

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 17, 2002
8:03 a.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Jeannette James
Representative Hugh Fate
Representative Gary Stevens
Representative Peggy Wilson
Representative Joe Hayes

MEMBERS ABSENT

Representative Harry Crawford

COMMITTEE CALENDAR

HOUSE BILL NO. 285

"An Act adding a second verse to the official Alaska state song."

- MOVED HB 285 OUT OF COMMITTEE

PREVIOUS ACTION

BILL: HB 285

SHORT TITLE:SECOND VERSE OF ALASKA'S STATE SONG

SPONSOR(S): REPRESENTATIVE(S)MORGAN

Jrn-Date	Jrn-Page		Action
01/14/02	1949	(H)	PREFILE RELEASED 1/4/02
01/14/02	1949	(H)	READ THE FIRST TIME - REFERRALS
01/14/02	1949	(H)	STA
01/16/02	1991	(H)	COSPONSOR(S): STEVENS, CHENAULT
01/17/02		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

REPRESENTATIVE CARL MORGAN
Alaska State Legislature
Capitol Building, Room 434
Juneau, Alaska 99801

POSITION STATEMENT: Testified as sponsor to HB 285.

CONNIE DAVIS
5405 Thane Road
Juneau, Alaska 99801

POSITION STATEMENT: As daughter of Carol Beery Davis, read a part of her family history, which described how her mother came to write the second verse for the "Alaska's Flag" song.

DOLORESA CADIENTE
Alaska Native Sisterhood
9621 Glacier Highway
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of Camp 2 and the Grand Camp of Alaska Native Sisterhood in support of HB 285.

CONNIE MUNRO
120 West Ninth Street
Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of HB 285.

SCOTT TAYLOR, Executive Director
University of Alaska Foundation
PO Box 755080
Fairbanks, Alaska 99775

POSITION STATEMENT: Clarified copyright issues regarding the proposed second verse for the "Alaska's Flag" song.

PETE JOHNSON, member
Christian Labor Party of Alaska
(no address provided)

POSITION STATEMENT: Spoke in opposition to HB 285.

INDIA SPARTZ, Guest Curator for the Alaska Flag Exhibit
Alaska State Museum
395 Whittier Street
Juneau, Alaska 99801-1718

POSITION STATEMENT: Testified in support of HB 285.

ACTION NARRATIVE

TAPE 02-1, SIDE A
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Fate, Stevens, Wilson, Hayes, and Coghill were present at the call to

order. Representative James arrived as the meeting was in progress.

HB 285-SECOND VERSE OF ALASKA'S STATE SONG

Number 0242

CHAIR COGHILL

CHAIR COGHILL announced that the first order of business was HOUSE BILL NO. 285, "An Act adding a second verse to the official Alaska state song." He introduced Charlotte Benson Irvin and Sherry Irvin, the daughter and granddaughter, respectively, of Benny Benson [the designer of the Alaska flag].

Number 0338

REPRESENTATIVE CARL MORGAN, Alaska State Legislature, sponsor of HB 285, thanked the committee for scheduling the bill to be heard. He reminded the House State Affairs Standing Committee that the bill had been heard in the past and was being resurrected. He expressed his belief that the present time was the right time for bringing the bill before the legislature again, and he told the committee that he felt honored to be the one to do so. Representative Morgan read from the sponsor statement [included in committee packet], which reads as follows:

This legislation is a vehicle to officially add a second verse, written by Carol Beery Davis, to the Alaska state song.

"Alaska's Flag" written by Marie Drake and composed by Elinor Dusenbury was adopted as the official state song in 1956, and was gifted to the University of Alaska in April 1960. Carol Beery Davis wrote the second verse to "Alaska's Flag" and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987. This legislation would allow for the gift, a second verse to "Alaska's Flag", to be recognized and adopted as part of the official state song as was the first verse in 1956.

Further, this legislation would recognize Carol Beery Davis, an Alaskan pioneer and poet laureate, as the maker of the second verse. While the official Alaska state song recognizes and describes Alaska's flag, the

words of Davis in the second verse of "Alaska's Flag", "A Native lad chose the Dipper's stars, For Alaska's flag that there be no bars", provides recognition of Bennie Benson who designed Alaska's official flag in 1927. Benny Benson described his design of the flag:

"The blue field is for the Alaska Sky and the forget-me-not, an Alaskan flower. The North Star is for the future of Alaska, the most northerly in the union. The Dipper is for the Great Bear - symbolizing strength."

