

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

806 SCOMM27: INT. COMM. CONSTITUTIONAL CONVENTION 1979-80

MEETING IN
HOUSTON, TEXAS

with

MR. JAMES F. RAY
MRS. KATHERINE RAY
DR. JANICE MAY
MR. GUY A. VAN DOREN

November 17, 1980

The following is a summary of a meeting held in Houston, Texas on November 17, 1981 between Dr. Janice May, Mrs. Katherine Ray, Mr. James Ray, and Mr. Guy A. Van Doren, Administrative Assistant to the Joint Committee on the Constitutional Convention.

Dr. May is a Professor of Political Science, University of Texas at Austin. She was a member of the Constitutional Revision Committee and is the author of The Texas Constitutional Revision Experience in the '70's, and will be responsible for the segment on the state constitutions in the next Book of the States.

Mr. James F. Ray was Executive Director of the Constitutional Revision Commission and the Texas Constitutional Convention.

Mrs. Katherine Ray was assistant to the Executive Director for both the Constitutional Revision Committee and the Texas Constitutional Convention.

THE CONSTITUTION

You have a good constitution. If a convention is called now, in this period of public unrest and distrust of government, you may get irrational proposals that will only be temporary solutions or solutions for special interests. You do not want this type of material in your constitution. Place the burden of proof of holding a convention on those who want a convention. Your constitution is one of the best there is.

PRE-CONVENTION

1. Stress the importance of preparatory studies and to get them started before the vote is taken.

- (a) Useful even if there isn't a convention.
- (b) Citizen's Guide to the Constitution.
- (c) Annotated version of constitution.
- (d) Simplified explanation of constitution.

It is good to have different levels of information, beginning with a generalization, citizen-type thing and progressing to the more professional in-depth studies.

2. It is important to have quality research done on constitutional issues.

- (a) Work accomplished in the above two sections is very useful for civic education. It is good to make the public aware of constitutional contents.

3. The committee should prepare something that shows the Alaska Constitution as compared to other states. In all textbooks on constitutions, the Alaska constitution is held as a model constitution in terms of length and fundamental principals.
4. Prior to the vote the committee should utilize all forms of media to inform the public. You should certainly use T.V.
5. Important to stress to anyone working on the constitutional convention or related activities (public hearings, media, brochures, etc.) that everything be done with integrity and statesmanship.
6. Hold public meetings to inform the public and to find out what issues the public is concerned with.
In Texas, when there was a loss of integrity in the public's mind, the revision of the constitution didn't stand a chance.
7. Begin planning for ratification of the revised document even before the vote on whether or not to have a convention. That way, you are ahead of the game.
8. Non-partisan election of delegates.
 - (a) People may not run if they have to run on a partisan basis or must adhere to partisan policies.
 - (b) Conventions should be above politics.
9. Regarding putting constitutional amendments on the same ballot as the question of whether or not to have a constitutional convention, the following comments were made:

- (a) If you are giving the people the choice between voting for the amendments so you don't need a convention, it might be a good idea.
- (b) People might feel that if there is an affirmative vote for holding a convention, the issues will pass also just because they are on the same ballot.
- (c) If the people voted for the issues and a convention, you would know what changes the public would like made.
- (d) People may be happier because they have had a chance to vote on the issues.
- (e) Do not contrive the issues just to get a "no" vote on the holding of a convention.
- (f) If something needs immediate attention, O.K., you shouldn't put on anything that would affect or impact the vote on calling the convention.
- (g) Keep in mind the "integrity factor".

CONVENTION SITE

The most important decision about choosing a site is the neutrality of the site.

- (a) Some people feel it should be away from the seat of government (capitol) in order to be free from politics, political influence, special interest groups, etc.
- (b) Some people believe that if a convention is held at a University, the public may regard the convention as

an "ivory tower" type of convention and thus that type of document.

- (c) Some people feel it should be where the population center is located.
- (d) The consensus of the three people at this meeting was that since the original convention was held at the University and the people accepted that, the University could be used again.

PRE-CONVENTION PLANNING

1. Enabling legislation:

- (a) Spell out the preparatory commission and its powers.
- (b) Prepare mechanics for the convention and that is all!

2. Orientation session recommended.

Texas held one for preparatory commission and prior to the convention, itself.

- (a) Brought in people from both inside and outside the state. Consultants and experts on conventions and revision: Mr. George Braden, John Bebout, Harold Blodget and Frank Elliott.
- (b) Texas received tremendous help from the National Municipal League .

Texas also held an orientation session for the press and a press forum.

It is good to provide a committee by committee expert during the early part of the convention.

3. It is very important to develop temporary rules prior to convening the convention. That way the delegates have something to work with at the beginning of the convention. It is also important to have someone who is familiar with constitutional convention rules, either a consultant or a former presiding officer of a convention, to assist at the beginning.
 - (a) Alaska could probably use most of the rules which were used at the first convention.
 - (b) Do not use legislative rules.
4. Have a list of staff and consultants prepared in advance for use of convention officers and committee chairmen. This list can be prepared after the vote on whether or not there will be a convention.
 - (a) In selecting staff, try to select people who are familiar with the type of job they will be doing. Try to avoid patronage positions.
5. Immediately following election of delegates, start educating them on the process of style and drafting and the functions of a style and drafting committee. This is very important.
 - (a) During the convention give the style and drafting committee time to complete their work during reasonable working hours and not during the night after working all day.

CONVENTION

1. Get organized groups to express their opinions early.

(a) During pre-convention period public hearings.

(b) In solicited issue papers.

(c) Early convention work.

If this is adhered to, there will not be surprises when the document is up for ratification. You can be prepared for all eventualities. Again, the key is public awareness and public participation. Do not do things in the dark.

2. Physical setting.

(a) Seat delegates alphabetically or have them draw lots to prevent cliques from forming.

(b) Adequate room for committees, press rooms, lounging areas and staff space.

3. Submit all work to style and drafting committee and give that committee adequate time and expertise to do their job.

4. Make sure there is an adequate budget for the convention.

5. Make sure floor debate is handled firmly, that no final drafting is done on the floor and that there is hard copy wording of proposed amendments and language available for all delegates, staff and press. Require written amendments.

6. It is a good idea to have experts and consultants right on the floor to answer questions and to advise the delegates, although they should not enter debate, only advise. If there are any questions or problems, hold over the matter. This is unusual with most parliamentary bodies, but it

can assist either the presentor or committee chairman.

7. Texas did not hold public hearings during the convention, only before and afterwards. The people at this meeting do not feel having a recess is a good idea. They felt in their case, holding a recess was a disaster.

ISSUES

Extend period for voting on whether or not to have a convention from 10 to 20 years.

POST CONVENTION

1. Texas mailed a copy of the revised constitution to every household. They feel many of those ended up in the waste-basket.
 - (a) They had the revision translated into Spanish.
 - (b) Some people were against it because it was too easy to understand.
 - (c) They feel just summaries should be mailed out and if people want the whole document, it would be available at schools, libraries and so forth.
(In Alaska, at information offices).
 - (d) Another suggestion is that the state could mail out request forms. If the people ordered the full document, it would be sent.
2. Send out a pamphlet with a summary and explanation of the changes.
3. It's a good idea to have a small public relations staff.

4. Anything you can do to get the revision document out to the public; media releases, T.V. spots, pamphlets, speaker forums, meeting with service clubs, participation by groups (League of Women Voters, and other organizations). The most important thing is to get the word out to the people.
5. Enlist the help of delegates for public relations work.
6. Speaker tapes are a good tool, they can be sent anywhere.
7. Hold the special election for ratification no sooner than forty-five days following the end of the convention and no longer than 100 days.
 - (a) People cannot say you are ramming it down their throats.
 - (b) It won't be so long before the vote that people will lose interest.

MISCELLANEOUS

1. A very important thing which Texas did and you may want to use is a WATTS line.
 - (a) Used all during the convention to answer questions (A hotline).
 - (b) Used between end of convention and ratification for informational purposes.
 - (c) They also taped news releases for radio and T.V. use. The stations could call and get a taped summary of each days activities.

- (d) It was used effectively to squelch rumors of what they were doing.
 - (e) They used the Texas News Network, we could use the Alaska Radio Network.
 - (f) Cut tapes of debates or summarization of the days activities.
 - (g) There was some live coverage similiar to our Capitol '81 program. This also created information.
 - (h) Hotline was kept in use all the way until closing of the polls on ratification day.
2. Overall you must pay attention to even simple detail that may not seem like much at the time but is very important and remember the statesmanship and integrity.

November 17, 1980 (Afternoon)
Janice May, Kathy Ray and Jim Ray
Texas Constitutional Convention

613 Van Doren: I have given you all a brief background of what we have done so far, what the purpose of this meeting is and what this trip has been for. I am open to suggestions and it can be totally informal. I would like for this to be informal and just a little bit of discussion of what we have talked about.

621 J. May: I was a member of the commission, and I would like to stress the importance of preparatory studies and to get them started even before the vote is taken. Now you are familiar with George Braden's work and other works like the citizen's study of the constitution, what did he call it? Citizen's Guide. But more useful are the annotated versions. We have a very convoluted constitution. We had it simplified and pluralized, plus the annotation and comparative analysis. That was very useful, but of course I don't know how experienced your people will be. Either the commission or the delegates. It is good to have different levels of information, beginning with a generalization, citizen type thing, and then progressing to the more professional and in-depth studies. Of course we deal from the Texas experience. We just needed lots of information and that was

one of our problems. We had to absorb so much on the commission. There was a lot. I don't know how many people understand the Texas constitution even today, more do now than they did. It is so involved and yours is not, but even so, I am sure there are some technical and intellectual brain twisters, so you need to have lots of information.

