions, I ask unanimous consent that the report of the Style and Drafting Committee with respect to Article XV, the Apportionment Schedule, be accepted, and that the amendments made in the article be adopted.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the report of the Committee on Style and Drafting with relation to Article XV, the Apportionment Schedule, be accepted, and that the changes made therein be adopted. Is there objection? Hearing no objection, the report is ordered accepted and the changes have been adopted. Mr. Sundborg.

SUNDBORG: I now ask unanimous consent that the rules be suspended, that Article XV, the Apportionment Schedule, be advanced to third reading. that it be read by title only, and placed on final passage.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that the rules be suspended as to the Article XV, Apportionment Schedule, that the article be advanced to third reading, be read the third time by title only, and placed in final passage. Is there objection? Hearing no objection, the rules have been suspended and Article XV is now before us in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: Article XV, Apportionment Schedule.

PRESIDENT EGAN: The article is now before us for discussion or debate. If there is no debate the question is: "Shall Article XV, the Apportionment Schedule, be adopted as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 48 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Peratrovich, Poulsen, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 5 - Barr, McCutcheon, Nolan, V. Rivers, Robertson.

Absent: 2 - McNealy, Nordale.)

CHIEF CLERK: 48 yeas, 5 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and Article XV, the Apportionment Schedule, has become a part of the Alaska state constitution, has been adopted as part of the Alaska state constitution. Mr. Sundborg.

SUNDBORG: May we revert to the order of business, committee reports?

PRESIDENT EGAN: If there is no objection, we will revert to the order of business.

SUNDBORG: Mr. President, the Style and Drafting Committee reports back to the Convention that portion of Article XIV, Schedule, which contains the Alaska-Tennessee Plan. This was recommitted to the Style and Drafting Committee or was referred --

PRESIDENT EGAN: Article 17/c, Revised.

SUNDBORG: -- was committed to the Style and Drafting Committee in order to make some changes in language. I would like to report that most of the work in effecting those changes was done by the Ordinance Committee with which we conferred in coming up with a new draft, a copy of which is on the desk of each delegate. It is now designated in the upper righthand corner as Committee Proposal 17/c, S.R., which means second revision, I am told by the boiler room, and it carries the title Article XIV, Schedule. I should say that we have held back in the Style and Drafting Committee what were Sections 27 and 28, which dealt with entirely different subjects, and we have combined and confined this to the Alaska-Tennessee

Plan alone, the material which is now before you.

PRESIDENT EGAN: Mr. Sundborg, is it the Committee's pleasure that the article be placed before us in second reading at this time?

SUNDBORG: I believe it has been assigned to that place by the Rules Committee.

PRESIDENT EGAN: The Chief Clerk may read the report of the Style and Drafting Committee as it relates to Article XIV, Schedule.

(The Chief Clerk read Committee Proposal 17/c, S.R., Report of the Style and Drafting Committee, in full.)

PRESIDENT EGAN: Mr. Sundborg, does the Style and Drafting Committee have a report to make on their work on this schedule?

SUNDBORG: Actually, Mr. President, while we might make a brief report, I believe that the questions should really be handled by Mr. McNealy or some member of the Ordinance Committee since in substance this is their work, and this is really second reading where substance is what we are concerned with. I might say that what our Committee has done to it is change the order somewhat. As we got it from the Ordinance Committee, they provided for the ballot form and for the election, referendum election, on the Tennessee Plan itself at the end of the section, and we have brought that up right after the statement of what the Alaska-Tennessee Plan is about. That appears as subsection 1 on page 1. I would like to ask unanimous consent that on lines 10 and 11 on page 1, parentheses be placed around the term "Alaska-Tennessee Plan", so it will read, "Shall Ordinance No. _____ (Alaska-Tennessee Plan) of the Alaska Constitutional Convention" and so on.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that that change be made. Is there objection? Hearing no objection, the change is ordered adopted. Mr. Sundborg.

SUNDBORG: Our Committee has added to the to the draft as we got it from the Ordinance Committee the provision in subsection 2 that the balance of the ordinance becomes effective if there is favorable vote upon it at the referendum and if, in addition to that, the Alaska state constitution is ratified by the people. Aside from that, the changes we have made are, I think, wholly with respect to phraseology except, if you will turn to Section 8, we have provided a section there requiring that all candidates for senators and representative must file declarations of candidacy by a certain time and pay the same prescribed filing fee. That differs slightly from the treatment given this by the Ordinance Committee, which would not have required the candidates of the major political parties to file such declaration. We felt it was desirable and probably the intent of the Convention that every candidate should file a declaration in which he has to state that he is a qualified

voter and meets the qualifications for the office, and that then, as provided in Section 10 of this draft, the party conventions would certify that he is the nominee of that party. It is our thought, of course, that the person nominated at a party convention would not file his declaration of candidacy until after he had been nominated by the party. We have put the provision on filing of independent candidates ahead of that for major parties just as a matter of style, and I believe subject to further comment by Mr. Davis and Mr. Fischer who served with me on the subcommittee and who worked with me this morning, that that is all our Committee has to report or explain about it.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I would like to ask Mr. Sundborg a question. Section 1, or subsection 1, whatever it is, isn't that a Roman numeral I? My copy is blurred.

SUNDBORG: Mrs. Hermann, I believe that is just purely a typographical blurring or something there and wasn't intended. It is an Arabic 1 inside of parentheses on line 6 -- or it should be.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: May I ask Mr. Sundborg a question?

PRESIDENT EGAN: There is no objection.

METCALF: Will this entire schedule be printed on the ballot and be given to each voter on April 24?

SUNDBORG: May I ask Mr. Metcalf, would this entire ordinance?

METCALF: The whole thing -- yes.

SUNDBORG: My understanding, Mr. Metcalf, is that nothing would be printed on the ballot except the wording which occurs in lines 10 through 12 of the first page and lines 1 and 2 of the second page.

METCALF: Is every voter presumed to know what is contained in the balance of the ordinance when they vote? I wonder -- is that legal?

SUNDBORG: I am sure that most questions that are put to voters by referendum are put in a very simple form like that and, yes, they are presumed to know.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: In Section 12 I think Style and Drafting failed to clarify when it speaks of "regular" or "short" terms. There is no regular

term; we have changed it, you know. I wonder if he figured the present language covered the situation.

SUNDBORG: If I may answer Mr. Hinckel -- we did here on the floor the other evening provide for two short terms. Then, on motion of Mr. Kilcher, we rescinded the action and put back one full term and one short term, and we have done the same thing. While we are on that section, Mr. President, I would ask unanimous consent on line 14 to strike the word "of" at the end of the line. It's repeated as the first word of line 15.

PRESIDENT EGAN: Is there objection to the unanimous consent request? Hearing no objection, the word "of" has been stricken. Mr. Hellenthal.

HELLENTHAL: May I address a question to Mr. Sundborg or anyone else concerned? I note that the qualifications for senators and representatives in paragraph 5 of page 2 are such that the qualification for being elected governor of Alaska is more strict than the qualification for becoming a United States Senator. Was that the intention?

SUNDBORG: Mr. Hellenthal, yes. And so are the qualifications for being elected a senator or representative of the Alaska state legislature, where a three-year residence requirement is applicable. But this is in the very words -- I think that we got it from the Ordinance Committee, and maybe Mr. McNealy would like to answer that.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, the language there is based upon the Constitution of the United States which prescribes the qualifications, and so nothing we could say in here would have any effect on the qualifications set out -- I forget what article of the constitution -- for senators and representatives to the federal congress.

PRESIDENT EGAN: Are there other questions to be directed to the Chairman of the Style and Drafting Committee or to the Chairman of the Ordinance Committee. Mr. White.

WHITE: May I address a question to Mr. McNealy? In section 4 the following words appear: "unless when they are seated the senate prescribes other expiration dates". Would you give us an explanation on that?

MCNEALY: Mr. White, the reason for including that wording is that the rules of the senate now provide that one-third of their body be elected every two years, and by adding in two additional senators, it will possibly upset the normal schedule, the normal rule of the senate, and it was the thought of the Committee that the senate of

the United States might provide some different terms and this would leave it open so they could.

PRESIDENT EGAN: Mr. White.

WHITE: The last section, Section 15, I am not quite clear on the necessity for that section at all, because Section 1 is referred to which I think says, "This constitution shall be in force immediately upon the admission of Alaska into the Union as a state". Now, in any event, regardless of what precedes our admission, won't a proclamation by the President be necessary for the admission of Alaska into the Union, and won't that, in any event, be the time that we will be admitted?

MCNEALY: This Section 15 has taken a lot of -- there has been a lot of thought and a lot of argument in the Committee on this particular section, because the courts are not in agreement when a state actually becomes admitted. We know positively that a state is admitted when the President of the United States gives his final proclamation. But should these senators be seated, and the representative, which has happened in a couple of the other states that went into the Union under this plan, then we would have our foot partly in the door and the Committee felt we would be partially admitted, that is, we would be admitted up to the point then of the election of senators. And in the instances where the senators have been recognized by the Congress, the enabling acts have been spelled out a little differently. It has been a very difficult one there, and we can only hope we have arrived at the steps, and the next step would be the election of officers and then the balance of the constitution would take effect after that date, but to say when the elected governor takes office, we assume at or about the time that the President would issue his proclamation, if in this instance one were necessary.

