

SCOMM

#27:4

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VICTOR FISCHER ASSOCIATES CONSULTING  
221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • (907) 272-2381

November 5, 1979

TO: Brian Rogers

FROM: Vic Fischer 

SUBJECT: Constitutional Convention issues

I ran across the enclosed March 25, 1970 letter to the State Senate in the process of rummaging through my papers. I assume the same thing went to the House.

Interesting to note that every item I suggested for Legislative action has been taken care of since 1970. At the same time, I was rather wrong in my expectation about the November referendum, though lack of support probably did characterize opinions of those I spoke to.



UNIVERSITY OF ALASKA  
COLLEGE, ALASKA 99701

March 25, 1970.

Hon. President and Members of  
the Senate  
Alaska State Legislature  
Juneau, Alaska 99801

Gentlemen,

I have recently been giving extensive attention to the Alaska State Constitution, its current adequacy and insufficiencies, and the need and alternatives for making changes. Having discussed some of these matters with individual members, I would like to take this opportunity to summarize a few pertinent conclusions. The views expressed are strictly my own and do not necessarily represent those of my employer or associates.

In general, the constitution does not require major overhaul or revision. Many troubles that are perceived by people actually do not have their basis in the constitution, but rather in state or local action or inaction. What problems exist are limited and can best be handled by amendment. Thus a constitutional convention, if held now, would be unnecessary and premature, could potentially cause more problems than it would solve, and would lead to a big waste of taxpayers money. Discussion with people around the state indicates that very few will at the November referendum support the holding of a new constitutional convention. *wrong!*

While there need not and should not be a constitutional convention, some amendments are needed and should be presented to the voters. A number of amendments are now pending before the legislature; a few of these have been acted on by the respective houses. I would like to comment on those amendments that I personally consider worthy of serious consideration.

One-house Legislature (CSHP 63). As a member of the constitutional convention, I favored the bicameral legislative system. The U.S. Supreme Court's one man - one vote decision eliminated the principal argument in favor of the two-house system, since both houses now have the same basis of representation. The checks-and-balances argument has never been very impressive, since it reflects upon the inability of the legislature to manage its affairs properly. The legislative process in Canadian provinces and elsewhere has fairly well indicated that a single-house can legislate well, given well designed rules and procedures. Major arguments advanced for a one-house legislature are a better system of legislative representation, less waste and duplication, and provision of a better basis for legislative deliberation and action.

Hon. President and Members of  
the Senate

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March 25, 1970.

There is much interest in unicameralism among the state's knowledgeable citizens. However, few expect the legislature to put the amendment on the August ballot, since it is rather difficult to conceive of a legislature taking the initiative to change itself. Some people feel, as Ted Stevens concluded a few years ago, that the only way to resolve this matter is by constitutional convention not subject to legislative restriction. While I personally have not come around to a position favoring a single house legislature, I do believe that the legislature should put the proposed amendment on the ballot for the people to decide whether they prefer to have a bicameral or unicameral legislature.

The Executive. Changing the name of "Secretary of State" to the "Lieutenant Governor" is of course quite an innocuous proposal. On the other hand, election of the Attorney General is very basic to the concept of the constitutional approach to the exercise of executive power. It would change the function of the Attorney General from that of legal advisor to the Governor and the executive branch to that of public watchdog or state ombudsman. I believe that if the latter is the objective, then a new office should be created for this purpose, probably under legislative or joint executive-legislative jurisdiction. I do not, however, believe in the election of the Attorney General, just as I do not think the U.S. Attorney General or a city attorney should be elected.

Judiciary. Provision for selection of the Chief Justice certainly appears to be called for. Is it necessary, however, to amend the constitution for this purpose? There is nothing in the constitution that would require that the Chief Justice be appointed by the Governor. Article IV appears to be wide open for establishment of a rotation method or provision for selection of the Chief Justice by other justices of the Supreme Court. Could such a procedure not be established under rule-making power of the Supreme Court?

Suffrage and Elections. Lowering the voting age to 18 is, of course, an excellent step. We should also proceed to eliminate the requirement to read or write the English language as a prerequisite to voting (SJR 40 and HJR 51). While the existing constitutional provision may not affect too many people, those who are disenfranchised are Alaska Natives, and there is certainly no rationale or excuse for this.

Natural Resources Article. The only important amendment here concerns Section 15, prohibiting the creation of an exclusive right of fishery. In order to permit the legislature to deal effectively with the problem of unrestricted entry, and the resultant economic and social hardships, provision emphasizing fisheries development and permitting the establishment of certain fisheries rights needs to be made. (This would be similar to the manner in which Section 13 makes special provision regarding water rights, thus modifying Section 3 which deals with common use).