659 Van Doren: Janice, let me ask you one thing: Do you think this type of information would be helpful even if they don't decide to have a constitutional convention?

663 J. May: Well, it certainly would be, I do some lobbying and of course I teach, and I use the materials all the time. Of course we did go through the experience of a convention, but then we failed. I teach the simplified constitution, I bring it down and look at it, and I use it all the time in my teaching, and I have talked to others who are in the legislative process, and I am sure they use it.

674 J. Ray: I would respond to that by saying that I second that, what Janice said on the importance of getting started early. Quality research on the constitutional issues, which in your case particularly, it seems to me that you have a wonderful opportunity for a civic education kind activity

where you, whether the proposition passes for a convention or fails, and you don't have a convention, would serve to enhance and lay out the level of citizen awareness throughout the state of what is and what isn't in a constitution. I realize you have a newer constitution and a shorter one, and probably there is a much greater number of people who understand it. But I suspect that the great masses of the citizenship does not fully appreciate the provisions in your constitution. If they do, it would be very different from any other state that I know of.

704 Van Doren: I am glad you describe our population as great masses.

707 K. Ray: I think one of the most valuable tools, resource tools, that we have is the annotation, which didn't come out really in final form until after the vote had failed and everything else. That is what I refer to most and what I think a lot of other people, lay people, refer to most in trying to understand it. I would think it would result in a new constitution being newer and shorter, you could do an annotation easily because your constitution has been adopted more recently. You have the records of your first convention and everything like that, which we didn't have. I think that would be the

primary resource document that I would recommend in terms of the one of the things which should be done. Janice, you may disagree with that.

731 J. May: No, I would agree with that. As I understand it, it is kind of unique. Now, you did have one in Illinois, the new Illinois constitution was passed so that the old annotated one probably doesn't serve as much of the purposes we're discussing.

END OF SIDE ONE

Side Two: 001 J. May: Of course, since we didn't get a new constitution, ours has proved invaluable. But I would think in connection with what we are doing here at the conference, there is a concern about citizen's attitudes toward government and the need to get citizens involved again, at least for a community spirit or in a civic sense. This is ideal, this just puts some meaning into a civic education conference. So even if it fails, it might prove its worth in getting citizens involved. I think a lot of us who participated here in Texas were the better off for it, the citizen's advisory groups and so forth, even if the whole thing failed, I think, I saw a definite change in the legislature. They were referring, I would go to committee hearings, they referred to those propositions that failed, they wanted to at least have some of them altered, and they were definitely influenced by their experience, there is no question about that. So even if it fails, I think in terms of civic education, it would be helpful.

013 K. Ray: Of course the annotation would be even more valuable if the proposition failed. It is something that you could have for all times.

015 Van Doren: Certainly, because we will be able to keep those on file, and we know that we are going to have a vote again in another ten years. The time may be extended.

018 J. May: You probably need an amendment to extend it to 20 years.

018 J. Ray: Careful research will pay off, I think, regardless of the vote, and will be well worth every penny that you put into it. I heartily believe that from our experience. There is very little out of the short body of materials that are not being picked up and used, in some form or fashion.

023 Van Doren: I think Janice had a good point too, which was the feeling that has been brought out at this conference on how important it is for the public to know what is going on and the citizen awareness. I think that if nothing else, it has driven home to me the need for a good citizen awareness of even a question of a constitution. What the convention would do, could do, can't do and shouldn't do. But I sure have heard it echoed these last couple of days here in this meeting.

030 K. May: What is your committee going to do as far as education about the referendum?

032 Van Doren: That is of course, up to the committee. One of the things that I have proposed to them and that I have been working on prior to taking this trip, is an informational brochure. This brochure is in draft form now, and what we are working on is trying to have a fairly simplistic brochure that explains about what a constitution is, what a constitutional convention is, what a constitutional convention isn't, how important citizen participation is, and we have been thinking very seriously of basing it on the type of format that Hawaii used, the League of Women Voters in Hawaii, with their semi-cartoon type brochure, where it is good enough and general enough so that we are not insulting any adult by giving it to them to read, but it is also simple enough so that it can be distributed to school children.

043 J. May: The adults are going to be more apt to read it if you have something more like a cartoon.

044 K. Ray: Some kind of pictures and sketches somewhere.

045 Van Doren: One of my sneaky propositions is that we would be handing them out to the school children throughout the whole state, and as soon as it appears at home, sitting

on the table, someone is going to pick it up and look at it. It will be distributed other ways too, but that is one way of getting it both to the schools and then into the home, so that when it is sitting there, an adult is going to pick it up and read it, and I am trying to make it very readable and enjoyable to read too.

051 K. Ray: Are you going to include in there information about what is in your present constitution and how relatively new it is? As compared to other constitutions and things like that, I think that would be valuable to the people in trying to decide whether they need to really take a major look at it again.

055 J. Ray: It should be a simple comparison of the Alaska constitution as compared to those of other states. Most states, Texas being a bad example to compare with, in terms of length, in terms of fundamental principals.

058 Van Doren: Right. The one thing that we cannot do, and I have been instructed very strictly on this, is we cannot, due to the fact of the state supreme court decision regarding the language on the ballot relating to the question of calling a constitutional convention. They have asked that there not be any real opinions expressed in the brochure as such, possibly a comparison, which is a good idea Kathy, in some general form, but we don't want the brochure slanted toward the fact that we are

saying you really shouldn't have a constitutional convention, we don't need it. We have got to be very careful with that.

J. May: Of course, all of the text books compare the Alaska constitution and how good it is with other states and how their constitution should be more like the Alaska one. I wanted to stress one thing, I have been involved in some other citizen activity, and we have to keep in mind the fact that most people watch television, that is where they get their news, and so you need to use the broadcast media or you probably aren't going to have much of an impact as far as the mass citizen. So maybe little spots or kind of shows, I don't know how you would work that situation, the radio is helpful also, I suppose.

076 J. Ray: I was going to ask about the great distances and isolations, I don't know enough about the complexity of that, but I am sure you have a whole set up of communications considerations that you have to bring to bear that are particular and unique to Alaska.

080 Van Doren: Actually, we have a fairly good system, we have our satellite system, which reaches all the bush communities. They all have television now, it's not 100 percent but it certainly covers quite a few of them. And of course there is educational TV out there, and that type of thing.

It is ideal for that type of work, plus even our teleconferencing network from the legislative halla, which we can get out to 16 or 18 different places, and we can actually call a meeting in Juneau, have people in one of the locations, and they see us on television and we see them on television when they are talking back and forth, so we can have committee meetings in two different places in the state. But that is good, I think you are correct. I think the TV spots would also be a good way to do it, depending on how much time and money can be spent. But I am certain that different groups are going to be involved in this, too. The League of Women Voters, and special interest groups that are going to have their say-so too, about whether or not we should call a convention.

097 J. May: It will be tough to be the person to make up these spots. You know, to have that short period of time and try to get enough information involved to make it interesting at this point. This kind of material is kind of difficult to get to the mass public, but of course, maybe you don't have to, maybe it's just the elite public.

102 Van Doren: No, I don't think so, I think we would have to get to the mass public. It's kind of a challenge to me, possibly to design some of these, too.

104 J. May: I know, our people worked hard on it.

105 J. Ray: Related to what we have discussed thus far, if I could single out one thing, that I would put more emphasis on than anything else, where you are now, where will you go, depending on the chain of events, it's not only the complete appearance but also the complete fact of the integrity of the substance or the depth in your work of statesmanship, all the way through. You know your political situation, but whatever you have to do to begin now, to line up that kind of series of contributions by the various group leaders in a statesmanlike atmosphere. That, more than anything else, I think to me, would bear directly on the outcome of your referendum and on the question, if there really is work beyond that, a preparatory commission of the convention and ultimate quality of your work. That similarity is the one that, had I the opportunity to go back and do ours over, I would want to spend much, much more time on developing that sense in the public's conception and eyes, complete and total statesmanship and the integrity just as we used to revere the judiciary. I think we have come a ways on that, and it's seen in a little more humanlike way, but we used to think of the judiciary as the high bench and the robes and the complete integrity, and I wished we had the chance again to work at that in our preparatory work. Spend as much time counseling the people as you can.

135 J. May: It is a tough row to hoe.

140 J. Ray: In my sense of where our whole process began to go downhill was when we lost the appearance of integrity. I am not entirely sure that there still weren't great statesmanship in those members of the legislature. There really was, but political careers went down the drain over votes. Almost no one in the legislature that I know of really gained from that process politically, economically, or any other way. But we lost the appearance of integrity, and it went downhill all the way to the vote, downhill to the end of the convention and then there was the attempt through the legislature to bring the proposition back on the ballot and it still carried that taint in the point of view of the voters.

154 J. May: As I say, though, keep in mind that we had a tough row to hoe. We were going against some ingrained prejudices of many years standing against the legislature.

156 K. Ray: And the governor, who didn't support it. That was the difference, also.

157 J. May: Well, you don't have that problem. You will probably have the problem that so many states have, and that is to continue the momentum after the convention is over, and to go right into ratification campaign. Think of that right

now. The ratification right now, in order to get it adopted.

163 Van Doren: OK, the preparation that we have talked about, we have talked about the citizen's guide, the annotation, the need for integrity, the commission, itself. Let's see, I am just trying to review Texas, and I realize that you, since it was the legislature, you basically would say that it was partisan delegates, because t' y . . .

170 J. May: Well, they were mostly Democrats. I don't know whether in fact there was a two party contrast, although the Republicans didn't vote as a block, but there were a number of them that stuck together, and I think they were playing a game.

173 Van Doren: Do you have any feelings, any of you, over the partisan vs. nonpartisan election of delegates?

175 J. Ray: I would be very prejudiced myself, in going for a nonpartisan election of delegates.

177 J. May: I think that proved to be better.

178 Van Doren: That's fine, this is your idea, so . . .

178 J. May: It's not our experience.

179 J. Ray: It's not our experience, I was just trying to think through this, your situation on this. I still feel it should be nonpartisan.