It is timely to have this second verse officially added to the Alaska state song as 2002 marks the 75th Anniversary of the Alaska Flag.

Additionally, it is appropriate to recognize the contributions of all Alaskans, whether [it] was our sourdoughs who dreamed of gold in the streams nearby or a young native lad who saw and gave Alaska a flag of great symbolism.

CHAIR COGHILL asked Representative Morgan if he was going to sing the new verse for the committee.

Number 0730

REPRESENTATIVE MORGAN answered no, he wanted to see the bill pass. He offered to answer questions, but asked the committee to keep in mind that he was not the composer of the song and would not attempt to interpret the words for Carol Beery Davis. He said that trying to interpret the meaning of her words would be like his taking "one star out of the sky and saying, 'This is it.'"

Number 0806

CHAIR COGHILL pointed out that the verse being looked at was gifted to the university and was copyrighted; therefore, the committee could only vote whether or not to adopt it, but could not amend it. He said he had considered how people could interpret the words. He stated his own interpretation that the words were about honoring one another, which was his intention when signing on to the bill. Chair Coghill noted that [the verse before the committee] was in keeping with the first verse

of the song, about being a great land. He mentioned moving [the bill] forward.

Number 0896

REPRESENTATIVE JAMES commented that it takes a long time to make changes. She noted, as an example, the period of time between the abolishment of slavery and the Bill of Rights, during which there was a struggle to come to some kind of a compromise or solution. She said she does not necessarily feel bad that this bill wasn't passed before, because timing is important in every issue. She talked about the stars being aligned and the present time being right to [pass HB 285]. Representative James stated her support, as co-sponsor to the bill. She said she understood there will always be people who would not be happy about something, but often "once you go over that wall and get there, it doesn't create the kinds of things that they think might happen and it goes better than people anticipate." She expressed her belief that [passing HB 285] was the right thing to do and thanked Representative Morgan for bringing the bill before the committee.

Number 1010

REPRESENTATIVE STEVENS said it was nice to see Charlotte [Benson Irvin] and Sherry [Irvin] at the meeting. He told them he had had the pleasure of knowing their father and grandfather, respectively, who was a great man who made a wonderful contribution. Representative Stevens concurred with the statements made by Representative James. He said if the verse under consideration was read carefully, there was nothing exclusionary about it, which is what he liked about it. He interpreted the verse as saying, "let's work together, let's get together, let's work as Alaskans, in tandem." He expressed his belief that AFN [Alaska Federation of Natives] supported the bill, and he asked Representative Morgan to comment on the amount of support around the state for making this change.

Number 1080

REPRESENTATIVE MORGAN answered that although many of the Native organizations have not had enough time to "come up," [his staff] has received useful information from them. He said the [Alaska Native Sisterhood (ANS)] has backed the bill; ANS met the pre-filing date and passed a resolution in support of the bill. He also mentioned the Alaska Native Brotherhood (ANB). Representative Morgan told the committee that he has received

many phone calls from other Native organizations throughout Alaska that do want to send in resolutions of support.

Number 1153

CHAIR COGHILL noted that there were some endorsements included in the committee packet.

Number 1216

CONNIE DAVIS, daughter of Carol Beery Davis, paraphrased her written testimony [handout included in the committee packet] as follows:

I would like to take just a moment to give you a quick summary of the family history. My paternal grandfather arrived in Juneau early in 1891 for a short stay, ... working for the Nowell Mining Company as a bookkeeper. With paints, brushes, and canvas, my grandmother landed at the Juneau docks a few months later. She planned to paint Alaskan scenery for a month or two The following year they were married in the Log Cabin church. Their first home was on Sixth Street. At that time it was just a trail. And both of these people came from England.