Hon. President and Members of  
the Senate

- 3 -

March 25, 1970.


Permanent Fund. Constitutional amendments are proposed for both the natural resources and the finance and taxation articles for the establishment of permanent funds. There are many arguments for and against establishment of a permanent fund that is beyond the jurisdiction of the legislature. Aside from questioning the economic desirability of locking up these monies, I definitely do not favor putting any such monies beyond the reach of Alaska's people acting through their elected legislators. This issue was thoroughly analyzed by discussion groups during the Legislative Council's Conference on the Future of Alaska, and virtually everyone agreed that while special funds may have to be established, these should be subject to legislative jurisdiction and be administered within the executive branch.

Local Government. The only amendment proposed to the local government article would eliminate the requirement that assemblymen representing a city be members of the city council (HJR 30). While much has been said about the problems and ills of local government in Alaska, a study just concluded shows that these ills do not derive from the constitution, and this conclusion is borne out by the lack of other amendments. This study does point out that the one constitutional change worthy of consideration with respect to local government is the one proposed by HJR 30. I would suggest, however, that rather than changing the language of the second sentence, Section 4 be amended by deleting the second and third sentences altogether. There is no reason, now that boroughs and assemblies exist, for the constitution to specify the composition of the assembly; in this connection, note Section 8 dealing with the city council.

In summary, I believe that any significant problems we have with the state constitution would be taken care of by the legislature proposing amendments dealing with the voting age, elimination of the suffrage requirement of reading or writing English, revision of fisheries provisions, and elimination of the specifics as to representation on the borough assembly. In addition, I believe the voters should be given an opportunity to choose between a unicameral and a bicameral legislature.

I appreciate any consideration you may give to these opinions and suggestions. I would be happy to discuss them in greater detail if you so desire.

Sincerely,



Victor Fischer  
Director, ISEGR

VF/scf

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.**

MEMORANDUM 3/27/79

TO: George Hohman, Guy Van Dorn

FR: Vic Fischer

RE: Constitutional review

Here are some preliminary thoughts about followup to my February 19 letter to Bob Ziegler regarding possible legislative review of constitutional revision issues. Bob wrote me that you have the ball, and I would be most happy to work with you and pursue some possible courses. I appologize for not being able to respond sooner to Guy's call. Even now, my response is strictly preliminary; am typing this myself (as you will note!) so I can think as I write... Am going out of state today and will return April 6. After that will be glad to work on this further.

#### General purpose

A referendum will be held at the 1982 general election to decide whether to hold a constitutional convention. It is suggested that the legislature take a look at pending constitutional revision questions and determine what, if any, preparation should precede the 1982 referendum.

#### Background

The state constitution was written and approved by the voters prior to Alaska becoming a state in 1959. The constitution provides that voters have a chance to decide every ten years whether a convention should be held to revise the constitution. A convention call was approved by a slim margin in 1970; however, <sup>in 1972</sup> voters decided against a convention after the supreme court voided the first referendum on the basis of improper wording of the proposition.

Lack of a convention has not meant that the constitution remained unchanged. Many amendments have been considered, and quite a few have been presented to the electorate for ratification. Generally, voters have supported changes recommended by the legislature.

In 1982, the holding of a convention will again be on the ballot. The question is whether (1) voters should be afforded adequate information and discussion of the issues before making a decision and (2) any important pending issues of public concern could and should be resolved regardless of whether a convention call is approved.

There was relatively little discussion of issues prior to the 1970 referendum. The League of Women Voters and a few other groups mounted limited campaigns, but that was all. In view of the importance of the constitution and the powers of revision that a constitutional convention has, it is important that a decision be made by a well-informed electorate.

Possible strategies

Assuming that we agree that the question of calling a constitutional convention should be approached in a careful and intelligent manner, a variety of ways might be pursued:

- o Establishment of a constitutional study or preparatory commission. Many states have used this device to prepare for conventions or to study issues before a decision on holding one is made. Such commissions can take a variety of forms, usually including public members and frequently members of the legislative, judiciary, and executive branches of the state. While costs of this approach depend on the mission and size of a commission, I am sure they would amount to several hundred thousand dollars. May be way to go, later.
- o Contract with someone (eg, ISER) or assign someone (eg, Atty Gen'l, LAA) to research the issues. Fine, but would lack public involvement, might be questioned as to representativeness and objectivity.
- o Interim legislative committee. At this point, this is probably the most reasonable way to go. It would permit careful exploration and appropriate research, combined with the judgement of a representative group.