181 K. Ray: You might leave out some of your most qualified people to serve on this if you had to have so many Republicans or so many Democrats, or people had to run on a party basis or something.

184 J. Ray: I really think that starts to lay out provisions early on. It draws the line, and creates a majority going in, a more rigid philosophy.

188 J. May: You are trying to get above politics, I think. You need to make it a cohesive unit a sort of community policy.

190 Van Doren: What, and this is one of the things which has been discussed with the various people with whom I have been meeting, is what are your feelings toward the, say first of all, the site? I realize you are not that familiar with Alaska, where we basically have our choice between the University of Alaska, where the previous convention was held in Fairbanks, and I imagine the larger community of Anchorage might possibly be looking for hosting it since they would probably like it to be near the majority of the people. Also, we have the facilities and rooms in Juneau, which is the state capitol, or

some other site. Do you have any feelings about whether it is good or bad to have it in the state capitol because of the feelings, possibly, of the public towards a state capitol atmosphere, or a university atmosphere, or anything of that type?

207 J. May: Mostly, the university or possibly Anchorage. The university is a little isolated, isn't it?

209 Van Doren: Not as much as it was in 1955. It would have the facilities, because they are thinking of renovating Constitution Hall and using it for that particular purpose, we don't have to compete with the students because the people would be housed probably in Fairbanks, as they were before, and you also don't necessarily need the amount of facilities that we have in Juneau, although that is very nice, with the teleconferencing system, it makes it very convenient, but . . .

216 J. May: I would say as to the seat of government, if we are going to carry it to the extreme, with the civic community and spirit of nonpartisanship, you might keep in mind those who are distrustful of governments. I think it is best to put it in the university. Don't make trouble, in other words, if there is, if you have in Alaska a bad feeling, like other places, get away from there.

222 K. Ray: But then when you give people the impression of having it in the university, you succeeded before doing it in the university setting, but I think sometimes the rank and file citizens get the feeling when things are done in a university setting, as if it was some ivory tower kind of lofty concept that is somehow placing itself above the rest of the population or something like that. You may have to balance that concept vs. the distrust of government concept. I would say Anchorage.

231 J. Ray: I would think, I don't mean to dodge your question but to throw it back at you in a way, the fact in my mind would be the public sense of neutrality. I don't know enough about Alaska to know which of these sites or others might meet that requirement best. I know that it would have been very difficult for us to hold a constitutional convention in Texas in Houston or in Dallas, because it would not have been perceived as neutral in terms of economic interests. I think it would have been very, very difficult to hold it on the University of Texas campus.

241 K. Ray: I think so too, with all the university articles.

241 J. Ray: The university ties into the constitutional articles, in fact we had problems, I do recall, with our one

public hearing on the University of Texas campus, and remember how the regents came down and blocked off all the seats in the front part of the hearings for themselves? There were people who were quite offended by that, and there certainly was not a neutral feeling about our hearings on the university campus.

248 J. May: You do in your state have the history that it was done sucessfully on a university campus.

249 J. Ray: I am not arguing against it.

249 K. Ray: In Alaska, that might be the best place.

250 J. Ray: That might well be the best place because the neutrality criteria is the one that I would look for the most. You got your locations, any of those would be or have certain transportation advantages.

354 J. May: Of course the capitol has the advantage of the facilities.

259 J. Ray: The biggest advantage, and this is probably showing some personal bias, but the biggest advantage to me of staying away from the capitol, would be to simply change the usual order of business of doing things. Make everybody

involved move. Make the lobbyists move. The lobbyists would want to influence the process and they would have to do it in a different environment. Change the order of business and not play to the advantage that they have of, they meaning anybody that is well entrenched in the political environment of the capitol city, the on-home turf advantages that they have, established institutions. Basically the lobbyists, in my opinion, would, from whatever side of the political spectrum, they are set up with private clubs and booze and newsletters and things where they can crank out and alert their members and all that and it is a lot easier for them to do it from the capitol base if you are in their home turf.

280 J. Ray: A new order of business and not your old regular way of doing it.

281 J. May: You probably heard from Sam Gove. They had their convention in Springfield. A lot of the lobbyists wouldn't show up, in fact they got kind of concerned on paying attention to them. There was the legislative session going on also, and that is where the lobbyists were.

287 J. Ray: I agree lightly, but more seriously, I think that is the danger that you need to watch out for, the organized groups getting involved and really showing, however you can to get them to show, their cards, what their real interests are, somehow.

The discipline of the process of forcing them to make some early choices about what their real feelings are. We had a number of groups that laid back on us during our preparation commission work, and didn't surface their real concerns during that process. They waited to surface many of the issues later and that really tore our convention apart. The right to work issue was compromised and kept silent, not silent, but it was not publicly debated in any serious sort of way. A number of other issues and specific groups that said very little about our changes and things that affected their interests, retired teachers and what not, until it hit the convention, so part, if I have to quantify it, would be one quarter or less than that of the work, in my opinion, was not real in terms of the real public debate that was going to go on in the convention, we had somehow sidestepped or ignored or compromised quietly something that should have been more thoroughly debated and these interest groups should have been drawn out so that we could really find out what their position was.

321 J. May: Now I remember all . . .

322 J. Ray: Some strong anti-legislature and anti annual session kinds of concerns that were out there, were never really fully brought before the commission.

325 J. May: Well, we did have trouble with annual sessions,

There was a long minority report, but Alaska probably won't do what we did, which is really to have a little miniconvention before we get to the main convention, because we had to do something about that constitution to make it manageable and you don't have to do that, so you may even deny to your commission the power to make any recommendations. I don't know, some of the commissions don't have the power that ours did. They just write a few pamphlets and do the mechanics and arrange the facilities. But I do remember that when I was on the panel before or after the commission had completed its labors and before the convention met. One of the panelists was a beer lobbyist, and he looked and smirked at me and said "Now we will get it", meaning yours is just the preliminary work and we know what to do now and we're convinced and we will take care of it.

343 Van Doren: One of the things the committee was considering doing, and I don't know how it is going to work in with our time frame this year, but prior to the vote, it had been planned for this year, but the committee was three months late in starting for various reasons, but one of the things that we had discussed doing was to hold public hearings throughout the state to number 1, acquaint people with, again the public relation and education that we were talking about, acquaint the people with some of the information that I would find on this trip, information about the constitution, about the

convention, that type of thing, and in turn, have them give us a feed back, and what they feel their conception is of the constitution, and what issues they feel should be looked at and just a general feeling of what they have about the constitution, and a constitutional convention. Do you think this is a good idea or not?

360 J. Ray: I would be positive about that sort of activity and again, I harken back to my earlier comment about the decorum and the statesmanlike way which that sort of thing ought to be handled. Is it going to be on the topic of the constitution? I think it may help.

365 J. May: You might uncover some things that way which you wouldn't know about otherwise. It might be that you don't want a convention because you see some problems emerging and or you might decide you should have a convention, if you follow me, there might be some say, ultra-right or ultra-left types of proposals that you, yourself, or whoever is the one to interpret these hearings from the political standpoint, wouldn't like to see get out of hand, and this might be better than a public opinion poll. Just find out what the lay of the land is from a political standpoint.

378 Van Doren: Right. Of course, we have no choice. The vote has to come before the people.

380 J. May: I know, but it might be that you will be forewarned or it might be used for people to have a no vote. In other words, there might be side results, too. Some things you don't expect might come up, but in the civic sense, it is always good to let people know what is going on.

387 J. Ray: In a neutral sense, where I think there is some kind of way that there is a possibility that the leadership of the state might learn out of a hearing process of things that might help jell their, the electorate's, opinion or the leadership's opinion of what kind of a position they want to take, yes or no, on the vote. I guess I don't expect that with the newness of your constitution and the shortness of it, the chances are that that process would alert some people that maybe didn't want to have a convention which meets to revise it. They like it the way it is.

400 J. May: You are likely to get some things tacked on that you don't have now, is what I am thinking, especially if you have this unease. You start in a time of trouble in economics, you may start getting things from under the rocks. You are starting to get irrational proposals. I don't know whether this will happen or not, but I can foresee it.

406 J. Ray: It helps people in groups indentify other, and

sometimes more appropriate avenues for expressing their concerns.

410 J. May: How is the tax situation? You have a bonanza don't you, in terms that you're giving the money back? You probably don't have that problem.

413 Van Doren: Following along with that a little bit, another thought had occurred was the possibility of a followup to these hearings, suppose that there were say a set, and I am going to pick a number out of the air, of four major things that turn up at this public hearing that the people seem to be very concerned with that the legislature hasn't addressed. Some of the work that I did last year identified every constitutional amendment that has ever been proposed by the legislature since statehood, which was interesting, what happened to it, where it went, how many committees it passed, or whether it died or whatever. One of the suggestions was that, suppose we had turned up four or five things that seemed to be in most of the hearings we held and there was a consensus that maybe those should be changed and the legislature hasn't addressed them. The other possibility was that at the same time the vote for whether or not to have a constitutional convention was up, would be that these amendments would appear on the ballot also, passed by two thirds of the legislature and place it before the voters at the same time. What are your

feelings about that?

437 J. Ray: I'll refer to Janice a minute on that, that is her field really, she has studied our amendment process and seems to have a good grasp of it.