WHITE: If I understand you correctly, there have been instances when states have come into the Union under the Tennessee Plan where their senators have been seated and no proclamation by the President has been necessary?

MCNEALY: To my knowledge, I believe there were a couple of those states.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Might I direct a question to Mr. McNealy?

PRESIDENT EGAN: You may, Mr. Davis.

DAVIS: Mr. McNealy, please look at Section 9 of the Style and Drafting Report. That has to do with the filing by independent candidates, and it says that independent candidates who are qualified according to the provisions of 38-5-10 may file. I suspect

that the section also sets forth how the filing is done, but I am not familiar with it. Are you familiar with that section without looking it up?

MCNEALY: Yes, Mr. Davis, that is the section which sets out the requirements they must meet. I made a statement the other evening here in which I was in error and I would like to correct. I believe I said that on a territorial-wide basis an independent candidate must have 200 signatures, but it requires a petition of 250 signatures which, together with the filing fee, must be filed with the director of finance.

DAVIS: I think, as close as I can tell by comparing the two, while we have turned the language around some in the proposed Section 9, it says the same thing as the equivalent section said in the rough draft copy that you prepared, but it seems to me that we ought to make it clear that the independent candidate is filing under the provisions of that section as well as being qualified under those provisions. I wonder if you would agree with that.

MCNEALY: I hadn't thought that before, Mr. President, but I believe you are correct, Mr. Davis. This apparently -- the section before, I see, provides for the declaration of candidacy, but the --

DAVIS: Well, I guess we had better amplify that a little bit then; get the code and make sure what section we are talking about then, if it isn't the same section.

PRESIDENT EGAN: Mr. McNealy, if the Chair might ask a question, do you know whether or not there was an amendment to 38-5-10 in 1953 when there was an election revision, or perhaps that could be --

MCNEALY: I don't believe it was amended, Mr. President.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I would like to ask Mr. McNealy a question. Does Section 38-5-10 of the compiled laws give a deadline for independents to file that is compatible with the dates set here for nomination by conventions?

MCNEALY: I believe the section does. It requires -- candidates filing for the primary must file by February 1 and independent candidates must also file their petitions by February 1 in order to have their name on the ballot for the general election; that's in the use of the direct primary.

HERMANN: It seems to me, Mr. President, that in order to forestall any difficulty the independent candidate might run into, that there should be a deadline set for his filing, an actual date such as has been set for the Convention.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I checked 38-5-10 and it has not been amended.

PRESIDENT EGAN: Mr. Riley.

RILEY: May I address a question to Mr. McNealy? On page 3, subsection 10, line 17, the remainder of that sentence is on lines 17 and 18, unless that is the language of the statute, would you not consider it clearer if the word "made" were substituted for the word "occurring"? I see the word "made" is used in the same sense on the second line of that paragraph. As I read it, just to continue, there is a little doubt as to where vacancy -- the relationship between vacancy and occurring might be, for filling a vacancy in a party nomination occurring in a primary election.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I might explain in going over this the "in" should be changed to "after".

PRESIDENT EGAN: If there is no objection, Mr. Fischer, would you object to a recess for a few minutes? The Convention is at recess.

RECESS

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

V. FISCHER: On behalf of the Style and Drafting Committee. I request unanimous consent to change, on page 3, subsection 10, line 18, the second word "in" be changed to "after".

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent for the adoption of the amendment. Is there objection? Would you repeat it again, Mr. Fischer?

V. FISCHER: Page 3, subsection 10, line 18, change "in" to read "after", "a-f-t-e-r".

PRESIDENT EGAN: Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other questions? Mr. Kilcher.

KILCHER: In Section 9 where it is a question of requirements as set forth and so on, I wonder if we might have to add additional requirement referring to section blank of our own constitution? I wonder whether it is understood automatically or whether we should state it that the residence or other requirements -- whether they would have to apply or whether only the voters' residence requirement under the Territorial act should apply to those who file. I wonder if this has been given any thought; I haven't.

PRESIDENT EGAN: Mr. Davis.

DAVIS: So far as I know, up to the present time, we don't have any qualifications listed for senators or representatives. Actually, the qualifications are set by the United States Constitution.

PRESIDENT EGAN: Are there other questions with relation to the article - the Style and Drafting Committee's report? If not, if there are no other questions -- Mr. Sundborg.

SUNDBORG: This is in second reading, and I believe it would be subject to calling it section by section for amendment.

PRESIDENT EGAN: This was sent as a special case to Style and Drafting. Are there amendments to Section 1 of Article XIV? Mr. Rosswog.

ROSSWOG: Mr. President, at this time I would like to speak on a point of personal privilege.

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

(Mr. Rosswog spoke upon a point of personal privilege.)

PRESIDENT EGAN: Mr. Rosswog you are not under personal privilege now; you have withdrawn from that, but the question as to whether that could not be the question at this time, Mr. Rosswog. You might offer amendments. Now, the other day when Mr. McLaughlin offered an amendment the first thing, that was substantially the same motion that you are making now, the Chair knew at that time that it was actually out of order from parliamentary procedure because it was, in effect, an amendment that killed the whole article or the whole proposal, but by unanimous consent, as the Chair remembers it, the amendment was accepted and no question was raised. In other words, it had become the wish of the body that, in effect, the rules were suspended and they desired to hold on that policy at that time, but unless you could first have a suspension of all the rules, such a motion would be out of order. I mean you would have to have a suspension of the rules to make such a motion.

ROSSWOG: I do feel that unless there is a further discussion on the whole thing, I would have to vote against the ordinance, so I will move now that we strike Section 1.

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. Rosswog moves that Section -- Mr. Rosswog, do you mean the little subsection 1 be deleted from the proposal or the whole section?

ROSSWOG: Mr. Chairman, I would like to withdraw my motion. I would like to ask unanimous consent that my motion be withdrawn.

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

ROSSWOG: Now I would like to propose that Section 29 of Schedule 17/c be stricken. That is the original number of this section.

COOPER: I second the motion.

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

FISCHER: Point of information. I would just like to point out that the Alaska-Tennessee Plan as it appears here is Section 29 according to our previously numbered schedule.

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

ROSSWOG: Well, I would like to tell the delegates that when Mr. McLaughlin's motion came up I felt that we had, as a courtesy to Mr. Lehleitner and the Committee, to hear the proposal through, although at that time I did have some doubts and reservations on the proposal. Now as it has been changed, I feel I could not vote for it. The thing is, by deleting the primary, I do not feel that we would have true representation from the people of Alaska. I did not want to see the primary as proposed in this ordinance, because we would be just fooling the people to tell them that an unworkable primary was going to be tried. There is one other thing in there that I do not like, and that is that the legislature shall provide money for this plan. We are directing the legislature to do that, and we open the way -- we do not know what the plan is going to cost, and we are opening the way for accusations that we are using money of the Territory, that we have money to use on these purposes. We right today have men from these cities back in Washington requesting increased appropriations, and for money that is very necessary for the Territory, and yet we are willing to go along blind and say we are proposing a plan of this type and we still do not know what it is going to cost. I believe it will cost quite a bit to properly put it through. Another thing, we are setting up such a plan. There are people I know that would run for it, but we have lots of men in the Territory who are working and trying to get Alaska ahead right now. I am sure they would be competent, but they would not take the chance of running for some office that has no authority and is still not set up. I admit this plan is very good publicity. It is a very fine publicity plan, and it also may help us to get statehood, and that is in favor of it. But on the other hand, there is harm that could be done with it. I still have my doubts about it, and without the use of the primary -- that is the main point -- also not knowing what it will cost.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: May I have the privilege of the floor for a minute?

(Mrs. Hermann then spoke upon a point of personal privilege.)

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I move that we recess until 4:00 and all of us go up and drink a cup of something -- for tonic.

PRESIDENT EGAN: Hearing no objection, the Convention is at recess until 4:00.

RECESS

PRESIDENT EGAN: The Convention will come to order. Will the Chief Clerk please read the communication that is now before us.

(The Chief Clerk read an invitation from the Department of History and Political Science to an informal coffee hour at 3:30 Thursday, February 2, 1956.)

PRESIDENT EGAN: What is the pleasure of the delegates? The request is that the delegates are invited to be the guests of the History Department at our regular recess at 3:30 tomorrow afternoon -- Thursday afternoon. Mrs. Sweeney.

SWEENEY: Mr. President, I move and ask unanimous consent that we accept the invitation.

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that the Convention accept the invitation. Hearing no objection, it is so ordered and Mr. Moberg will be notified. We have before us Mr. Rosswog's proposed amendment to Article XIV. Is there further discussion of the motion that is before us? Mr. White.