My mother came to Juneau in 1920 to play the theater organ for the silent movies at the Palace Theater, a three-month, temporary job that lasted for seven years. By that time, Marie Drake was a good friend, the contest to choose a flag for Alaska was underway, and my father was a member of the Final Awards Committee to choose the flag. Mother took notes of the events at that time. Later, she wrote that once the design was chosen, Marie felt that the school children of Alaska would understand the historical event better if they had words to recite, something like those in her head. The Territorial Commissioner of Education gave his approval of her idea, and so the first step towards a song was born.

When mother was approached to add a second verse to the state song, she believed that it was important to do so, and that her old friend, Marie, would approve. Using the themes of unity, history, progress, and the state's natural beauty, she carefully composed the

verse with her enduring love for Alaska. It was her last ... gift. She was 95 years old.

Number 1381

DOLORESA CADIENTE, representing Camp 2 and the Grand Camp of ANS, testified before the committee that she was the drafter of the letter and resolution sent to Representative Morgan's office from ANS Camp 2 regarding HB 285. She told the committee that the Grand Camp was composed of 45 camps of ANB and ANS from Seattle, Southeast Alaska, and Anchorage. The ANB Grand Camp was organized in 1912 and the ANS followed in 1915, she said, but did not formally organize until 1923. Ms. Cadiente mentioned a convention held every November, where 105 voting members congregate, including a president and three elected delegates.

MS. CADIENTE stated her support of HB 285. She said it was a beautiful gift to all people, for the State of Alaska. She said: "Like prayer, it will unite us." She mentioned previous comments by Representative James regarding helping people to have a change of heart through training, education, or life experiences. She expressed her belief that uniting the cultures in the state of Alaska is a place to start. She asked that the voices [of ANB/ANS] be heard as supporting the people of the state and valuing the gifts each of them brings and the strength that results.

MS. CADIENTE indicated "sister Connie Davis" and "sister Connie Munro" as members of the ANS Camp 2. She emphasized that [ANS] was not just a Native organization, but was an organization where friends come to support the mission of ANB/ANS. She welcomed "the family members of the ... second verse." Ms. Cadiente told the committee she was pleased because another "sister" had come forward in 1987 to bring this verse before a committee and, once again, the issue was being heard. Referring to a previous comment by Representative James, she stated her belief that the time was right. She said: "This is the first beginning of the first day of the rest of our lives, and this is a way to demonstrate that."

Number 1570

CHAIR COGHILL expressed his belief that the whole mood of America right now is one of reverence and honor, which has set the mood for deciding how to continue on as a united people. He explained one of the reasons he signed on to the bill:

I know that there may be people on any side of the aisle who might use it as a tool to pick at each other, but I'm hoping that what this will do is silence them.

Number 1616

CONNIE MUNRO came before the committee and said a woman named Edie Ebona (ph) had helped her attain the following: her GED [general equivalency diploma]; her college degree; and a master's degree from Alaska Pacific University, Anchorage. Without that woman's help, Ms. Munro said she would not have qualified for the State of Alaska's retirement program. She mentioned "those words of sharing." She said that without the help of the Alaskan Natives she wouldn't be where she is today. As a 31-year resident of the state, Ms. Munro said she is eligible to be a pioneer of Alaska. She stated that it was an honor to belong to the ANS, which, she pointed out, was totally integrated with "all different races," as well as having a male judge. She said it was important that all [Alaskans] be thankful that they live in such a wonderful state.

MS. MUNRO told the committee that Carol Beery Davis stayed up all night to create the words to the second verse, which has been considered for years. Back in the 1970s, Senator [Frank] Ferguson and Representative Alvin Osterback were the "strength behind trying to get this done." She said they were hesitant to have a statewide contest because of the cost to the state and because it wasn't timely. Since then, Ms. Munro noted, Senator Ferguson was honored in Kotzebue three years ago, with a plaque and the singing of "the song." When Ms. Munro was serving as Director of Community Schools and Adult Education, she said, she received requests for copies of both verses to the flag song, by schools across the state that wanted to perform them for eighth grade and high school graduations.

MS. MUNRO explained that the first verse had originally been a poem and was made into a song "close to the dedication." She said the gold of the stars represented the gold extracted from the mountains, which is "where they were getting the money at the time." She stated her belief that a second, third, and fourth verse would have been written, had the words been looked at as a song from the beginning, and said the present time was right to [adopt the second verse]. She said: "She was a wonderful pioneer, herself, and a very active member, and certainly the two mesh beautifully."