439 J. May: Let me get this straight, you have in mind putting on some amendments at the same time as the yes or no vote? Well, in our experience I do find that the voters do discriminate in terms of, if you are thinking in terms of passage or defeat of these amendments or if you are thinking of the lightning-rod type of thing. In other words, are you saying to the voters, here are some controversial issues, you can decide them now, and you don't have to have a convention to do it. If you are thinking along those lines, it would probably be good strategy to do that. If you are thinking along the lines of just approval or disapproval of those amendments, sometimes there is a feeling that if the vote is affirmative for the convention, all these issues will pass just because it is on the same ballot, in other words, the people will vote for all of them, or the reverse might hold. I guess that is what Jim had in mind. Our research has been in connection with the convention, primarily whether to tack on amendments when you are voting up or down the constitution and I have some other situations in mind. I think, generally speaking, it has been discovered that

it is wise to separate out some of the proposed constitutional changes, some of your most controversial issues, so that they can be decided on their own merits without the whole thing being pulled down. So I think it is a different situation here, when you put them on the same ballot as a yes or no vote, from a civic standpoint, I think that it should be by itself. I don't think it should be associated with anything.

470 Van Doren: Well, basically, we are talking about just the same ballot. In other words, we only have one more chance to place amendments before the people before the question on whether to hold a convention is voted on. I mean it has to be the same time. Normally, we only put amendments on the ballot in the general election years.

476 J. May: Well, it's going to be on the ballot, the call for a convention. Well, there are just two ways of looking at it. One is, if your strategy is to kind of discourage the vote, you might say to the voters as I suggested here, some of the things that come out of the hearings, and here is your chance to vote them up or down now, you don't have to have a convention for it. Or you can leave them off on the assumption that this is premature. If you are going to have a convention, then that is the sort of thing you have to discuss when you get to the convention. So, I guess it is up

to your strategy, there is no yes or no here, it is just what you are trying to do.

488 K. Ray: I think it might help you to have those three or four issues on the ballot with the yes or no vote, because then if you end up with another convention, you would at least know what the most current reading of the people was on those issues, if you didn't have a convention. You might please the people with the opportunity to vote on these issues, and whether they passed and were added to the constitution or didn't pass, and weren't added to it, you might have achieved a little bit more satisfaction from the electorate by having them on there.

505 J. Ray: Comment about Janice's comment about public concern over their ability to trust the government, and my answer to you on that would be that there very well may be some item or items that on their own merit are in the best interest of Alaska needs to be on that ballot at that time as an amendment, but I would not contrive to put issues on there, because I think that the public's distrust is such that it would be seen as a strategy, if you will to, in some way, one way or another, influence that vote on the convention, and so as a strategy in the sense we were talking about a minute ago, I would not do that. If there is a sound independent, fundamental reason to have something up there, debt

ceiling or some particular issues that really must, convention or no convention vote, be on the ballot at that time, well fine, but I think I would argue against a strategy of putting things on there in some way to affect or impact on the convention vote. It ought to be a very clean vote, up or down.

537 Van Doren: OK, let's go ahead now that we have had the vote, and we are going to have the convention. We talked about the preparatory commission, I suppose really, Jim, with your background, things that you were involved with in this type of thing, that I might ask you where do we go from here?

546 J. Ray: You are back in the legislative arena, right, in terms of enabling statutes?

548 Van Doren: I am going to assume that our enabling legislation is going to pass this coming legislation session, at least if not this coming session, maybe in 1982, which will be prior to the election. I think we will get enabling legislation. We have two legislative sessions to get it done before there is an actual vote on a constitutional convention. I think the feeling of the legislators on this committee is to at least get that done and get it over with. The people will know how their delegates are going to be chosen, and they'll know exactly

what to expect if they do vote for having a constitutional convention. That is one of the reasons I am in favor of getting it out in front of the public.

564 J. Ray: The enabling legislation, would that spell out whether there was a preparatory commission, what powers it had, what size it would be, how it was appointed and so on? That's all, once the election takes place, you are saying that is all behind us. We are of course looking at preparing for the convention itself. The polishing, finishing and the further development of information and research in the area from the beginning of the budgetary and physical preparation of the planning for the briefing and orientation and the care and feeding of all the delegates is where you are at that point.

We found the orientation kinds of sessions we had, where we brought in not only our best minds from our state, but also enriched it greatly, from people from all over the country, prior, in our case, prior to the convention and even the preparatory commission.

602 Van Doren: So you brought in people from outside, both during orientation for the preparation commission and also for orientation of the delegates after the election?

605 J. May: I was in charge of what we called the seminar. The vice-chair was one of the main persons of the seminar. It involved everybody; John Bebout, George Braden, Harold Blodget, and Frank Elliott. We had a committee to try to pull everything together and I think we had a day and an evening.

615 Van Doren: This was for the commission? (Yes!)

616 J. May: We also had a kind of thing for the delegates, and we brought in the press. That was the second one, or was that the main one, with the press? We had a press forum, and then we had one for the delegates too, so we had several preparatory sessions.

622 J. Ray: We set an early part of the convention aside for committee by committee expert testimony and briefing from our preparatory commission to the delegates, and that I thought that was really useful.

629 J. May: You remember, we had the one for the press. We had other state's conventions represented and they dealt with how they got the message out to the people. But it was the day after we had the delegates there, that is the representatives and senators, and we spoke to a number of delegates.

640 J. Ray: It was a day long session.

644 J. May: I know we had one just for media. Then I remember, very clearly, we had all the representatives and senators at the Joe C. Thompson Center. So that must have been the next day or something. Then we also had the National Municipal League Convention in Dallas, and we had some things there for our representatives and senators, and then the members of the CRC went around to the different communities and one of the functions was to meet with the incoming representatives and senators and we had small meetings with them and exchanged ideas. So there was a definite effort to get these people ready for the convention. I don't know if your commission would do that kind of thing.

664 J. Ray: I can't over-emphasize the value of the National Municipal League in that part of the process. The orientation kind of things. We knew pretty well who our presiding, who our president of the convention was going to be in advance, as I suspect you, particularly if you have a large vote, you may know. We set up with the National Municipal League, meetings in Dallas. We set up our president to be at the convention and our Lt. Governor, in a room in a hotel and we had them meet with officers of the League and individual people like John Bebout, Sam Gove, we walked as many former

convention presidents as we could through that room to talk with and prepare them. We ran former staff directors, university people like Sam Gove through and gave our core leadership there some exposure. Those who had trod the path before them. It was very helpful, I thought.

699 J. May: During the convention, you called in people like Sam Gove too. Expert witnesses, to decide when we should set the election, what the ballot should look like.

705 J. Ray: I know what my transition thought was, the point I was going to make. In this period of time, we are talking about now, after your vote and before you meet, the matter of beginning on the rules, and I am sure from the others that you have talked to, you have gotten a big dose of that. But this orientation process we are talking about was very helpful in that, our leadership to be, could ask the very specific kinds of questions, how can this work out and how can that work out? How should you handle voting in a peculiar problem that requires two-thirds vote? Would you take a two thirds vote all the time.

J. May: We never got two-thirds on anything, did we?

End of tape.

Van Doren: OK, as we finished the other side of the tape by talking about the rules, so go ahead on that.

004 Jim Ray: In this period of time that we are talking about, the development of rules is very important, and I guess, the question was raised, do you have temporary rules and then the convention debates and adopts permanent rules. I am not sure I know exactly how to answer that. I think from what I know of your situation, that would be the logical steps. You have to have some set of rules to even begin, so have something temporary, but to the extent you develop your research on the rules, those used in other conventions and how that fits into the more common parliamentary practices in Alaska that are well known to many people. To the extent that you can lay out some alternatives on certain parts of the rules prior to the time the delegates are elected and then as soon as those delegates are elected, involve them in the process of reviewing the rules, suggesting rules, having someone around who is an expert on the rules of the convention, or who has presided, or have several people talk to the delegates.

023 J. May: You already have the original set of rules, I

mean you could use those rules just to look at, to start from. We didn't have any. Because we didn't have a convention for 100 years, there was no real record of the convention. We had experts but you can't go to the old rules, you are going to have some committee or somebody is going to have to write some rules. You can't spin around, it loses valuable time, because that can get very tricky.

031 J. Ray: I think there is a lot to be said. Janice mentioned your previous rules and in our case we based ours essentially on the rules of the house of representatives, and some indigenous base to me is, at least in our case, had a lot of value. We adapted where we needed to adapt, and left things as they were where they worked and some things we left where they were just because they were comfortable, and everybody felt good about knowing they were there, even though they were not going to impact the process very much at all.

039 Van Doren: Of course you had a unique situation there of having your legislators as your delegates, and they were used to this set of rules. I wonder whether it is good to draw from legislative rules for convention rules.

041 J. May: You can't altogether, because prior convention rules would make more sense.

042 J. Ray: I would not recommend that you draw from your legislative rules.

043 J. May: The process is different. The purpose is different. You have to come out with one document. It is best not to have to go back and forth from committees, and also we limited the reports so that you had a committee report, you didn't have individual suggestions. You had to wait until you got to the floor, and then you could amend the committee report, but you have to sort of ride herd on this process or you can get bogged down. I felt our rules worked fairly well. Of course we did have Jake Wheeler prepare the rules, I think in the rule model for the convention, he did them kind of by the seat of his pants. There are models to follow, but you have to remember it is a different process, not a legislative process. Of course there will be parliamentary rules that will apply universally, but the whole process is set up not for refining endlessly and then having your next legislature amend. This is it. You are getting one document. You only have one house, too. How did you all handle it? Did you just get together into small groups on the rules with the leaders? Staff?

062 J. Ray: That is where we started, and we did have a committee to work on the rules.

063 J. May: Was this part of that joint committee? Nuts and bolts.

065 J. Ray: Yes. Probably where we had preparatory committee of the delegates, if you will, but preconvention planning committee is what we called it, and it dealt with rules, facilities, budget, research.