WHITE: Mr. President, the amendment before us is to strike this section, so the question before us is: "Shall we or shall we not have the Tennessee Plan?" I think we have all found that anything we do is subject to question as to detail. I think the procedure we have arrived at is to work out the details to the best of our ability, and then to decide the question on its merits. In my mind there is no question as to the merits of the Tennessee Plan or to the advisability of our following it. I think Sunday afternoon it was clear -- amply clear that possibly all 55 of us would prefer to have a primary if possible, and Mr. Rosswog in making his presentation of this amendment rightfully said, to my mind, that the reason we could not adopt the primary system is because it would be fooling the Alaska people into thinking that we felt something would be practicable and workable that we knew very well would not be workable, and the only other alternative to go through a primary is to have a separate primary, and there is no question but that this Convention does not have the funds to pay for and organize a separate primary. There is only one other alternative, and that is to delay this whole business for another two years, which I think we're all agreed would defeat its very purpose. Now, as to the cost of this plan, we have not said anywhere that I can find in this Revised Schedule that the legislature shall do anything. The cost of the two senators and a representative at the

full salary they receive under the federal government is \$22,500 apiece per year. We haven't said that the legislature will have to appropriate that amount. Possibly they would. There is also, of course, the possibility that these people will be seated and paid by the federal government in the normal manner. But, in any event, and also in Section 14, we have provided that the unexpended funds of this Convention be applied to the increased costs of the general election or the increased costs of holding a referendum. That is perfectly proper. These funds were given to us under the authority of the act passed by the legislature to do everything necessary to prepare Alaska for statehood, and we are doing no more or no less than that. But I submit that whatever the cost might be, and I cannot see that it would be excessive, it is well worth paying. Alaska has certainly never gone overboard in throwing money around in its fight to gain statehood. The Hawaii Statehood Commission, by contrast, has spent several millions of dollars. The 1949 appropriation, I believe, was \$500,000 for the Hawaii Statehood Commission. I recall that when we took a trip to Washington in the spring of 1954 and paid our own way, Hawaii called a special session of the legislature and appropriated, if memory serves me correctly, \$150,000 for that purpose. I feel that any money that this costs us will be well worth spending, and I would remind the delegates that we have -- the people of Alaska have deliberately decided to hold a constitutional (constitutional) convention in advance of the passage of an enabling act and have appropriated for that purpose the sum of \$300,000. Apparently the overwhelming majority of the people of Alaska felt that that expenditure was well worth while, because if we had waited for passage of an enabling act, the Congress would then have paid the expenses of our constitutional convention. Now I submit that the next logical step is to go after statehood. Else why have we spent \$300,000 and come here to write our constitution at the earliest possible date? The only logical answer is that we should go on from here and do everything we can to enhance the day when we get statehood, and I think a consideration that possibly Mr. Rosswog is overlooking is that what small sum is necessary to carry out the Tennessee Plan will be many times repaid to the State of Alaska by gaining statehood at an earlier date. We could go on all afternoon, but under the enabling act we immediately become eligible to receive half the proceeds of the Pribilof Islands. That amounts to well over a million dollars a year. We become eligible to participate in the Federal Highway Aid Act. That will be a considerable advantage to the state. We get control of our resources. We'll get control of our fisheries. Who can say what the advantage to Alaska in terms of dollars would be for each day that we hurry the admission of Alaska to statehood? I see no indication here that anyone in this party is opposed to statehood at the earliest possible moment, and I submit that the way to get it at the earliest possible moment is to go after it with every tool at our command.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I have had a very deep admiration for Mr.

Rosswog up to the time he made his statement, and I will say that admiration has increased since he made his statement. I think that he has brought something out that should have been brought out. Otherwise, we would not have heard the fine statement made by Mr. White, and I think every one of us knows we are going to face difficulties; we are going to face opposition; we are going to face criticism. That can all be taken as a part of carrying forward the Alaska-Tennessee Plan, and I am sure that the majority of the delegates and all of the people of Alaska -- I should say a majority of the people of Alaska will feel exactly the same way.

PRESIDENT EGAN: Is there further discussion? If not -- Mr. Victor Rivers.

V. RIVERS: Mr. President, I think that a few words are in order on this subject. In the earlier days of the statehood movement, back in '47 and '49, this problem of having an election and senators and representatives being chosen and sent to Washington came up. At that time I was one who opposed it, mainly on the grounds that we did not have a suitable enabling act. The enabling act at that time was patterned after that of states that had been admitted 50 years before, and did not allow us proper assistance to make the transition from the present stage to the stage of government which we had reached. However, in considering this matter at this time, my main thought was: What good can it do? Will it do us any harm? I have thought along with the balance of the majority of this Convention that this would be a substantial step toward statehood. In considering the possibility as to whether or not it might do harm, I wondered if it might affect the enabling act or any of the provisions of the enabling act, because we do need certain assistance in transition from a territorial to a statehood status, especially when government has assumed the proportions in our everyday lives that it has at this date. But I made the decision at that time and I said nothing during the debate on the floor. I made the decision that this was good for Alaska. I also wanted to see the primary, but in losing the primary it was a matter of the time element and workability. I also accepted the fact that we lost the primary, but in putting the program up to the people, they have the choice of rejecting or accepting the plan if they have any objection to the type of nominations. As far as the cost goes, I don't think we can afford to be without statehood. From the many, many problems that have arisen on this floor from our everyday considerations of them, we must view statehood not only as a right to exercise the privileges of voting citizens to elect our senators and our congressman and our Presidents, but also I think we must view it as a vast economic advance. It has been my observation in a long time of reading that those territories that got statehood immediately began to make economic progress. It has been my further observation that if we have statehood we are bound and sure to have greater amounts of private capital seeking investment in the territory for the long pull at lower rates of interest. We are bound to bring into production some of the vast resources which those of us who have lived here for a long time know exist, and

which are waiting to be brought into the service of mankind. I do not see how we can afford to overlook any step which would delay us achieving the goal of self-government that we hope to achieve, and will achieve when we get statehood. I also believe that, while it will not solve all of our problems all of the time or immediately, it will help us solve a great many of them, and we can then go forward on the basis of a democratic government on the free enterprise system, which has proven so successful throughout the whole United States. I favor pushing through with the Tennessee Plan to the ultimate end, the achievement of statehood.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Sourdough Jack says in his column tonight, "I vowed to let my whiskers grow until Alaska is a state. When we finally get statehood, I am going to stand in Nome and have the end of my beard trimmed by a Ketchikan barber." I feel that he, along with many others of us feel, that the cause of statehood is pretty hopeless unless we act pretty drastically. I am heartily in favor myself of the Alaska-Tennessee Plan, feeling that it is our only recourse as a colonial empire to go ahead and act with a positive forthrightness that will attract some attention. For the sake of the record, I am going to invite this Jack to Nome on the day statehood is finally declared, and I will guarantee that he can at least have his beard trimmed in the borough that surrounds Nome.
(Laughter)

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

COGHILL: Mr. President, I was not here when we argued -- the Convention argued the Tennessee Plan the other day, and I feel that Mr. Lehleitner is very conscientious in his efforts towards admitting Alaska through this particular plan. However, I have some of the same concerns that Mr. Rosswog has as to the primary plan. I feel that the people of Alaska are individuals and are not acceptable to compromises, and that some sort of an equitable primary plan should be worked out by this Convention. I don't believe that the party convention form of selecting these particular candidates is going to work out. I believe that that is the largest question in my mind. However, there are several other questions in my mind, and one is the legality of the ballot as to when it goes on the ballot in the October election. Have we got provisions in our statutes to take care of that? Not being an attorney, I am not familiar with that form. However, I believe there would be some question of legality as to whether this Convention here can put such an ordinance to the people without having a legal clearance to get the official ballot and title on the October or the general election. The third question that comes to my mind is: Where is the money going to come from? Now as far as running the election or the prorated part of the election, we will without a doubt have \$25,000 or \$26,000 -- we don't know yet. We still have an awful lot of commitments to make to the Alaska Statehood Committee, to the P.S.A., and other things that the Convention is going to have to handle, and although in our last financial

statement that we and the Committee on Administration brought out, we had around \$12,000 in miscellaneous. However, this is going to be reduced tremendously this week because we have so many commitments to the Statehood Committee which are legal and binding commitments. Now, as to the question of money as far as the candidates themselves are concerned, if we elect two senators and a representative to go back there we are certainly not going to expect them to go back and pound the floors of congress for a flag for Alaska statehood on their own money. Otherwise, you will find they will be suffering financially from their outlay of money as well as their business that they have left behind in Alaska. I believe that if it is provided by law we would have to have a special session of the legislature or such measures as that. I believe that this thing needs a lot of consideration; we have flown through it. We have listened to an argument for it; we have heard of letters commending the Tennessee Plan; but we haven't seen anything saying to the other side of it, and I believe the delegates here should act wisely on this as they have on all the other articles of this constitution. We have scrutinized everything well before we have acted upon them, and I believe the fears that are expressed by Mr. Rosswog and other delegates should be held at this Convention.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I mentioned Sunday that I think we are victims of circumstances, and it looks like we find ourselves in the same situation today. Some of the arguments that were used against the primary system Sunday seem to hold out just as well against the election next fall. For instance, they said, "How can you have men run on a primary and not have any assurances that the clerk of court will handle it because they don't have to?" I don't know what different status they would have next fall. Would they have to handle it for us then? If they will handle it then, why won't they handle it now? It seems like there are so many, many arguments that you can put in there that if you throw them out you can throw the other one out; that is, if you weigh the two of them equally. I believe that the thing should be given a little more consideration -- the possibility as far as having these first men selected for this important post to be selected on a territory-wide basis in the proper manner.