Questions and issues to be addressed

The current stage could be conceived as a preliminary exploration. It should be directed toward decisions as to direct legislative action to revise the constitution (via amendment or legislatively-called convention) prior to the 1982 referendum and initiation of any broader public education program. Time exists for both as a followup on the current effort. Here are some of the matters that might be addressed by a legislative group:

What issues is the public concerned about that might be subjected to constitutional action? (Aside from old ones like electing judges and the attorney general, they might include a number that have recently given rise to strong feelings and frustrations: right-to-life vs. abortion choice, capital move, getting land to the people, limiting legislative sessions and salaries, limiting taxes on certain industries or classes, etc.) (See attachment of 11-29-78 for some more potential items.)

Which of these issues are appropriate constitutional matter, which legislative? What should the legislature do about them, if anything? Which might be taken care of through better public understanding? Which require and justify constitutional change?

Can legitimate constitutional changes be taken care of through amendments initiated by the legislature?

Does a convention appear needed, desirable? If yes, what steps should be taken to prepare for it and the call that precedes it? If not, what should be done about that?

- (1) Research and analysis
- (2) public involvement
- (3) decisions about next <sup>steps</sup> steps, specific actions.

### Research and analysis

This principally entails a look at the constitution as it has been amended, examination of newly arisen or foreseeable constitutional problems, analysis of issues raised during committee's work, etc., etc., and staff support for the legislative group.

### Public involvement

This is the key. The decision about whether to have a convention will be made in '82 by the voters. The effort should see how the people view the issues, what they feel about the constitution and need for a convention, what type of informational or educational programs might be useful to defuse some of the more emotional issues, etc.

Ideally, the committee would combine this exploration with the giving of information to the people. I would not carry either too far. This should be viewed as an initial effort only.

I believe it important to take this exploration and analysis out of Juneau. The committee or some of its members should probably cover all parts of the state. Possibly the Alaska Public Forum could be enlisted to help with a provision of information, organizing discussions, and obtaining feedback. Some polling might be appropriate.

### Organization (am running out of time, so will just skim along ...)

You probably know better than I what would be most appropriate, but I'll whip out a few thoughts.

I'm not sure whether getting a committee with non-legislative membership would be useful or necessary at this stage. That might well slow organization. If one were to decide to have a full-fledged, out-front, public-oriented commission at a later time to spearhead an educational program, that would be the time for public members.

Who from within the legislature should be on it -- you better decide that.

The group would need some kind of staff. Possibly existing legislative staff can do the work, or someone could be put on for this purpose.

You might want to commission some specific papers and analyses: Tom Stewart, John Havelock, Tom Morehouse, Vic Fischer, etc.

The 1976 convention delegates reunion in Fairbanks was accompanied by a review of the various articles of the constitution. A transcript of the sessions dealing with each article could be invaluable as a point of departure. This might cost \$2,000-3,000.

PLEASE REPLY BY AIRMAIL

UNIVERSITY OF ALASKA

Tom Stewart is an invaluable resource. I have talked to him, and he is most willing to help put this all together. As you know, Tom authored the 1955 convention act, managed the preparatory studies, and served as secretary of the convention. He was in on the early discussion that led to my letter to Bob Ziegler. Do contact Tom if you need any help now or later.

I will be back in the office April 6. May be in Juneau following week; only problem is that I have to be in Anchorage Wednesday the 11th.

This, by the way, is not a project of ISER. We are not trying to promote anything. Strictly an individual undertaking.

I would personally be very interested in having a role in this whole thing; nothing specific in mind at this point. (I may be quitting the university this summer and would then be more available, though could work with you through institute as well.)

Am off... Best personal regards

A handwritten signature in cursive script, appearing to read "Vic".

WHILE IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 466-4928

HOME:  
BOX K - COLLEGE  
FAIRBANKS, ALASKA 99708  
(907) 456-2037

REPRESENTATIVE  
**BRIAN ROGERS**  
*Alaska State Legislature*

June 25, 1980

Governor Jay S. Hammond  
Pouch A  
Juneau, Alaska 99811

Dear Governor Hammond:

Yesterday I received word that you have vetoed CSHB 723 am S, the Constitutional Convention Procedures Act. I am disappointed that you chose to exercise your power of veto on this legislation at this time, since I expect the issues surrounding the possible convention to become more volatile and politicized as the 1982 ballot question draw near.