073 J. Ray: We were most deeply involved in that, but in terms of answering your question, we started with the House of Representatives rules on one hand, and several versions, including one that George Braden did, suggested rules based on experience in Illinois, and the model rules and so forth, and essentially the way it ended up politically working in our exercise, I don't think we spent much time over this, it is so different, was that we inserted into our house rules those things that we felt were critical to the different process for a different product, and as Janice was just talking about, we left in a lot of the things that were strings really, or of very minimum obscured use because our delegates were used to having them there, and felt comfortable about that. To me, in your situation and to make things sure, first of all you need a set of rules, that lead to, as Janice says, to a document, a final single coherent document that is perceived as having some

permanence and not something to be amended next session, and secondly to open up as much participation as you can get on an equal basis among the delegates. I would certainly argue to stay away from house rules or legislative rules because those members of the convention that happen to be legislators would find themselves in an advantageous position vis-a-vis, someone else coming in, you should start everybody reasonably equal. Not in their talent or ability, but their position in their treatment of the rules.

102 K. Ray: Familiarity with the rules, too.

103 Van Doren: How was, once the convention got underway, how did Texas have their seating arranged?

106 J. May: The physical seating? We had to take out the house seats, and they were put sort of in a semi-circle, and they drew by lot for seats, as I remember. It was to avoid having little cliques here and there.

110 J. Ray: Yes, that is correct, we did not have seating by geographic area, by delegations, by political parties or by other associations, of any type. As I remember, there was some politicking, and some swapping of seats that created a little bit of that anyway, the objective was to avoid all that, delegates were thoroughly mixed up on the floor

to avoid cliques and caucases, and let that take place at other times and places.

118 J. May: In Maryland, they go by alphabet, they wanted to make it as nonpartisan as possible, and now, as I recall, it was by alphabet. We didn't do that.

125 Van Doren: What about staffing now? What type of staffing did you have, for permanent staff more than outside staff?

128 J. Ray: I am trying to place this in the time frame we were talking about, in terms of preparation. I am trying to think about ours in relation of where you would be in your process, for preparing for a convention after the vote, both before and after the delegates are elected, right? What we worked at very hard, and you of course may want to go at it a different way, was to develop during the equivalent period of time, a compliment of good staff people. I don't know how to characterize it, Janice? I think it is not senior people, but not just bring in committee clerks either, by any stretch of the imagination. People in both the administration function, research, and legal functions. The thought was, we tried to develop a cadre of people that participated, and could move right on into the convention. During the same time period in your situation, I would think you would want to develop that kind of cadre of potential staff people.

148 K. May: That was why I said maybe the preparatory commission, or the preparatory body, their primary function would be to staff the convention. That was my thinking from what you said about what or how the process would work there. But maybe I just totally misunderstood.

152 Van Doren: No, I don't think we would be going into the staffing part of it. In other words, the convention would be choosing its own staffing. I would try to avoid dictating anything to them. One of the suggestions was that the preparatory commission marshal a list of potential candidates for staffing.

158 K. Ray: I would think that would be the least you want to do.

159 J. Ray: I know you don't want to dictate, and you can't do that. But you should begin the process of developing people by lists, by expertise, by demonstrated activity, in preparation for the research end or demonstrated involvement in getting ready for the budget or the physical arrangement or whatever, so that you have a good solid core of potential staff people for the convention to draw on, that are ready to act.

K. Ray Otherwise, you couldn't possibly do it in 60 days. And have a knowledgeable staff. I don't think.

168 J. Ray: What we did is, what we committed ourselves to, first of all, was a core central staff for the convention. The top leadership committed themselves to having that core staff and bringing it across from, in our case, the established institution of the commission. Then we, for the committees of the convention, we did sort of the kind of thing you are talking about, we took applications in advance, once they were organized and the rules were adopted and all, they were given some authority to screen people and make recommendations, but the committee chairmen were completely independent and were not obligated to take any of the recommendations.

181 J. May: That was a function of the legislature, though, because it has been traditional for your chairs to appoint their own people, and I don't think you would have to worry about that at the convention. But see, we were using the legislature, and they were used to having their own staff, so you did get people to stay on some of these committees. The regular legislative staff was appointed as convention staff. Now, in the case of the convention in Texas, we didn't have any expertise, really. And so what the commission staff did was develop expertise in these given areas, and then continue it on throughout the convention. I don't know if you need to do that, it would probably be desirable, but in any case, you can't tell

a convention that they've got to appoint these experts.

However, the fact that they are experts or people who have developed a certain specialization might make them awfully appealing, attractive, and then they would be appointed, but in this situation, we had to come to terms with the legislative staff, and you had your legislators. I am sure that there were some people you probably wouldn't have appointed if you had your druthers, but they had to be there. There was no way of getting around it.

198 J. Ray: There were some people that I don't think ever showed up for work. One or two committees.

200 K. Ray. There was a central research staff person, serving on all the committees, on each committee, and the central research staff people were drawn from the revision commission.

203 J. Ray: That was how we accommodated this particular situation of knowing we were going to have chairmen who were legislators, and their own staff, legislative staff, and so we kind of inserted in the committee in some way or another, some of our more seasoned more, we thought, more appropriately selected people, with talents and experience in that process to get a good mixture.

214 J. May: The official parliamentarian for the convention was the house parliamentarian.

217 J. Ray: What we did on our arrangements for paper processing, flow, papers and all that, we used the legislative institutions for that purpose, they were set up for that purpose. In this case, our Secretary of the Senate, who was the secretary of the convention, he oversaw the record flow, the journals of proceedings, the printing of proposed constitutional provisions, printing of committee reports, and all that process and we used the legislative institutions for that. That was a part that really worked super well. It really did. They were computer wise, and they were geared to dealing with long lengthy drafts of legal language, to producing proceedings and journals rather rapidly.

237 J. May: What was George's position? Was he on the staff, or was he a consultant? You will probably need some consultants.

240 K. Ray: He was consultant to style and drafting.

242 J. Ray: That touches on a specific point that really is important. From the very moment the delegates are elected, they can begin to be educated to the process of the style and drafting committee, and the distinctions between their proposals

and the debate. If they learn the requirement process that the style and drafting committee provides, it will pay its dividends over and over again. The people have to kind of get used to that. To the idea that they are going to make decisions which are then going to be refined and come back to them for approval and if they don't like it, they send it back again, but they don't write provisions by committee, or write them on the floor. That was maybe impressed on me more than anything else.

259 K. May: You would have a real hard time if you did it any other way.

260 J. Ray: We used a style and drafting committee in our preparatory commission, when we used it again in the convention.

262 J. May: Ours was not as efficient, at the convention. We were getting tired and tattered by that time, and were very inexperienced, so I don't think we did a very good job, but I think the convention committee did.

266 K. Ray: The convention committee had that as its primary and only function, and at the CRC, (Constitutional Revision Committee) we were taking CRC members and staff members who were working throughout all the debates in the committee sessions, and everything, and then having to go in after all that, you know at midnight, and work on style and drafting, that was why it didn't work as well.

272 J. Ray: Maybe I have been involved in the wrong organizations or something, but in my experience, in local government and state government, in legislatures, civic organizations that I happen to have been in, it is not the usual way of operating to have a style and drafting committee, so it is something new, and the importance of it needs to be explained, examined and pointed out to the delegates and those who happen to be lawyers are going to be the hardest ones to convince. Our preparatory commission chairman, Judge Calvert, former Chief Justice of our supreme court, said early on in our preparatory commission work "I just don't understand why we need to have this guy George Braden down here at all, he is going to help us with style and drafting?" He said "I have written enough legal language, and Jawarski down there in Houston has, and I don't see why we can't just do it ourselves." We finagled and talked and worked on him and finally prevailed. I believe he came out at the end of the process as the strongest supporter of that process and realized the value.

299 J. May: It takes persuading, so I think you ought to get an early start on that.

301 Van Doren: I've heard the Braden story before.

302 K. Ray: They did their amount of bargaining and ended up fast friends.

303 J. Ray: It is so valuable, you know, you can have a proposition of some sort, an amendment to an article, whatever passed on the floor, and the author of it may thin'. it does one thing, and the delegates who vote on it may think it does something slightly different, they usually, when the author prevails, think something is similar. So, when it is carefully dissected by someone as skilled as George Braden, it can have a different, just in the wording, in the punctuation, syntax and all, and when it is finalized, it can mean something different or nothing. Let's see, budgeting, we haven't really talked about that very much.

346 Van Doren: I don't think we need to discuss that. It is up to us, and it differs quite a bit in each state, and I think that's more of a state decision.

350 J. May: Be sure you have an absolute budget.

351 J. Ray: We started on physical arrangements, any particular thing?

351 Van Doren: No, we were talking about alphabetical seating rather than geographical cliques, and that has been

brought up many times, too, because it apparently is important. As far as physical things, unless you have specific things that we ought to definitely do, or we shouldn't do, I think it is fairly general. Your recording, your journals, your paperwork, your printing facilities, your committee rooms, your press rooms, your press offices, whatever, unless you have anything specific that you learned that we either should or shouldn't do, I think the facilities pretty much take care of themselves.

366 K. Ray: We haven't really gone into post convention or post ratification. I don't know if we should discuss that now.

368 Van Doren: We aren't quite there, yet.

370 J. Ray: Only two things that I can think of, that might be in my mind as to what the commission should do. The matter of how you handle the floor debate, and importance of having a hard copy wording of proposed amendments to a committee report either hand distributed or up on the screen in front, depending on how elaborate your process is, where the literal language can be seen by everyone, press included. It is important, and we did work real hard at having the hard copy out in front. The discipline of that process of requiring the amendments be put on paper is important. The other thing we did from some other kinds of experiences that I have had and the important

kinds of permanence of the document, I think, is having the expertise on the floor in terms of your staff or the consultants. The consultants can be there, your legal counsel, and so forth, whoever it is, in the particular situation where it is being debated, they are handy to the floor leader or the presenter or the committee chairman or whatever, I think that is very important. Sometimes that is not the custom in other parliamentary bodies, that is, to have staff that will appear on the floor.