KILCHER: Point of order.

PRESIDENT EGAN: Mr. Londborg was speaking. Mr. Hilcher, your point of order?

KILCHER: I would like to retort to both delegates Coghill and Londborg. Mr. Coghill, I fully share some of your fears that arise when we consider the implications of the Tennessee Plan. I don't think there is any man who has not some fears when he treads untrod territory. It would not be normal if this were not the case. However, in life -- sometimes in the life of the individual, and in this case in the life of a political body, we have to take a step

into the unknown, and these steps always are coupled with some amount of fear. There is no such a thing as a guarantee. We cannot go to a crystal ball gazer or to a lawyer or to a title trust company and tell these fellows, "Now you are bonded -- you guarantee us this thing will work." Nothing in this world has ever been gained without some amount of gambling, without some willingness to risk something, and I think the risks should be weighed that what we are doing, but ultimately we have to make a decision, and I, for one, am supporting the plan. I would have preferred primaries; I still think it might have worked. It might have been a little added risk, that is true. But as things stand, considering all points in question, I think we have only one course to take and that is to walk on.

PRESIDENT EGAN: Delegate Davis has been attempting to get the floor, Mr. Barr.

DAVIS: Mr. Chairman, I would just like to rebut the inference that was made here a minute ago that this matter hadn't been thoroughly considered. After all, we considered it for five hours Sunday afternoon, and if anybody thinks it wasn't thoroughly considered he is wrong. Now I realize Mr. Coghill wasn't here; but that is the fact. It was thoroughly considered.

PRESIDENT EGAN: Mr. Barr.

BARR: I want to speak mainly on Mr. Coghill's objections. No one here has abandoned the principle of the primary election. We all agree it should be used if possible, but in this case it is utterly impossible. In my business I get around to the outlying sections quite a bit, and during election, just before election time I am kept busy checking to see whether the different precincts have obtained their ballots and election material. Many of them obtain it just at the last minute, and sometimes one or two of them miss. We would have even a shorter time on this occasion, and we could not hold such an election and be within the law in this case because the Territorial law says that the notice of election shall be posted at the precincts 30 days before election day, which would be impossible. Mr. Coghill doubts that we would have the authority to place this question on the ballot. The law authorizing this Convention says we shall write a constitution and any necessary transitory measures or ordinances connected thereto. In other words, the authority is delegated to us to do what is necessary to bring this constitution into being and to advance statehood. So we do have that authority, I believe. As far as the pay for the senators and congressman is concerned, the people who will run for these positions, I believe, will be willing to make some sacrifice to go there. There may be some who are not independently wealthy, but if we can arrange for some method of paying their expenses, I know there would be a great many people who would be willing to take on that job, and there are several ways to do it. The Statehood Committee, of course, has authority to hire assistants, public relations people, or anybody for advancing the cause of statehood, and

if a man goes to Washington to serve us as a congressman or senator he could certainly come under that and perhaps get his expenses paid. That is by law too, by the way. Now, if you want to save money, of course, there is one man in Washington who is already on the federal payroll and if he is elected we will save quite a bit. As for the necessity of this Alaska-Tennessee Plan, we have been told by people who know, including delegate Bartlett, that our position right now is not very secure. The outlook is pretty dark for statehood. We should use any method available to us. Alaska in the present day is in the same position as a turtle; it just won't get anywhere unless it sticks its neck out.

PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: I wonder if I can read a paragraph of a letter to Mr. Rosswog before he makes his closing statement. It's from Kirkley S. Coulter, who is the acting director of the Office of Territories, Department of the Interior. In a letter to me that was dated in December he said, "The holding of a convention to draft a constitution prior to the enactment of an enabling for statehood legislation by the Congress has several precedents. The latest is the Territory of Hawaii which, some years ago, held a constitutional convention. However, neither Hawaii nor Alaska can be admitted to the Union as a state until the Congress enacts the necessary legislation." And then this sentence stands out: "There is, of course, no assurance that the Congress will accept the constitution (constitution) that may be written at the Alaska convention. You may be assured that the President is entirely sympathetic to the political aspirations of the people of Alaska. He is also keenly aware of the obstacles which must be surmounted." And I offer this suggestion to all of you: I don't think he is keenly aware of all of the obstacles, and I think we need someone to interpret to not only the President but to the Congress our feeling of how desperately we want statehood now.

PRESIDENT EGAN: Mr. Rosswog, you may close.

ROSSWOG: If I may just say a few words. I don't think any of the delegates would think that I was doing this to -- that I didn't wish to have statehood or would want to delay it in any way. I haven't spent my life in Alaska and not want statehood. I do feel, though, that we may not agree on the ways we go about it. And it had been my feeling that the Tennessee Plan -- we were given the choice of taking it at any price, and up to now I did not feel I was willing to pay that price. I hope you will vote as you wish.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Rosswog be adopted by the Convention? The Chief Clerk will call the roll.

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

Yeas: 6 - Coghill, Laws, Londborg, Reader, Robertson, Rosswog.

Nays: 48 - 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, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wein, Mr. President.

Absent: 1 - Taylor.)

CHIEF CLERK: 6 yeas, 48 nays, and 1 absent.

PRESIDENT EGAN: So the nays have it and the proposed amendment has failed of adoption. Are there other amendments to subsection 1 of Section 29? Or subsection 2? Subsection 3? Or 4? Subsection 5? Subsection 6? Subsection 7? Subsection 8? Subsection 9? Are there amendments to be proposed for subsection 10? For subsection 11? For subsection 12? Are there amendments to be proposed for subsection 13? Mr. Londborg.

LONDBORG: I don't have an amendment right now, and I don't know if one is necessary, but I would like to ask a question if I may. What date are these two senators and representative supposed to start their work in the capital?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: If elected at the fall election they would take office, I believe, the third of January or the fourth of January next year.

LONDBORG: What date does the legislature meet here in the Territory next?

MCNEALY: I believe on the fourth Monday.

LONDBORG: Somebody said January 20. I want to ask a question. It doesn't make a great deal of difference to me but who is to tell these men what to do between January 3 and January 20, when the duties are to be prescribed by the legislature or by law? Are they going out there with nothing to do, or just do what they please, or are we going to have a special session to write a law for them to give them a job?

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I suggest that the duties of senators and representatives are prescribed by the laws of the United States, and that is the only law we can mean in that case.

LONDBORG: Is it necessary, then, that we have here duties for them to do from our end?

PRESIDENT EGAN: Can anyone answer that question? The question was: Is it necessary, I believe, to have Section 13 in the ordinance? Is that your intent, Mr. Londborg?

LONDBORG: Yes. I was wondering. Now I am informed that they get their duties from the United States; then why do we prescribe duties for them?

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I think it is reasonably conceivable that the people of the State of Alaska, through their representatives, might insist that they do additional work on behalf of the Territory of Alaska, or possibly even on behalf of the state if they are successful. I know -- with very limited experience I know that there has been some tendency for some time on the part of many people from both major political parties of the Territory to request that the Territory set up a publicity or public relations department in the District of Columbia, and they might have those additional duties imposed on them.

LONDBORG: Well, Mr. President, what I am getting at is this: If they go out there on January 3 without any specific authorization by law, whatever they do they are acting on their own. It might be the wishes of the people but not an official task as far as specifically telling them what to do. Who is going to be liable then for anything they do or say? In other words, if a person has a specific job prescribed by law, if he is elected to it and serves in that capacity, then he has something to fall back on. But here we have a lapse of some several days that they are going to be acting without anything specific for them to do.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: May I ask Mr. Londborg a question? Are these oratorical questions?

LONDBORG: Well, I don't know the meaning of the word "oratorical" so I can't answer that.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would like to say that it seems to me that the people who are elected under this ordinance will have a job. Their job will be to get statehood for Alaska. Anybody who runs for this position, anyone who is elected will have a full and complete meaning and knowledge of what his tasks are, and it is not only to get statehood for Alaska but to do everything possible to assume their rightful seats as United States senators and representative, and I don't think any of us, or even the legislature, could proscribe the best way for them to accomplish that. Possibly the legislature may assign additional duties if they are not seated, but in any case, they will have a job to do as of January 3, 1957

PRESIDENT EGAN: Mr. Metcalf.

METCALF: May I make a brief comment. It seems to me that the senators and representative have a very definite job to do. It's laid out for them. They have to get an official entrance into the halls of Congress, and that is a big job; just that alone.

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

HARRIS: I would like to ask a question of Mr. McNealy, if I may. Mr. McNealy, when you say "as prescribed by law", who are you referring to here? The legislature of the Territory or what?

MCNEALY: Mr. President, that refers mainly to the laws of the United States but also includes such laws as the Territory might pass. It was written that way so it would be all-inclusive.

HARRIS: I would like to ask you one more question, if I may. As I understand it, you cannot legally hire a man, no matter who he is, without paying him some type of salary. Is that correct? Whether it's a dollar a year or a hundred thousand dollars a year, you still have to pay him something?