MS. MUNRO told the committee she has a daughter who works for a coal mine and formerly worked for a gold mine. She indicated that her family was diverse, with environmentalists and miners among its members. Ms. Munro mentioned that her ancestry was Italian, French, and English. She listed several other ethnic groups that had come to Alaska to work together. She said it was a wonderful gift for her to come before the committee and thanked its members for their support of HB 285.

Number 1903

SCOTT TAYLOR, Executive Director, University Foundation, speaking via teleconference, told the committee that the foundation holds the copyright to both the original "Alaska's Flag" song and to the second verse. He offered to answer any questions from the committee.

Number 1923

CHAIR COGHILL asked Mr. Taylor to confirm whether his previous statement to the committee that the verse must be adopted or rejected without amendment was correct.

MR. TAYLOR said yes.

Number 1956

REPRESENTATIVE STEVENS asked Mr. Taylor to describe what is involved in owning the copyright to a song such as this. For example, is it being held for the people of Alaska, does the University of Alaska receive any payments for this, and what is the intention of the University [of Alaska] Foundation in terms of ownership of the copyright of this song?

Number 1976

MR. TAYLOR replied as follows:

In answer to your question, we have ... three ... missions, or obligations, as a result of holding both copyrights. The first obligation we have is to the donor who donated the asset to us, to ensure that it's used in the way that they envisioned when they gave it to us. Our second obligation is to the people of the state of Alaska, specifically for the first verse, since it is part of the state's patrimony and

represents the state's song. And our last obligation is to our own corporation, to make sure that we manage the asset and not let it become wasted. And that would mean in terms of a copyright - if there's any copyright infringement.

More directly answering your question: We would continue to do what we currently do with the first verse, which is provide ... nonexclusive licenses to ... just about anybody who asks, to use the song for commercial or nonprofit uses. We have a policy which recognizes the three missions I gave you and sets out a fee schedule for nonexclusive licenses. We use the proceeds from those for scholarships for students.

Number 2060

REPRESENTATIVE FATE asked Mr. Taylor when each copyright would expire.

MR. TAYLOR answered the first copyright would expire in 2015 and is nonrenewable, having already been renewed once. He added that there had been a recent change in the copyright law, which may affect that decision. The copyright to the second verse, he noted, expires 70 years from the date of the death of the author. Although Mr. Taylor said he did not know that date, he added that the original copyright date was 1987 and therefore the copyright would be good until at least 2057. He concluded that there was still sufficient time remaining on both copyrights.

Number 2130

PETE JOHNSON, member of the Christian Labor Party of Alaska, testified via teleconference in opposition to HB 285. He told the committee he thought the "Alaska's Flag" song was fine the way it was. He mentioned people with too much time on their hands and said there are many "real" issues to address. He pointed out that the state song may not say much about Native [Alaskans], but neither does it say much about Vitus Bering, missionaries, "pipeliners," or truck drivers, for instance. He said: "The culture ... we'd like to see is the culture based on ... what the Founding Fathers of the nation put together, and everything else is just kind of a sideshow."

MR. JOHNSON said he was born in the building in which he spoke and was raised [in Fairbanks]. He made the distinction that his

remarks were not intended to be racist. He said he works with and knows Alaskan Natives and doesn't "have anything over any one of them." Mr. Johnson told the committee he did not want to see cultures divided; conversely, "we should all work together." He mentioned real enemies to Alaska, who want to shut down industry in Alaska and "keep people broke." He said: "The federal government is against us, and we've got to work together to beat them."

Number 2243

CHAIR COGHILL commented that the building in which Mr. Johnson spoke was the Denali Bank building in Fairbanks, which used to be the Saint Joseph's Hospital, in which he himself was born. He concurred with Mr. Johnson, in that he would hate to see this issue used to divide Alaska, and he added that he would like to see it used to bring Alaskans together and honor one another. Chair Coghill told the committee that Mr. Johnson's concerns were "real concerns" and told him that he appreciated hearing them.