399 Van Doren: That's good, that's something new that I hadn't heard, and that is helpful. Any other things from either of you?

404 J. May: You are going to have a much smaller convention, don't you have 60?

405 Van Doren: 65 would be the number, probably.

406 J. May: You have to have good microphones. If it's hard to hear, there will be problems. We had to have four mics.

409 Van Doren: How many people were involved?

410 J. May: 191. Your physical problems will be less.

Van Doren: OK, I guess, actually we probably can move on to post convention, anything that you have to offer in the way of post convention. I would say both from the point of view of presentation to the people of the product, number 1, and number 2, just basically post convention work that perhaps you feel should be undertaken.

429 J. May: Well, we followed the example of some other states in having the whole constitution mailed to every household. And, I don't know if that was good or bad or not.

433 K. Ray: We had it translated into Spanish.

434 J. May: We had a peculiar thing happen, and I don't know, we had a number of people arguing that the constitution was so easy to understand that that's why people were against it.

439 Van Doren: That's interesting, I don't remember even reading that in the books.

440 J. May: Actually, a lot of the material was already in the constitution, and they were actually voting against both the current and proposed constitution. But, I don't know how serious the problem was, but I remember reading in the Austin newspaper that it was so clear that the people decided they didn't

like what they read, I mean they could understand it, whereas if it were more obscure, legal language, they wouldn't have known what it meant, and they might have voted for other reasons, like when in doubt, vote no!

458 J. May: I don't know, I suppose that is a good idea, to have the whole constitution sent out, or was it worth it?

460 J. Ray: I really don't know how to address that, I honestly don't. I suspect it went in the wastebasket.

462 K. Ray: Do you think that it would have been, would it have helped or would it have been useful to have sent a card to every household, which people could fill out and return, postage free, and order a copy which would also be free, you know, it would mean a double mailing.

470 J. Ray: I hadn't faced up to this until just now, but I guess if I really think about it, I would offer someone to process it like Katherine is suggesting. Or, you know, a summary of some sort, mailed and order forms and access in other places, libraries, schools, and so forth, rather than just mailing one to every household.

480 Van Doren: Although, the only thing, just for discussion, the only thing that I could see, Kathy, is that if people received the order form. . . .

I wonder what the ratio of the people getting something and keeping it or throwing it away, vs. people who have to go to the effort of mailing back a card in order to get it, especially in my state I've got to say that we have a real problem. We are only talking about 100,000 some odd voters, but we have a real problem with mail. I mean, sometimes mail is three and four weeks late in the outlying areas. Some mail can't even be delivered.

493 K. Ray: That would argue for going ahead and sending both the constitution and an order card, and argue for going ahead and sending a copy to each household, but I would think that maybe something that might help bridge the gap between the throwaway, and the paying attention might be if, at the front, you included a little brief summary.

500 J. May: We did that too. We had a little pamphlet.

501 Van Doren: I was thinking that too, pamphlet type things, the same as we talked about before the vote, possibly explaining the proposed changes. I also think about media. This is one place you could use the media to say "You will be receiving a copy of the revised constitution, the revisions of the constitution, please look at it carefully before you vote, blah, blah, blah." You could really work that up with a media type of blitz throughout

the state. Another thing, I will throw out for you, I don't know if Texas did it or not, but one of the things I have been discussing and some of the other consultants seemed to think it was a good idea, would be speaking forums. Put together, as speakers, the delegates.

515 J. May: We also had a hotline. To call in.

516 K. May: The hot line was really valuable, I think, at both the CRC and the convention. That was really a valuable tool.

519 J. Ray: It was a very valuable tool. We put it on right after the preparatory commission finished their work on their proposed constitution, and we used one during the convention, and it was very useful. It informed a lot of people and put down some rumors quickly.

527 K. Ray: We kept records of each of the calls made.

527 Van Doren: Very good idea, I haven't heard that, that's a good idea. And you had it all through the convention?

531 J. Ray: Yes, the people could call in. We also, this is something I'm glad you brought up. I hadn't thought of that.

We had that operation set up also where the media in the outlying areas could call in, and we would have our staff do summaries of the activities of the day, and our staff would tape some part of the debate or something and the media could call and just plug right into that, and get a feeding, this was during the convention.

547 K. Ray: I'm trying to think it was the Texas News Network, or the Texas State Network, didn't we plug into that? There was a Texas State Network down in the capitol, and I thought we plugged into that.

551 J. Ray: That network or any other reporter could call and get a news feed about what was going on in the convention that day.

551 K. Ray: We had a separate public information staff, a few people.

556 J. Ray: Sound recordings, they could replay on their stations, some voice telling them either what went on or some cut of the speech before the convention, or whatever. We handled it pretty carefully, you have to have the confidence in the staff and the P.R. people.

564 Van Doren: We have a kind of a unique thing right now, we

have what we call "Capitol whatever." This year it was called Capitol '80. They film both the House and Senate and different committee meetings, stuff like that, and this is played every night over stations throughout the state. The stations actually receive it the same day as the legislative session. It is a half hour program, I think, and it is part of the budget of the legislature. It is contracted out and they do this every day. They hit the highlights of everything. It has been very good in relation to informing people throughout the state who are not in Juneau. It works very well and is very well received. Some years it is very highly watched, and some years, it is not.

586 K. Ray: I was going to say, you might want both, because that would be very good for the people who would be willing to take that half hour and watch that or listen to that, but the other thing we were talking about, the little brief, that the radio networks could just pick up and use in their news broadcast. More people would be apt to hear it I think.

599 J. Ray: We had live radio broadcasts off the floor of the convention at one time, and failed to synchronize that with the mikes at the convention, we had some rather insistent statements made live over radio, because people who were standing

at the mike thought the mike was off as far as the convention was concerned, and they turned to asides and comments on personalities, their language was bad, and it was live. On this post convention period, as Janice mentioned, I think the key thing, one of the key things is that the momentum is kept going and the most valuable people in that time period are going to be delegates. They should be conditioned, and prepared to be sales persons from the early time on.

625 K. Ray: To have that information on the Watts line between the end of the convention and the ratification election, I think, would be really helpful, too. It would be another good way to get the word out, if you could afford to maintain it during that time period, wouldn't you think?

630 J. Ray: You know, I think other personalities and interests and what not, can certainly kill it after that, but it is not going to pass if those delegates don't work. What I am trying to say, is somebody else can't pick it up and pass it, they can kill it if they want to, but those delegates are going to be the ones who should sell their product.

640 J. May: We discussed or at least I was drawn into the public TV stations, we were going to have an advocate kind of program on the constitution, and that fell through, but there were some regularly scheduled programs in which there

was debate, and I don't know, I think you kind of have to watch it a little bit, because if it is controversial at all, it is easy for the "nay-sayers" to appeal to emotion on these very intellectual type things, and you may know that this is wrong, but when you go out on a mass appeal basis, the fellow who can say it is kind of like, you know, you are going to run us over, and steam roll it, and get all of them agog, that is going to outshine the more reasoned approach. You kind of got to watch what goes out to the public.

664 K. Ray: The governor said it was going to cause a state income tax.

665 J. May: Yes, all kinds of things.

666 K. Ray: You can refute these things, through the Watts system and so forth, and maybe you can, by choosing your pro people. It is so hard to understand the issues. In some states, like Virginia, you can have a low key campaign, you just don't ruffle feathers, you don't have a great big ratification campaign and that works, and in other states, it doesn't, so you are going to have to fit it to your situation.

678 J. Ray: All you have to do is create doubt and fear and it's bad.

680 K. Ray: Very bad.

J. Ray: 681: Technique wise, coming back again, the proposal for ratification in Texas, the proposed constitution, we again used the Watts line, and manned it with people who had been involved in this process. Our Lt. Governor, our Speaker of the House, our Attorney General, who were in favor of the ratification and some citizens, we staffed it with people who were knowledgeable about the content of the current constitution and the content of the proposed constitution. They gave good answers to the questions, I thought.

703 J. May: Most were volunteers at least in the off business hours, who manned telephones.

708 J. Ray: I was on the telephone as the polls closed.

710 Van Doren: You got a good response from the public on that Watts line? That's good.

713 J. Ray: Through the media, we used public service announcements to publicize the Watts line. How to call it.

718 J. May: Did we reactivate it our advisory committee? We had advisory committees set up during the constitutional revision, if we hadn't, we should have reactivated these groups, at the time of ratification.

SIDE TWO

000 Van Doren: I don't remember off hand, but how soon after the convention ended, did you have the ratification vote?

003 J. May: July to November.

002 K. Ray: Well, the convention ended and failed to adopt the document. Then the legislature came back with the same proposals but they failed also.

005 Van Doren: That's right, I forgot about that. The first part of November.

007 Van Doren: I would think though, because of your situation, it would have been different if the convention was successful in adopting the ratification. Do you have any time frame that you would propose for the ratification vote, Jim? 30 days?

009 J. Ray: Quickly, a decent period.

010 K. Ray: Especially if you have been informing your public during this whole process, you know, it's not like you met in secret behind locked doors, and then suddenly have to go out and educate the populous about what this is that you have done. The best thing is to educate them as you go along.

013 J. Ray: It should be a decent interval so that opposition can't say "you are ramming it down our throats without time to understand it," and that is very important, but I would say 45 to 60 day range.

017 J. May: Well, my research indicated with amendments, that we have better luck with a general election than a special, but that is peculiar to Texas, I don't know, in our case, we did use a special election didn't we, for the final ratification. I think that you get a different group out in a general election, and you start by using that. You get a larger turnout, and as much as 30% higher. But in Illinois, if they had used a general election, all the nonvoters would have been counted as a nay vote, so they had to use a special election, that was the only thing on the ballot, then it was just yes or no.