MCNEALY: Well, we have quite often in court cases come up against this, and the defense is that they were working gratuitously. There have been a good many cases that have supported that if a man wants to work for nothing, why that's his privilege.

HARRIS: Well, the question in my mind is whether he is actually an employee of the Territory of Alaska unless he is being paid something, and if he is not being paid anything, if he can work these 20-odd days for the Territory of Alaska. That is the point I want cleared up.

MCNEALY: Well, I would say he would be working. Going back again, Mr. President, to the historical precedent, the man is not only working for the Territory from which he came, but he is also working for himself to get on the federal payroll. (Laughter)

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

ROBERTSON: The other day we put this in by specific amendment and it was inadvertently omitted before, under the previous discussions of this system.

PRESIDENT EGAN: Are there other amendments to be proposed for Section 13? or for Section 14? For Section 15? Mr. Coghill.

COGHILL: May I ask a question of Mr. McNealy?

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

COGHILL: Mr. McNealy, could you point out to myself and the other delegates under what legal portion of the Alaska laws would allow

this Convention to pass ordinances and have an election placed on the official ballots of the general election?

MCNEALY: The provisions of the Enabling Act calling this Convention would be the one authority which gives the Convention power to make ordinances, which has been mentioned here on the floor a great number of times. Secondly, the number of court decisions which set out the inherent powers of the Convention to order elections, and which I would be glad at recess to show any of the delegates, and third, and what I consider most important, is the fact that this very Convention, there was a question in the halls of the legislature whether or not this would be on the ballot, and the delegates be on the ballot, and whether the governor would see that they were put on. There was no hitch there, and with the cooperation that we have had before from the governor, I think we have reason to expect this cooperation.

COGHILL: Mr. McNealy, is it then true that the ordinances that we pass out of this Convention and are voted and are ratified at the primary election, are they considered statutory law?

MCNEALY: They are considered, in the language of the courts, as fundamental law.

COGHILL: Fundamental law passed by the people?

MCNEALY: Yes, because the people by putting their stamp of approval on them are higher of course than even the legislature.

COGHILL: In Section 13, then, of the Enabling Act or the act providing for this Convention, I notice it says shall have the power to make ordinances or to take all measures necessary or proper in preparation for the admission of Alaska as a state of the Union". Would that then hold over, this being a part of the statutory law of Alaska, then, would allow this Convention to make an ordinance which, if it is ratified at the primary election, would then become a law of the land and the people would abide by it?

MCNEALY: It would become a fundamental law for the purposes for which it is granted.

COGHILL: For which it is granted? In other words, then the ballot going on the general election would then be legal through that channel?

MCNEALY: That is definitely my opinion. It is a mandate of the people then to place it on the ballot.

COGHILL: That would be the legal procedure to go through. That was one of the big questions that I had in my mind. Thank you.

PRESIDENT EGAN: Are there other questions or proposed amendments for Article XIV? If not, the article is referred to the Committee

on Engrossment and Enrollment. Mrs. Sweeney.

SWEENEY: Mr. President, since there have been no amendments or anything to it, I would like to move and ask unanimous consent that this Proposal 17/c, S.R., be referred directly to Style and Drafting without going through Engrossment and Enrollment, to save time and since there is so little to do on this.

PRESIDENT EGAN: Is there objection to Mrs. Sweeney's unanimous consent request? Mr. Victor Rivers.

V. RIVERS: I have no objection, Mr. President, but it seems to me that in outlining here what we consider to be our powers as a constitutional body, I would like to read into the record a couple of comments. It relates to the work of a Judge Story. Judge Story, in his work on the constitution, Volume 1, Fifth Edition, 338, declares "The true view to be taken of our state constitutions is that they are forms of government ordained and established by the people in their original sovereign capacity to promote their own happiness and permanently secure their rights to property, independence, and common welfare." Under that clause I feel we are proceeding along the path we are now following in adopting the Alaska-Tennessee Plan. In the case of Sproule vs. Fredericks, 11 So. 472, 69 Miss 898, the Supreme Court of Mississippi in discussing the powers of the Convention says, "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. The sole limitation upon its powers is that no change in the form of government shall be done or attempted." I will finish that quotation: "The spirit of republicanism must breathe through every part of the framework, but the particular fashioning of the parts of this framework is confided to the wisdom, the faithfulness, and the patriotism of this great convocation, representing the people in their sovereignty."

PRESIDENT EGAN: If there is no objection, Article XIV is referred to the Committee on Style and Drafting. We have -- Mr. Sundborg, the Chair notices on the calendar Article XII, the General and Miscellaneous Provisions section. Are you ready to have that report?

SUNDBORG: I will have to report to the Convention that the Style and Drafting Committee has nothing else in shape to report to the Convention at this time.

PRESIDENT EGAN: And the three items that appear on the calendar, Mr. Sundborg, are not available to the body for action as yet?

SUNDBORG: That is true, Mr. President.

PRESIDENT EGAN: We have here a communication. If there is no objection, the Chief Clerk will read the communication at this time.

(The Chief Clerk read a letter from Olaf Halverson of Nome regarding the application of a percentage of the resources income to educational purposes.)

PRESIDENT EGAN: If there is no objection, the communication will be referred to Mr. Coghill. Is there anything else to come before the Convention at this time? Mr. Riley.

RILEY: If you desire to fill in at this point until our usual recess time, Resources could come on at this time.

PRESIDENT EGAN: Was Resources sent to Style and Drafting?

RILEY: No, it was not.

PRESIDENT EGAN: Then, if there is no objection, we will bring before us the article on Resources, Article No. VIII, at this time. Mr. Barr.

BARR: Do we propose to work this evening, and possibly could you tell me about how long?

PRESIDENT EGAN: Mr. Barr, it is the feeling of the Chair, if the Chair might state, that we probably will not work this evening, but the Rules Committee chairman might have something to say.

RILEY: In that event we could perhaps get this out of the way in the next half hour, Mr. Barr, and not carry it over on the calendar tomorrow.

BARR: That is the extent of our work, you think?

RILEY: I don't believe it should take any longer, if that long.

BARR: There is nothing after this, you mean?

RILEY: Not on Resources, and Style and Drafting just advised us they had nothing further on the calendar.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: May I ask the Style and Drafting Committee a question? This Article XIV which we have just been working on -- I note this is headed up as a report of the Committee on Style and Drafting. Has this or has it not been through the Style and Drafting Committee, or does it have to go back again?

PRESIDENT EGAN: Mr. Hinckel, it would seem to the Chair that Mrs. Sweeney included that in her motion for unanimous consent -- the unanimous consent request that it be referred back to Style and Drafting. It is the feeling of the Chair only that the Style and Drafting Committee might look it over again and then refer it to the Rules Committee for assignment to the calendar in the morning. Mr. Sundborg.

SUNDBORG: Mr. President, we do feel there are several places in it where it does need some work.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Point of clarification. Mr. Sundborg, are there only three articles left to work on, to come out of Style and Drafting?

SUNDBORG: Mr. President, Mr. Coghill, we have left, really, only parts of two articles; namely, part of the General and Miscellaneous Provisions, and part of the Schedule of Ordinances and Transition Measures. All that we have in our committee at the present time on which we are working is one section of the General and Miscellaneous Provisions, that is the section dealing with the Native lands disclaimer, and several portions of the Schedule of Ordinances and Transitional Measures of which the Alaska-Tennessee Plan is one, and the other ordinances, the fish trap ordinance, the capital provision, and so on, and that is all we have in our committee.

COGHILL: This chart, in other words, is up to date?

SUNDBORG: I would have to ask Mr. Hurley who is in charge of keeping up the chart.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: The chart, as far as I know, is up to date.

PRESIDENT EGAN: Mrs. Sweeney, does the Engrossment and Enrollment Committee have anything at this time?

SWEENEY: No sir, although we have some scheduled for engrossment.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, may I direct a question? I don't know how else to discuss the matter for a little bit except by directing a question to Mr. McNealy.

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

JOHNSON: There is one thing that I have seen no evidence of in our proposed constitution and that is any provision for filling vacancies in the United States Senate and the United States Congress. I am not sure whether it is necessary, but I don't know whether any thought has been given to that matter or not?

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: As I remember, it has been some little time since I have read the federal constitution on that particular point, but I can't remember whether it states that vacancies in office shall be filled

by the state legislature, as provided by the state legislature, or as provided by law, and the mention of that brings this thing to mind, that we might mention, with permission of the President, to the Style and Drafting Committee, that there certainly is no provisions for vacancies in case these interim appointees are elected.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: It has been a matter of some concern to the Style and Drafting Committee whether there might not be a provision required in our constitution about the election of members of the Congress, not just in connection with the Alaska-Tennessee Plan, but permanently, so we have had our consultants look into that, and they report that, I think, there is only one constitution, or there may be a handful that mention the subject at all, and the reason for that is that there is a specific provision in the United States Constitution which says that a vacancy shall be filled -- Mrs. Nordale, do you have the reference? It says, "When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies". Now in most states, we are advised, the legislature does provide methods by which vacancies will be filled, but this is back-stop provision. When there is no provision of law the federal constitution provides that the governor, in effect, fills the vacancy.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Would that apply also then to a vacancy under one elected under the Alaska-Tennessee Plan?