Number 2275

REPRESENTATIVE FATE commented that when he had first become aware of this issue, but didn't know about the copyright, he stated his opinion that the first two lines [of the second verse] express it all, in their simplicity and beauty. He added, for those who did not know him personally, that "if it weren't for the Native people, I wouldn't have a wife, nor would I have three children, ... nor would I have twelve grandchildren."

REPRESENTATIVE FATE warned that this issue could cause some friction and the committee should be on guard to see that that doesn't occur. He added that "to make this verse work, the way the first verse works, in its beauty and simplicity, for a great state, we're going to have to make it work; we're going to have to work at it ourselves."

Number 2369

INDIA SPARTZ, Guest Curator for the Alaska Flag Exhibit, Alaska State Museum, told the committee the name of the exhibit was "Eight Stars of Gold: The Story of Alaska's Flag," which is not really about the song. She explained that it was the seventy-fifth anniversary of the flag and she was thrilled to coordinate

the exhibit. In researching the project, Ms. Spartz said she came upon a letter written by William Paul [Alaskan Native lawyer and legislator] in 1927, shortly after Benny Benson won [the flag-designing] contest. She noted that the names of the contestants were hidden from the judges so they would not be swayed. Benny Benson was a boy from a mission and an Alaskan Native, and he wrote [the narrative explaining what his flag design meant]. Ms. Spartz read an excerpt [from the exhibit booklet, included in the committee packet] of William Paul's letter [to Benny Benson]:

You have shown that Alaskan Natives can do something. And if we work hard enough, we can win; we can do something to change things.

MS. SPARTZ said those words "really stuck out" in her mind. She added that this was something that had been profound for the Alaska Native community, at a time when, only several years before, Native Americans had just received the right to vote. Ms. Spartz noted that the song and the flag are unique to Alaska - to each individual and also to the Native community. She agreed with Representative James that "the stars have lined up," and she told the committee members that each of them would have to champion [the cause] and move it forward. Ms. Spartz expressed her belief that the second verse was needed, to honor [Alaska's] Native people, [Alaska's] heritage, and "this wonderful gift we have as a flag."

Number 2495

CHAIR COGHILL recognized that there will be various points of view on this, and said [Alaska] should move towards determining how to honor one another, rather than how to divide one another. He said, "This is not just about Natives, and it's not just about the non-Natives. It's about how we, as Natives and non-Natives, work together in this great land." Chair Coghill pointed out that Alaska has always been moving in the aforementioned direction, but outside forces have pushed to divide us. He informed everyone that one of the first acts of Alaska's Second Territorial Legislature was to petition Congress for citizenship for Alaskan Natives. That wasn't achieved until the 1920s, just before this song was written. He remarked:

I think Alaska has always looked to try to walk together as one people, equal people. We've just had that struggle; that's a societywide struggle. So, our song is meant to honor not only the great land, but

the great people. And I think this is a good addition, if we use it that way. If it's used to divide us, then shame on us.

REPRESENTATIVE JAMES related one of her favorite sayings: "There's nothing wrong with disagreeing, but there's no excuse for disrespect." She expressed the need for [Alaskans] to work together more carefully while being more supportive of one another.

CHAIR COGHILL read the words of the second verse of the state song, which reads as follows:

A Native lad chose the Dipper's stars
For Alaska's flag that there be no bars
Among our cultures. Be it known
Through years the Natives' past has grown
To share life's treasures, hand in hand,
To keep Alaska our Great Land;
We love the northern, midnight sky,
The mountains, lakes, and streams nearby.
The great North Star with its steady light
Will guide all cultures, clear and bright,
With nature's flag to Alaskans dear,
The simple flag of the last frontier.

REPRESENTATIVE MORGAN thanked the committee. He then shared the following Native prayer:

Oh, Great Spirit, please help me with my worst enemy,
which is myself.

REPRESENTATIVE MORGAN closed with some Yupik words, followed by an English translation:

Quyana Cakneq. Taugam, Assirtuq. i-ii.

Thank you very, very much. It's OK. It's good. Yes.

Number 2807

REPRESENTATIVE WILSON moved to report HB 285 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 285 was reported from the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:47 a.m.