027 J. Ray: October, are you starting in October? October, November, December, you really almost have to have a special election.

028 Van Doren: This would be a special election because otherwise you would have too long a time period before the next general election.

030 J. May: Now, Arkansas had a very long wait in '71. I think it was nine months, or something like that.

032 J. May: It would probably have been better if there had been a special election on that one. But you never know, there is no hard fast rule, but I suppose you could say the longer you wait, the worse it is going to be.

035 K. Ray: It gives the opposition more and more time to organize and kill it.

036 J. May: You lose momentum, I mean how can you keep excited about this thing for months.

037 K. Ray: By then, your delegates have gone back to being private citizens.

038 J. Ray: That goes back to your delegates, their commitment going into a time frame which extends beyond the convention, and their roles in the post convention. You can't carry them on too long, they are already sacrificing somewhat. One of the other things, I think, and I guess it is a tail-end part that's been answered before, I guess, and I have to say I don't know the answer, and I know I am biased in wanting to say this, but I really believe every penny we spent in Texas on that constitutional process was well worth it. I think it was well worth it. I think number 1, our present constitution is so much better understood by those who have to interpret it, I think the public understands it better, I don't think we got nearly

as much saturation there as I would have liked to have seen, but those who have to use it and interpret it and argue it, studied it better than ever before.

054 J. May: It is still hard to understand, I'm told.

057 J. Ray: The legislative enactments of various provisions and addressing issues that hadn't been done before, it served to, and I know this is unique to our situation, might or might not in some way apply to yours, but it sort of kind of toned up our legislative staff people and their activities, I think we got an improvement in our bill drafting in our legislature. One fact was that the convention was the Senate and the House members and they had to work together, and Katherine kept hammering at them to do this together, they now have a better rapport. In going through news clippings, a lot of things on the administrative side of our legislature have really been toned up and improved, because, well, in part because of the convention.

071 K. Ray: Really, the House and Senate fought each other more than the Republicans and Democrats. There was more divisions between the House and Senate than Republicans and Democrats.

073 Van Doren: What about one of the things that I left out

while we were talking about it, it doesn't matter where it comes on here, but did you all hold public hearings during the conventions at other locations in the state? (No). You didn't at all?

076 J. May: They had a citizen's league, to which no one much came, but they set aside a day or a week where people could come in and discuss the issues.

078 K. Ray: We held 19 public hearings at the beginning of the revision commission and then again, we went back to those 19 locations at the end of the revision commission, it was immediately preceeding the convention.

081 J. May: And then there was a recess for about a month.

082 Van Doren: There was a recess during the convention?

082 K. Ray: A recess during the convention, which was another disaster that you don't want to do.

083 J. Ray: The answer to your question is no, we did not, the convention did not go out and hold public hearings.

085 J. May: The Illinois convention went out.

086 Van Doren: Well, as a matter of fact, both the Arkansas

convention and the Illinois convention went out. In Alaska, now, we recessed for 15 days so that the delegates could go back to their home communities and hold public hearings, inform the public, and in turn, gain the perception that the public had of them and the proposed constitution. One of the reasons the Alaska constitution was so good was that it hinged a lot on the statehood issue and it was a very popular, a very positive type of exercise at that time.

094 K. Ray: I think public hearings following the convention would be a good thing, and public hearings you know, at the beginning, immediately preceeding the convention, and then maybe following the convention, take the document out, which is what we did at the end of the revision commission, we took the document that the revision commission was recommending to the convention and took it to the 19 locations where we originally held hearings, this is what we did.

100 J. May: Incidentally, we did something you might want to do with the convention, or the commission, have speaker tapes. Which were very popular, explaining bits and pieces of the constitution.

102 Van Doren: I don't know whether we are going to have a

revision commission as such, or just a preparatory commission that's going to be doing the work, certainly there will be issues that have been identified, perhaps with the public hearing process that we talked about earlier, either this year or next year. I have a feeling that, and there may be papers, and there has already been some draft work done, but I have a feeling that they probably will only go into it with the materials and background of the constitution itself, and then decide if there needs to be revision, and if so, where it needs to be. Then I think maybe once those are in a semi-final state, they might go ahead and recess again for 15 days or something like that and hold various hearings, or perhaps the committees could possibly go out, some committees could go out and hold public hearings while the others still meet and continue their work in the convention, I don't know what style they will take of course, and that is going to be up to them. In some of the work I have done already, those are the two options. Most of the states recessed for hearings or committee hearings, and various individual committee hearings during the same period of time. Of course, again, as I mentioned before with our teleconferencing system, in a lot of cases, we don't have to travel, because we can have teleconference hearings in these areas that have teleconferencing on both ends and also video teleconferencing

so the people can actually see who is speaking back and forth.
It is a neat system.

126 J. Ray: I really think though, that sometime during the process, you've got to go to the people, whether it is before or during. Certainly you have to go out afterwards, but I am talking about before that, go out. To me, that is a key in how you accomplish something, and I think your assumption if I heard you right, to me the proper position for you or for Alaska to be in is saying that the convention is saying is: "Here is our constitution!" Are there amendments specific that we want to make to it? That is analogous to what we did, and the leadership of our convention started with our proposed commission document and took amendments thereto, because in our case, that represented the cleanest and the best way. In your case, your existing constitution represents in my opinion, my personal opinion, one of the best documents there is. Make the burden of proof on the amendor, the person who wants to carry it forward. The group that carries forward the amendment, and the public may even benefit and be served by that amendment, as opposed to some growing outburst against it. I think that would be disastrous in your case.

152 Van Doren: Yes, but of course, our constitution mandates that it be a totally unlimited convention, too, so anything is up for grabs once they call it.

157 Van Doren: OK the last thing I want to do, and then I'll let you go, and I really appreciate your coming here, is just anything that any of the three of you might be able to think about that we didn't categorize in any special place that again is a goodie or a no-no or a pitfall that should be avoided, or anything at all, any part of it that maybe you could share with us toward the very end.

163 K. Ray: Didn't you have some kind of information on a recess? You made a comment about a recess. Didn't we have information prior to the recess that showed that recesses were like bad omens? You know, if you could show that on paper, that if you took a recess in the midst of a convention, you were less likely to succeed. Those states which took a recess were the states where the document failed.

169 J. Ray: We tried to avoid the recess. We tried to get our work done in 90 days or a little better, and avoid having to have a recess. By the time we get to one, the delegates are so worn down it was necessary to let them get back to their businesses and homes and legislators campaigning in the primaries.

176 J. May: I would just say that overall, you have to pay attention to every single detail that may not seem like much

at the time, but these things have a way of when you look back over it, and you say "Why didn't we do that instead of this or something else?" So pay close attention to detail throughout.

180 Van Doren: That's one of the reasons I've been talking with you as a matter of fact!

END OF TRANSCRIPTION

MEETING IN HOUSTON, TEXAS

with

DR. SAM GOVE
MR. GEORGE BRADEN
GUY A. VAN DOREN

November 16, 1980

The following summary is from the edited transcripts of a meeting between Dr. Sam Gove, Mr. George Campbell and Mr. Guy A. Van Doren, Administrative Assistant to the Joint Interim Committee on the Constitutional Convention, held in Houston, Texas, November 16, 1980.

Mr. George Campbell was a delegate to the 7th Arkansas Constitutional Convention and was Executive Secretary of the Constitutional Revision Study Commission.

Dr. Samuel K. Gove, Director, Institute of Government and Public Affairs, University of Illinois, was a member of the commissions preparing for, and implementing the results of the 6th Illinois Constitutional Convention, and co-authored Revision Success: The Sixth Illinois Constitutional Convention.

GOVE-CAMPBELL

PRE-CONVENTION

1. Produce annotated version of Alaska constitution.
Produce citizen's guide to the Alaska constitution.
Both are important even if you do not have a convention.
They can be used as reference sources for citizens, teachers, legislators and others.
2. Begin thinking as soon as possible about the mechanics of the convention, how and where you are going to have it, the enabling act, election of delegates.
3. You may want to look at anticipated issues and do some background work on them.
4. You may want to solicit citizen papers on constitutional issues.
5. It is not a good idea to have a draft constitution prepared in advance. Allow the delegates the prerogative of developing their own revision issues. If you present either a revision document or issue papers, there should be alternative suggestions on solving the problems - again, so you're not telling the delegates what to do.
6. The preparatory commission in Illinois was chosen by both the legislature and the governor. In Arkansas, the commission was appointed by the Legislature, Governor,

Chief Justice of the Supreme Court and the Arkansas Bar Association.

7. Some staff were hired prior to the convention and after the vote to help set up the convention in Arkansas.
8. Develop temporary rules so you have something for the delegates to work with and from. After they convene, they can adopt their permanent rules. You must be careful to not have the delegates feel you are telling them what to do. The convention is a free agent.
9. Recommends an orientation session prior to convening the convention.

ELECTION OF THE DELEGATES

1. Delegates should not be chosen on a partisan basis. Arkansas did not have a nominating process. In the cases where there was no clear majority on a delegate, there was a runoff election which almost no one turned out for.
2. In Arkansas only one legislator ran for a delegate position.

An expression was made that legislators are used to focusing on very narrow issues because they are used to legislating and not dealing on the broader aspects of constitutional drafting.
3. In Arkansas, delegates were elected on a one man, one vote concept throughout the state, although not single member districts.