SUNDBORG: That is one I can't field, Mr. Londborg.

LONDBORG: I was just wondering.

SUNDBORG: I think Mr. McNealy would be your man on that.

PRESIDENT EGAN: Mr. McNealy, could you answer that question?

MCNEALY: Mr. President, on that I believe under the present wording of the plan, we can only hope these officers will live. It is very likely that there should be some provision made for filling that office. However, it would take a little mechanics to work it out, I would say.

HELLENTHAL: Point of order.

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

HELLENTHAL: Do we not have before us the article on natural resources?

PRESIDENT EGAN: That is the next article to come before us, Mr.

Hellenthal. The Chair would like to state at this time, though, that this is the time when each delegate should be thinking of any

questions he or she might have with relation to anything that may have been overlooked, and if any question arises in anyone's mind, they should appear before the Ordinance Committee or notify the chairman of the Ordinance Committee and bring their subject matter before that committee. Mr. Coghill.

COGHILL: Mr. President, in other words, it would be my position to go before the Ordinance Committee to fill the ramifications of the letter referred to me?

PRESIDENT EGAN: That might be well and good, Mr. Coghill; you might let the Ordinance Committee have a look at it. Mr. Sundborg.

SUNDBORG: With further reference to the question asked by Mr. Londborg, Mrs. Nordale has pointed out to me that the 17th Amendment to the United States Constitution provides in greater detail about vacancies in the offices of senators and representatives. It says "When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution." It has occurred to some of us, Mr. President, that if the governor of Alaska were sufficiently energetic and were of a mind to do so, he might proceed on the assumption that, upon the ratification of the ordinance on the Alaska-Tennessee Plan, a vacancy would be created in the office of senators and representative, and he might fill the offices by appointment until such time as we would have an election in October; it's a possibility.

PRESIDENT EGAN: We now have Article VIII, the article on natural resources -- Mr. Londborg.

LONDBORG: I don't want to belabor the point any more, but all of those references were to a state and I was wondering if -- say now next spring, if one of the men should die before we are granted statehood, would there be any way to fill that vacancy? These references are to a state and we would not be a state until -- or are we going to worry about that if we lose a man?

PRESIDENT EGAN: The Chair would like to state that that might be a matter for the interested parties to take up with the Style and Drafting Committee and with the chairman of the Ordinance Committee before the article comes back on the floor again. Mr. Sundborg.

SUNDBORG: I would like to announce that it is the intention of the Style and Drafting Committee to bring this particular matter, the Alaska-Tennessee Plan, back on the floor first thing tomorrow morning, and we will be meeting immediately upon adjournment to work on it, so anyone interested we would advise to meet with us at that time.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I was going to ask unanimous consent that we delegate the authority to Style and Drafting and they confer with Mr. McNealy, and they take care of the case if something happens to one of our senators.

PRESIDENT EGAN: If there is no objection it is so ordered. We have Article VIII, the article on natural resources before us. What was its position at the time it was -- was it in second reading, Mr. Riley?

RILEY: Yes, it's still in second reading. The Style and Drafting report has been accepted, and the Committee has some substantive material yet to be considered.

PRESIDENT EGAN: Now then, are there any amendments or questions with relation to the article? Mr. Riley.

RILEY: Mr. President, I would like to present the committee amendments, and in each case will ask for unanimous consent for suspension of the rules to consider a specific amendment. The first would be on line 14 of page 1, where the Committee seeks to restore the word "maintained" instead of "conserved", which was introduced by Style and Drafting. Originally, the word "maintained" appeared on line 14 and had been changed by Style and Drafting to "conserved", and the Resources Committee felt that the word "maintained" gave far greater meaning with relation to sustained yield than did "conserved". I ask unanimous consent for suspension of the rules.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the rules be suspended for that purpose. Is there objection? Hearing no objection, Mr. Riley, you may offer your amendment.

RILEY: I now ask unanimous consent, Mr. President, that the word "conserved" on line 14 of page 1 be stricken and that the word "maintained" be substituted.

PRESIDENT EGAN: Unanimous consent is asked that the proposed committee amendment be adopted. Is there objection? Mr. Sundborg.

SUNDBORG: Only temporarily, to state that Style and Drafting didn't change that just to be changing something, but if you will look at line 6, there is a parallel construction where it says "utilization, development and conservation of all natural resources". We attempted to carry out the same thought here by saying "utilized, developed and conserved" and we certainly have no objection to the amendment which Mr. Riley suggests.

RILEY: We appreciate the reasoning employed by Style and Drafting and I should have touched upon that.

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the

amendment. Is there objection? Hearing no objection, the amendment is ordered adopted. Mr. Riley.

RILEY: On line 20 of page 2, the Committee wishes to change the wording slightly so as to read in this manner "Leasing of, and the issuance of permits for exploration of, any". I ask unanimous consent for suspension of the rules to submit that proposed amendment.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the rules be suspended for that purpose. Is there objection? Mr. Riley, will you read the amendment again?

RILEY: The Committee proposes to change the language of line 20 to read as follows: "leasing of, and the issuance of permits for exploration of, any".

PRESIDENT EGAN: Would the Chief Clerk please read that sentence then, as it would read if the amendment were adopted.

CHIEF CLERK: "The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses."

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the rules be suspended for that purpose. Is there objection? Hearing no objection the rules have been suspended. Mr. Riley.

RILEY: Now, Mr. President, I submit the Committee amendment as read by the clerk. I might add that this amendment has been cleared by those delegates who raised the question yesterday. I ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: As read by the clerk -- I didn't understand the amendment. The amendment will insert a comma after the words "leasing of" in line 20 and involves deletion of the word "exploration" in line 20 and the further deletion of the words "to any"?

RILEY: It involves this, Mr. Hellenthal: the comma after the word "of", the insertion of the word "permits" between the next "of" and "exploration", "permits for" goes in at that point, and striking of "permits to" later in the sentence in the line, and insertion of the word "of", so that it reads "and the issuance of permits for exploration of,".

HELLENTHAL: "any part"?

RILEY: Right.

PRESIDENT EGAN: Is there objection to the unanimous consent request for adoption of this amendment? If there is no objection, the amendment is ordered adopted. Are there other Committee amendments?

RILEY: Mr. President, on page 3, the sentence commencing on line 19 and ending on line 23, the Committee asks suspension of the rules for purposes of deleting the last two words of that sentence on line 23. Those words are "and processing". Those words, I believe, were inserted while the matter was under consideration by Style and Drafting, perhaps for purposes of paralleling as mentioned later, but the Committee does not feel they are essential, and accordingly I ask unanimous consent for suspension of the rules for submitting that amendment.

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the rules be suspended for that purpose. Is there objection? Hearing no objection, the rules have been suspended. Mr. Riley.

RILEY: Mr. President, I ask unanimous consent that on line 23 of page 3 the two words "and processing" be stricken and that a period be placed after the word "extraction".

PRESIDENT EGAN: Unanimous consent is asked for the adoption of the amendment. Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other committee amendments?

RILEY: On line 24, same page, Mr. President, I ask unanimous consent that the rules be suspended for purposes of inserting the word "or" before the last word of the sentence, so that it reads "shall depend upon the performance of annual labor, or the payment of fees" and so on.

PRESIDENT EGAN: Unanimous consent is asked that the rules be suspended. Is there objection? Hearing no objection, Mr. Riley, you may offer your amendment.

RILEY: I now offer the amendment for the Committee, that the word "or" be inserted just ahead of the last word on line 23.

PRESIDENT EGAN: Unanimous consent is asked by Mr. Riley --

RILEY: Line 24 -- excuse me.

PRESIDENT EGAN: -- that the Committee amendment be adopted. Is there objection? If there is no objection, the amendment is ordered adopted.

RILEY: Mr. President, on page 4, I will ask unanimous consent that the rules be suspended for the introduction of an amendment which the Committee believes necessary by reason of rather a major overhaul of this particular section -- Section 11, I refer to. In the process of organizing this section -- and I do feel that the section was in many respects improved as to structure by Style and Drafting -- the Resources Committee feels that one gap was inadvertently created, and accordingly, the sentence which starts on line 4 of page 4 will, under this amendment as offered, be stricken, and in its place will be substituted this sentence: "Discovery and

appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the state and not prohibited by Congress."

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

METCALF: May we have it read very slowly so it can be copied?

(The Chief Clerk slowly read the amendment as requested.)

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the rules be suspended in order that the Committee might submit that amendment. Is there objection to suspension of the rules? If there is no objection Mr. Kilcher.

KILCHER: Just a second while we digest that. Might I ask a question of Mr. Riley, what the exact intent or effect of the amendment is?

RILEY: In earlier drafts, Mr. Kilcher, referring now to page 3, the language which starts on line 19, "Prior discovery, location, and filing" and so on shall establish a prior right to lease and in the minerals and the rest of the series included the initiation of a right to patent if not prohibited by the Congress or if authorized by the Congress. In other words "prior discovery and appropriation" would lead to any of those possibilities. The reference to patent was stricken during the last revision, and while it may by implication be picked up in this sentence, starting on line 4, page 4, we don't feel that it is positive or that it's clear, and for that reason only, to restore the earlier intent, we suggest this substitution.