The June 16 memorandum from Attorney General Wilson Condon does point out several defects in the legislation, most of which could have been corrected by the revisor. I would like to take issue with his contention that preparations for the convention are an exercise of executive powers alone. A constitutional convention is unique to Alaska government in that neither the executive, legislative, nor judicial branches of government perform the functions -- a constitutional convention is a power of the people. It is most similar to, and replaces in part, the legislative power to submit constitutional amendments to the voters. As such, preparations for a convention are little different from preparations for a legislative session, which are a legislative and not an executive function.

The legislature is currently involved in preparations for a possible 1982 affirmative vote by the people calling a convention. In 1979, the legislative council established an interim committee to begin planning; HB 723 was one result of that committee (other reports on constitutional conventions of the 1970s, proposed Alaska constitutional amendments, the Hawaii convention of 1978, convention apportionment, and major Alaska constitutional issues are available from the committee). This session the legislature passed SCR-43am establishing a joint committee of the legislature to examine matters pertaining to the organization and conduct of constitutional conventions in Alaska. As the chairman of that committee, I would like to invite you or any person you may designate to join with the legislative joint committee to continue preparations for a possible convention. The committee will reintroduce the convention procedures act next year, and would appreciate advance notice of any problems you and your staff may have next time.

Thank you for your consideration.

Sincerely

  
Representative Brian Rogers

cc: Sens. Hohman, Ziegler, Sackett  
Reps. Gardiner, Phillips, Parker

465-3600

June 16, 1980

The Honorable Jay S. Hammond  
Governor  
State of Alaska  
Pouch A  
Juneau, Alaska 99811

Re: CSHB 723 am S  
(constitutional convention)  
Our File: J-88-094-80

Dear Governor Hammond:

At your request, we have reviewed CSHB 723 am S, relating to a constitutional convention. It has several problems, and we recommend that you veto it.

The third section denies space in the election pamphlet to those in favor and to those opposed to holding a constitutional convention. It is the rule in Alaska that once there exists a government-controlled forum for the dissemination of ideas, the government cannot deny equal access to that forum based on content alone. Alaska Gay Coalition v. Sullivan, 578 P.2d 951 (Alaska 1978). This provision is unconstitutional, and therefore is invalid.

Second, section 5 (new AS 15.50.101) provides for an Alaska Constitutional Convention Commission and for six of its nine members to be appointed by and from the legislature, two to be appointed by the governor, and one by the chief justice.

The commission's function is to prepare for a constitutional convention should one be called. While it is not an everyday experience, it merely calls for the execution of a law. That putting on a convention is a rare event does

not make it an exercise of the law-making power or an exercise of the judicial power. Planning, preparing and setting up a convention does not involve the enactment of legislation or the adjudication of legal disputes. It is, as the division of governmental powers goes, an executive function.

Under the Alaska Constitution, it is the governor who is assigned to carry out the law. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). To that end, he is vested with the power to appoint subordinates to assist him in carrying out the law. This power of appointment is shared by the legislature solely to the extent prescribed by the constitution. Id. Accordingly, the bill's provisions for appointments to the commission by the legislature and the chief justice are unconstitutional. Cf., Buckley v. Valeo, 424 U.S. 1 (1976) (appointments to federal elections commission).

Moreover, article II, section 5 of the constitution prohibits legislators from holding any other office or position of profit. Employment by or election to a constitutional convention is expressly excluded from the prohibition. The existence of this narrow exclusion leads to the conclusion that all other offices and positions of profit are included within the prohibition. Begich v. Jefferson, 441 P.2d 27 (Alaska 1968). The commission is patently not within the terms of the exclusion. Accordingly, the bill's provisions for the appointment of legislators to the commission are also unconstitutional.

The provisions for filing for election to the convention do not prescribe with what office or official the declaration is to be filed. See proposed sections 15.50.170 and 15.50.180. They do require notices of withdrawal to be received by the lieutenant governor, and one may infer that the declarations are to be filed with him as well.

Section 15.50.180(c) makes a cross reference to subsection (a) when a reference to paragraph (a)(1) is really intended. One of the co-revisors of statutes advises that, if the bill becomes law, this error can be corrected editorially.

Section 15.50.200 provides for placing the names of persons "who have been properly nominated for delegate on the special election ballot." The problem with this is that there are no nominations. The name of any qualified person who files will go on the ballot. There is no nominating petition, no run-off election, and no primary election. Election is by plurality. The result is that the delegates

may represent a minority of the state's or district's electorate. While that is legal; it may not be very good policy.

Section 15.50.240 provides for filling vacancies with the candidate for the seat who got the next highest number of votes. The problem with this arrangement is that the person so elected could very easily be anathema to the majority of the voters in the district (or the state). Again, while this may not be illegal, it seems like bad public policy.