THE CONVENTION

1. In both cases, Illinois and Arkansas, the conventions were held in the state capitol. In Illinois, although the convention began in the legislative chambers, it eventually moved to another location.
2. Materials must be prepared prior to the convention so the delegates can begin work immediately and not be required to wait around for materials and work. There should not be so much it overwhelm the delegates. They may not read it!
3. The preparatory commission should expire shortly after the convening of the convention.
4. Make sure there is adequate funding for the convention.
5. Alaska needs to be totally aware of special interest groups. They have learned they can affect the outcome of constitutional conventions. People have more axes to grind nowadays. There isn't the pure interest of creating a good fundamental document to be used by states. People are involved in special and in many cases, economic interests and all want "their philosophy" to be included in the document.
6. People are also beginning to use the position of delegate as a stepping stone for political office. These people are more susceptible to pressures by lobbyists and special interest groups.

7. Delegates should be seated alphabetically so there are no cliques either politically or geographically.
8. In Illinois, public hearings were held throughout the state by delegates during the convention. It may not have been important as far as information, but it helped in the public relations aspect. People did not feel they were being left out and became well aware of what the delegates were doing and this was important. In Arkansas, public hearings were held by the preparatory commission and the delegates. This helped with public awareness.
9. Public hearings were used not only for informational purposes but for public relations and publicity. It is important to get the delegates out among the people. This also squelches rumors, because the public can ask questions face to face with the delegates and staff.
10. In Arkansas, if the delegates or the commission knew someone would be attending a public meeting with a certain point of view, they tried to find someone with the opposite point of view in order to achieve some sort of balance.

POST CONVENTION

1. Illinois published a newspaper insert which had the new constitution and explanations. They also had a campaign committee which was not publically financed. The delegates as individuals, campaigned for the convention in most cases.

2. Arkansas published the constitution and the changes, but felt their post-convention work was their major basic weakness (the voters turned down the revision). There were no funds available for publicity. They did set up a speakers forum.
3. The comment that hardest part in a well drafted constitution is finding someone who is willing to give enough money to support the campaign.

MISCELLANEOUS

1. Stress on preparatory work and good, devoted, competent staff and consultants.
2. Use of recognized experts helps immensely since there are so few in the United States and a convention is not an everyday occurrence.

Meeting with Sam Gove and
George Campbell
November 16, 1980
Houston, Texas

Tape I, Side 1:

004 Van Doren: Introduction of tape materials.

009 Sam Gove: I think if you did something like the Braden-Cohn as it became known, the Illinois annotated constitution, it would be worthwhile, even though you didn't have a constitutional convention, it would be a good reference for lawyers and summarize all the cases that have come down and affected a particular section in the constitution. And some commentary on why that particular section was there and you may want to have a comparative analysis. That was extremely helpful for our delegates and became the Bible. It took an awful lot of work.

Van Doren: In New York I met with George Braden, and we talked quite a bit about it. One of the things I wanted to ask you is, is that book available from a source in Illinois?

024 Gove: Yes, from our institute. I will make as many as you wish available.

025 Van Doren: OK, I think we would probably at least like to have one for the library. We are building up a library on constitution materials. The committee has seven members. Any-

way, when I spoke with George, he suggested the same thing, whether or not we have a constitutional convention, that definitely an annotated work of our constitution and/or a citizen's guide would be helpful and as he said, since our constitution is quite a bit shorter than Illinois', it wouldn't be quite as monumental a task as the Illinois one.

036 Van Doren: In talking with the people I met in New York, with George Braden, John Bebout, Frank Grad, and Bill Cassella, and also with Al Sturm in Blacksburg, Virginia, and Jake Wheeler in Hollins, Virginia. Everybody has stressed the preparatory work, in order to get this off the ground, and I think the legislature has realized and recognized how helpful it would be if we could get started on this. At the outset of the preparatory work, are there any other things that you think that would be useful both for the pre convention vote, and then should the vote be in the affirmative, for preparation toward the convention, from your experience?

050 Gove: I would say that if the vote is affirmative, you've got to start thinking about mechanics of the convention on how and where are you going to have it, do you need an enabling act, how you are going to elect delegates, I don't think that would take so long, so probably you could do that after the vote. We had some preparatory work done on issues we anticipated would come up in the convention. The commission, this was the governor's

research group, which I was the director of, and we came out with a volume called "Con Con" issued to the delegates, and it was paperback, 500 pages, and it was just everything we thought would come up of any substance, and tried to have someone write a paper and think about it and raise the issues, not to present positions, but the issues. That volume was helpful. There are a lot of issues we didn't anticipate, and I think you can't. Illinois was a strong Dillon's rule state, we didn't anticipate the support for the home rule issue. We hadn't done anything on the home rule. Most of the major issues we did anticipate, and we did have papers prepared for the delegates and they were able to get familiar with the issues. The papers came out during the campaign for the election of delegates well in advance, so I think something like that might be helpful and again would be good library material for the convention.

083 Van Doren: Were these papers prepared by people from all over the U.S. or just within the state?

091 Gove: Instate. I think one of them was on the purpose of a constitution and was done by a law professor in Michigan, and I think the other papers were all by Illinois people, and were a mixture of law professors and political scientists.

091 Van Doren: Do you think that the papers helped the delegates or do you feel that they relied more on their own ideas, or

that they drew from the book and the ideas that were prepared, or do you think that it was kind of a combination of both?

094 Gove: I would say a combination of both. There was nothing in the article on the bill of rights about ERA, and that became an important issue, and people campaigned on it, and subsequently we now have an ERA provision in our constitution, so it's things like that which were natural. Delegates brought up specific things.

103 Van Doren: That "Con Con" book, is that the orange and blue one, very thick one that has Con Con on it? (Yes). OK, I have seen that and would like a copy of that too.

105 Gove: It is out of print. We might be able to get at least one loaned to you. It was published by the University of Illinois Press.

108 Van Doren: Yes, I saw the book and actually went through it, somewhat, and I was curious to see how you felt, I know one state that we were discussing had almost prepared a constitution before the delegates were ever chosen, and people kind of rebelled against that. It was the Texas one.

113 Gove: Some states did, but we carefully did not do that, and in the annotated constitution there was some discussion of issues, but it doesn't come out and say "The delegates shall", this after all, was their prerogative. It was very carefully worded.

119 Van Doren: Did Illinois have a preparatory commission?
(Yes) And how was that chosen? Was it chosen by the legislature or the governor, or a combination of both?

124 Gove: It had legislative and public members. There were three commissions, and on the last commission I was a public member. I think I was elected by the legislature. Why, I am unclear, historically in Illinois, there were mixed commissions with gubernatorial and public members, but the legislature was beginning to feel its oats in insisting that a legislative commission would be composed of all legislative appointees, even though they weren't members of the legislature, and I think at that time they had gone on this commission through legislatively appointed public members. It wasn't really a legislative body. The last commission, the commission that argued over, the first commission made the recommendation to vote on a constitutional convention, the second commission started the preparatory work and then the vote came along, and they had to pass the enabling act, and the big issue, there were a lot of issues, but the biggest issue was on whether the delegates were to be chosen on partisan or nonpartisan basis. This commission

recommended nonpartisan and it ultimately prevailed. Then the third commission actually made the arrangements for the convention and arranged an orientation session. I think all this type of detail is in our book that Tom Kitsos and I did for the National Municipal League.

152 Van Doren: On the, OK, so the third commission did all the preparatory work. They are the ones who commissioned these papers and also the preparatory work for the actual mechanics of the convention?

156 Gove: The second commission commissioned the Braden-Cohn volume. They decided not to get into any issues and consequently the governor filled the void by creating the constitutional research group, with private funding, and I also got in on that as director, so I was wearing one hat as, I was staff member of the second commission, and a member of the third commission, and also at the same time turning out these papers, theoretically for the governor.

165 Van Doren: Did the commission stay in existence after the beginning of the convention or did they work right up to the convening of the convention and then were they finished?

171 Gove: I think it, in essence, ended when the convention,

began, we held an orientation and such, and then the convention itself, a couple of days before the convention we had an orientation, so I think the commission just went out of existence. I am very vague on this, the statute said the commission would go out of existence, I think it did.

182 Van Doren: One of the reasons I had asked that question is last year the legislature for the State of Alaska passed an enabling bill to call a constitutional convention, mainly because they wanted the advance work done, so that it would be on the books with no appropriations or anything, but just setting up the mechanics of it, and one of the things that was put in the bill was that a preparatory commission would be established, the appointments and all of that, and then I believe it would continue until approximately 15 days if I remember correctly after the start of the convention so that it would still be around to assist with anything, that comes up, but basically it dissolved at that time. The bill passed both houses of the legislature and was subsequently vetoed by the governor for several reasons. There is really no need to go into that now, but one of the things that they will probably do this next legislative session, is again try to get enabling legislation through so that it is there and there will be a mechanism for calling a convention. Our constitution states now that as much as practical, the convention will be held in the same way that it was in 1955. Well, it's not practical at all,

and there's a lot of changes that need to be made.

204 Van Doren: George Campbell just came in, and I've asked him some of the basic questions that I asked Sam Gove.

209 Campbell: Arkansas has a constitution which is similar to many southern states in that it is a basic reconstruction period document. Written in 1874, and amended now more than 60 times. The first modern impetus for constitutional revision came about in 1966 when Rockefeller was elected as the first Republican governor since the reconstruction time. One of the things he wanted to do was have a modern constitution for Arkansas. The legislature was dominated by the Democratic forces and did not intend to cooperate with him and did not cooperate with him. They did not support him as governor. The compromise that was reached in his effort to have that legislature, which seems to be the only way, since our constitution is silent as to how to have a convention, everyone seemed to feel that the legislature had by law to say there will be a convention and provide for the election of delegates. Since that historically was the way it has been done in Arkansas and there seemed to be at least some judicial as well as historical precedent that that was the way the people had to speak, that is through the legislature submitting the question on election of delegates. In the 1967 session of the legislature, where Rockefeller attempted to get a call