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules? Hearing no objection the rules have been suspended. Mr. Riley, you may offer the Committee amendment.

RILEY: I submit the Committee amendment as read by the clerk and ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. Riley offers the committee amendment that has previously been read. Is there objection to the unanimous consent request for adopting the amendment? Hearing no objection, the amendment is ordered adopted. Mr. Riley.

RILEY: I will next ask unanimous consent for suspension of the rules for offering a further Committee amendment to Section 13. The sentence commences on page 4, line 23, and has to do with the appropriation of water. Now earlier, when in second reading, before this article went to Style and Drafting, the end of the sentence which is now on line 2, page 5, was made subject to the general reservation of fish and wildlife. That was stricken by floor amendment, that general reservation of fish and wildlife, and the Committee has

since given the matter further consideration and has cleared with the delegate who offered the amendment to strike that language, and I understand he has no objection to its restoration, and our amendment will read as follows, when offered: that on line 2 of page 5, a comma be substituted for the period and this language added: "and to the general reservation of fish and wildlife".

PRESIDENT EGAN: Do you ask unanimous consent that the rules be suspended in order that the Committee might offer that amendment?

RILEY: I have, Mr. President.

PRESIDENT EGAN: Is there objection to the unanimous consent request for suspension of the rules? Hearing no objection, the rules have been suspended.

RILEY: I now offer the amendment and ask unanimous consent for its adoption, Mr. President, that the period on line 2 of page 5 be stricken, a comma substituted, and the following language added: "and to the general reservation of fish and wildlife."

PRESIDENT EGAN: Mr. Riley asks unanimous consent that the Committee amendment be adopted. Mr. Kilcher.

KILCHER: A question, Mr. Riley. It appears that -- isn't that one of the concurrent uses that actually doesn't need specific mentioning? Is it a substantive matter in your opinion, or is it just a further explanation or a securing of an interpretation or something?

RILEY: We felt that for the purpose of clarity that that general reservation should have mention in that particular section having to do specifically with the appropriation of water; that such appropriations are subject, nevertheless, to the general reservation of fish and wildlife when occurring in natural state.

KILCHER: Wouldn't that be self-evident under the general clause of general concurrent uses?

RILEY: I shouldn't say that concurrent uses has application there. The general provision for concurrent uses has. It might be held the general reservation would cover it, but we are in doubt, and some of the consultants who initially assisted the Committee recommended its restoration.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I have one question. Where a small lake is entirely surrounded by land in private ownership, owned by one owner, would the legislature be able, under the wording as now appears, would the legislature be able to keep the general public out of that lake?

RILEY: Well, it is getting right back to matters earlier discussed -- I don't know that they are specially resolved in anyone's mind. The

legislature has, under another section, been given authority to define what waters access should be given to. By long-established doctrine, the general reservation of fish and wildlife in its natural state is maintained in this article, and the matter of the actual ownership of waters is not upset -- I should say the age-old doctrine is not upset -- except as we have given power to the legislature to define where access shall be allowed.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I don't think that quite answers my question. I know we attempted once by adding two words to take care of this pond surrounded by single ownership. Then we changed that and used some other language. Now we have changed it again. Can you tell me where the legislature -- just point to me the section or the wording --

RILEY: It's not in this section, Mr. Hellenthal.

HELLENTHAL: Anywhere in here?

RILEY: Section 9 is the section.

PRESIDENT EGAN: Your question relates to this section we are on now, Mr. Hellenthal?

RILEY: Section 14, Mr. Hellenthal.

HELLENTHAL: Yes, it does, Mr. Egan. That the legislature may by general law regulate and limit such access?

RILEY: You weren't here last evening, I believe, Mr. Hellenthal, when in Section 14 the word "legislature" was restored on line 4 in place of the word "law".

HELLENTHAL: Oh. I am happy now.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: May I direct a question to Mr. Riley?

PRESIDENT EGAN: You may, Mr. Rosswog.

ROSSWOG: This wording, "general reservation", does that mean that fish and wildlife will be given first consideration among beneficial users?

RILEY: No, I should say not. But I would say that the general reservation which applies, I believe, is set forth in Section 3. Section 3 states "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." This reiterates that, as concerns the appropriation of waters, "appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and

wildlife". This doesn't set up an order of beneficial uses. The legislature in its wisdom may some day do that.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: May I ask Mr. Riley a question?

PRESIDENT EGAN: You may, Mr. Hurley.

HURLEY: Mr. Riley, if a city were to appropriate a water supply for domestic use, and for purposes of public health and welfare and for protection of the water supply to regulate the trespass on the watershed, would the fish and game that were within the area be available to the public for hunting and fishing?

RILEY: Well, I should say that we make that exception; that might perhaps be implemented by the legislature as to your whole drainage area -- your whole watershed -- that the legislature could, under this language, forbid fishing, we will say, in a reservoir for public water supply.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Another question, Mr. Riley. I have two specific inquiries from my home district; one from a man for whom three years ago I drained a lake a 16-acre lake within a 40 subdivision, and another man had a seven-acre homesite near Homer with a three-acre lake on it. There are no creeks going in or out but strangely enough there's fair fish in there. Now, in order to understand the possible impact of this amendment and illustrating this case, I would like to ask you if either one of the two men could possibly be stopped by future legislation or stopped automatically by this amendment here, if it passes, from draining his lake for agricultural purposes, or any purpose. It's shallow land, very little work, and can make seven easy acres available where normally land is hard to clear. It would make fine agricultural land. That is a question that will come up hundreds and thousands of times on the Kenai Peninsula where this practice will become popular, of acquiring cheap farm land by draining shallow lakes.

RILEY: I won't undertake, Mr. Kilcher, to anticipate what the legislature may prescribe, but there is considerable law to the effect that ownership of lakes does not vest in the property owner. That isn't necessarily uniform across the country, but I should say that the question you propound is one which the legislature is going to have to meet.

KILCHER: That's what I am driving at, Mr. Riley. I have asked a similar question before -- I don't want to repeat it myself -- that is weeks ago, but this amendment here if it passes will it tend to make it harder, is it capable of putting more obstacles in a man's way, to give fish and wildlife interests more of a chance to restrict that man's specific uses? Would this amendment have an effect,

in other words, in law, as you see it, making it more specifically difficult to achieve what I was driving at?

RILEY: I would say as concerns your own illustration of the drainage proposition that this language will not pose any difficulties there beyond what the article already does in the general reservation. Section 3 contains a general reservation. Now, I would not consider the draining of a lake to be an appropriation of water because there would be no continuing use.

PRESIDENT EGAN: Is there objection to the unanimous consent request for adoption of the amendment? Hearing no objection the Committee amendment is ordered adopted.

RILEY: Mr. President, the only other point which the Committee wishes to bring up is that the Committee, responsive to a suggestion made last evening by, I believe, Style and Drafting -- maybe not -- wishes to go on record for the retention of Section 19 which spells out residual powers which are drafted in terms of natural resources. There will be another provision in the constitution much the same and with general effect concerning the residual powers of the state, but it is the Committee's wish that this particular expression of residual powers bearing on natural resources alone remain in the article. That concludes the Committee's amendments.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I have an amendment which I would like to propose under a suspension of the rules.

PRESIDENT EGAN: Would you state the amendment -- what the amendment would be, Mr. Johnson?

JOHNSON: If the rules are suspended, I shall submit the following amendment: Add a new section, "Regulation and administration of wildlife, including game fish, shall be delegated to a commission under such terms as the legislature shall prescribe."

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the rules be suspended in order that he might offer this amendment.

BUCKALEW: I object.

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

JOHNSON: I so move.

KNIGHT: I second it.

PRESIDENT EGAN: Seconded by Mr. Knight, that the rules be suspended. The question is: "Shall the rules be suspended?" The Chief Clerk will call the roll.

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

Yeas: 18 - Armstrong, Boswell, Coghill, Cooper, Davis, H. Fischer, Hurley, Johnson, King, Knight, Laws, Londborg, McNealy, Marston, Metcalf, Nolan, Peratrovich, Sweeney.

Nays: 36 - Awes, Barr, Buckalew, Collins, Cross, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, Lee, McCutcheon, McLaughlin, McNees, Nerland, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 1 - Taylor.)

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

PRESIDENT EGAN: So the nays have it and the rules have not been suspended. Mr. Smith.

SMITH: I was going to wait and see if there were further amendments or questions.

PRESIDENT EGAN: Are there other amendments or questions to be offered for Article VIII, the article on natural resources? Mr. King.

KING: Mr. Chairman or Mr. Riley, am I to understand that pollution isn't mentioned anywhere in the resources article? Is that a general police duty of the state? I understand there is a law now.

RILEY: Mr. King, the Committee has gone on the assumption that the general police powers of the state can be invoked to provide whatever supplementary legislation is necessary beyond what the Territory now follows, its own statutes.

KING: And you don't think there is any necessity to mention it in these provisions?

RILEY: No further necessity, no.

PRESIDENT EGAN: Are there other questions or proposed amendments? Mr. Smith.

SMITH: If not, Mr. President, I move and ask unanimous consent that the rules be suspended and that Article No. VIII, Natural Resources, be advanced to third reading, read by title only, and placed on final passage.

PRESIDENT EGAN: Mr. Smith moves and asks unanimous consent that the rules be suspended as to Article No. VIII, the article on natural resources, that the article be advanced to third reading, be read the third time by title only, and placed in final passage. Is there

objection? Hearing no objection, the rules have been suspended and Article No. VIII is now before us in third reading. The Chief Clerk will read the title of the article.

CHIEF CLERK: Article VIII, Natural Resources.

PRESIDENT EGAN: The article is now before us and open for discussion and debate. Mr. Hurley.

HURLEY: Delegates, sometimes during this Convention it is a very difficult thing to speak what a person feels in his heart. I have had occasion to watch this resources article develop over the many weeks prior to our recess and subsequent thereto. I know there has not been a harder working or more dedicated committee than the one that has been devoted to natural resources. I know that in their hearts and in their minds they have had one goal in mind and that was to allow the opening up and the use of the natural resources of the state to be. And yet, in my own mind, I feel that inadvertently they have, instead of opening it up, placed a great many padlocks on the resources which will, in the future, offer stumbling blocks to their development. I think that the efforts to satisfy the ills which have been thrust upon us by the federal government had caused the pendulum to swing to such an extent as to defeat the purpose which we sought. I feel in going over this article, as I have had occasion to do in a very precise and detailed manner, that much of the material that is included in the resource article is properly matters of legislation. Many things that are of great importance to the future State of Alaska have been disposed of with a short phrase. Other things which are of perhaps equal importance to the State of Alaska have been put forth in much detail. Each word is said to have a specific meaning, to have only one construction, and I feel that is a very bad thing for a constitution. A constitution to my mind is a framework for a government, not a complete structure of government. I sincerely hope that this article will provide the ends which are sought. I am not going to vote against the article because I feel it is the best effort of the Convention, but I am, in my own heart, sorry that the words could not have been put down in a manner in which they could have been construed to fit the needs of the state as it develops.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I think several of us feel the same way, and it just goes to show one more reason why we should have statehood. Those people three thousand miles away have laid down rules that aren't too workable. We have had to take it and we're taking it and we are going ahead. We want statehood and we can develop the country a whole lot better if they leave it to us, and we wouldn't have done a lot of things in that resources committee if it hadn't been for restrictions from Washington, D. C.

PRESIDENT EGAN: Mr. White.

WHITE: Perhaps I shouldn't say anything because I know every

member of the resources committee would like to speak on the subject. It is their last opportunity. When this committee proposal came on the floor and the chairman of the committee, Mr. Smith, introduced the members and outlined their special interests or skills and he came to me and he could not think of any special skill, he referred to me as the member of the committee to represent the public interest. I don't know how well I have done that, but that has been my interest and my endeavor in this committee, and throughout our work which has been long and detailed -- I won't say longer or more detailed than any other committee -- I have often had the same feeling, the same fears, the same thoughts, perhaps, as expressed by Mr. Hurley. I have always had in the back of my mind that emphasis should be placed on our opportunities and duties to open up the natural resources of the State of Alaska to development and use by and for all the people, and that we must constantly guard against overreacting against abuses that have taken place in the past. We have had a basic framework in mind. I have tried, and others of the Committee have tried, I am sure, as we have gone along with our work, to do what was set out in Section 2, to "provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of its people." I sincerely believe, and the Committee can fully testify to the fact that I have been a sniper, perhaps, above all else, but I sincerely believe that that intent can be carried out under this article of the constitution. I think all of us are aware that the article itself could have been shortened, could possibly be less detailed, but balanced against that we have always kept in mind the newness of the subject to Alaska, the newness of the opportunity to deal with the subject, and the great problems that will evolve and the great opportunities that will evolve when we gain statehood. I think, in the final analysis that this section provides the framework and the opportunity for the state legislature, the people by the kind of representatives we hope to have, to carry out the intent expressed in Sections 1 and 2 of this article.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I certainly am not opposed to this article in any way except in one point. However, that is not sufficient now to make me vote against it. I do want to point out, however, that I feel that the article in its present form overlooks the wishes -- or ignores the wishes, let us say, of a large segment of our population who happen to like to hunt and fish; and I don't believe, in that respect, if we pass the article in its present form, that we are exactly making friends for the article, but I do believe that the resources committee has by and large done an excellent job, and I think that the resources of the State of Alaska will be properly taken care of with that one exception.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: Mr. President, I just want to remind the delegates of one remark that Dr. Gabrielson said, I think it was in committee meeting

rather than before the Convention, but, as he saw our article, he said that we had things in it, principles in it, that the states had worked for 45 years the hard way to get, and that is what we were trying to accomplish.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, I have felt throughout the Committee deliberations that we probably might not be able to see the results that will come from this article, but I have felt that if my children and my grandchildren say that it was a good article, that is what will count.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Well, Mr. President, I want to say a few words on this. My first choice of committees fell with resources. I withdrew from that committee because there were a number of others who were keenly interested. I have not spoken on the resources article except on the very basic amendments. I realize that some of the more impatient and, perhaps, the more irascible and dyspeptic members would like to have the question called. However, it does not seem to me that on this matter, which is the basic wealth of our whole territory and upon which the well-being and success of our people depend, that we should pass it over too lightly. We have seen in the Territory of Alaska under the guise and the name of conservation an outright reservation and withholding of practically all of our natural resources and wealth by our national government. We have followed through the history of that, and I believe it is probably best outlined in a book by the uncle of one of our delegates, old Jack Hellenthal, in which he points out the abuse of the term "conservation" in which we hold out and actually the resources have been withheld in the guise of outright reservation. It seems to me that here we have the foundation and the framework for a real orderly development and utilization of our resources, and I, for one, feel we have laid the foundation here for the future success and well-being of all of our citizens. I realize that it must be implemented by the thoughts and the efforts and the energies of men and manpower and by their honesty and sincerity of purpose, but I, for one, in watching this article, feel that we have laid here the foundation and the groundwork for the great success of the future state.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I move the previous question.

PRESIDENT EGAN: Delegate Buckalew moves the previous question. Is there a second?

COLLINS: I second it.

PRESIDENT EGAN: Seconded by Mr. Collins that the previous question

be ordered. The question is: "Shall the previous question be ordered?" All those in favor of ordering the previous question will signify by saying "aye"; all opposed, by saying "no". The "ayes" have it and the previous question is ordered. It's a majority vote question. The question is: "Shall Article VIII, the article on natural resources, be adopted as a part of Alaska's state constitution?" The Chief Clerk will call the roll.

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

Yeas: 53 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, 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, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 0 -

Absent: 2 - Taylor, VanderLeest.)

CHIEF CLERK: 53 yeas and 2 absent.

PRESIDENT EGAN: The "yeas" have it and Article VIII, the article on natural resources, has been adopted as a part of the Alaska state constitution. Mr. Hellenthal.

HELLENTHAL: May I ask Mr. Sundborg a question?

PRESIDENT EGAN: If there is no objection.

HELLENTHAL: Do you feel we could properly recess until 1:30 tomorrow afternoon without neglecting any portions of our work remaining unfinished and allowing maximum utilization of time?

SUNDBORG: Mr. President, I wonder if I could ask unanimous consent for a one-minute recess before answering Mr. Hellenthal?

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

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair would like to state that, in the opinion of the Chair and if the delegates agree, that it might be better that we adjourn at this time until 9:00 in the morning and possibly work until noon and then adjourn, and it will give the substantive committees the afternoon and also delegates who might want to take care of some things in the

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afternoon; but if we came in the morning it might be better for the committees that might have other work to do. Mr. Johnson.

JOHNSON: Mr. President, in view of the statement of the Chair, I move that the Convention stand adjourned until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: Mr. President, in all innocence, may I ask a question? After this beautiful flow of oratory, when is the last day we can file for the legislature?

PRESIDENT EGAN: February 1. Are there committee announcements?

SUNDBORG: Mr. President, I announce a meeting of the Style and Drafting Committee immediately upon adjournment at the rear of the gallery.

PRESIDENT EGAN: Style and Drafting immediately upon adjournment at the rear of the gallery. Are there other committee announcements? The Convention will come to order. Are there other committee announcements? Mr. Coghill.

COGHILL: May I direct a question to Mr. McNees? Are you willing to have an Administration Committee meeting tonight or would you prefer tomorrow afternoon?

MCNEES: Tomorrow afternoon.

PRESIDENT EGAN: Administration tomorrow afternoon. Mr. McNealy.

MCNEALY: Mr. President, I would like to announce a meeting of the Ordinance Committee around the desk here immediately upon adjournment.

PRESIDENT EGAN: Ordinance Committee right here immediately upon adjournment. If there are no other committee announcements, unanimous consent is asked that the Convention stand adjourned until 9:00 a.m. tomorrow. Is there objection? Hearing no objection, the Convention stands adjourned.