The authorization in proposed AS 15.50.290(a) for the lieutenant governor to make an appropriation for convention expenses if the legislature fails to do so is expressly provided for by article XIII, section 3, of the constitution. (Incidentally, sec. 290(a)'s reference to sec. 70(a) is in error since sec. 70 is not divided into subsections; this will be called to the attention of the co-revisors of statutes.)

There appear to be no other problems with the bill, but those mentioned more than suffice to require a veto. Enactment of a bill with the legal defects and policy shortcomings of this bill cannot be justified. The election on the question will not occur until November 1982. That leaves ample time in which to enact a better bill.

Yours very truly,

Wilson L. Condon  
Attorney General

WLC/RWP/lm  
cc: The Hon. Terry Miller  
Lieutenant Governor

# Alaska State Legislature

SENATOR  
ROBERT H. ZIEGLER, SR.  
307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

POUCH V  
JUNEAU, ALASKA 99811



Senate

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SENATE JUDICIARY COMMITTEE  
WESTERN CONFERENCE - COUNCIL OF  
STATE GOVERNMENTS

VICE CHAIRMAN  
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MEMBER  
SENATE STATE AFFAIRS COMMITTEE  
SENATE COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE

June 21, 1980

Representative Brian Rogers  
Box K College Branch  
Fairbanks, Alaska 99708

Dear Brian:

For your planning and scheduling purposes, I will be unavailable for meetings between July 15th and July 22nd, the first 10 days of September and the last weekend of that month and the entire month of November.

It's quite likely we'll have a Legislative Council meeting in Anchorage on August 2nd and, if so, perhaps we can synchronize at that time.

Regards,

A handwritten signature consisting of a stylized 'R' followed by a horizontal line.

Robert H. Ziegler, Sr.

RHZ/pkz

# GUY A. VAN DOREN

P.O. Box 41

Douglas, Alaska 99824

(907) 364-3442

June 23, 1980

Representative Brian Rogers  
P.O. Box "K"  
College Branch  
Fairbanks, Alaska 99708

Dear Brian:

Since the Governor has vetoed the Constitutional Convention bill, I thought I would get a copy of the memo to you right away. Also enclosed is a copy of the reports from last year in case you do not have yours. I've sent a copy to Ziegler and will send copies to other members when they are appointed. I had 50 more copies made.

Although the committee has not been officially appointed or funded, I've been doing quite a bit of preparatory work including setting up the office, setting up a reference library, drafting letters to send to recognized constitutional revision authorities, and reading of source materials. Most of the work must be done in order that I will not be behind the power curve when the actual committee is formed.

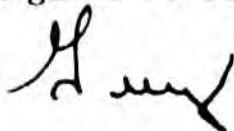
We've lost Land, at least until October, as she had to find a job. She has become the executive secretary to Ray Paddock, Tlingit-Haida President, until his term expires in October. She will be available after that to travel and do the committee work required. I can do the administrative work and typing unless you want to make other arrangements.

I don't know when Tillion, Gardiner, and Hohman are going to officially appoint the members, but hope it will be soon as I'm anxious to get started and am going to be financially hard-put if something doesn't happen pretty soon. I did not look for any other work since I thought everything on the committee was pretty much "go".

Hope you had a successful "Solstice". If you need to contact me, I'm at 465-3743 or 3745, during the day and 364-3442 during the evening.

Hope to hear from you soon.

Regards to all,



Guy A. Van Doren

*Letter 6/25*

GUY A. VAN DOREN  
P. O. Box 41  
Douglas, Alaska 99824

June 10. 1980

The Honorable Clem V. Tillion,  
President of the Alaska Senate  
P. O. Box 373  
Homer, Alaska 99603

Dear Clem:

I met with Representative Brian Rogers on Saturday, June 7,  
and Monday, June 9, following adjournment. We would appreciate your making appointments to the Constitutional Convention Committee as soon as possible.

As you are well aware, Senator Ziegler has agreed to serve on the committee and we contacted Senator Sackett, who would definitely like to be appointed to serve on the committee. As far as the third member, I guess we don't have any suggestions, but have discussed Senators Mulcahy and Sturgulewski.

As far as we can determine, Representative Gardiner will be appointing Representatives Rogers, Parker and Phillips.

When you make your decision, please forward the names to Mert Charney, Brian Rogers and me.

Please use the above address for me; Brian Rogers' address is P. O. Box K, College Branch, Fairbanks, 99708.

Thanks, Clem! As soon as the appointments are made we can get started on our projects. Have a nice summer.

Regards,



Guy A. Van Doren

GAVD:lk

cc: Senator Ziegler  
Senator Sackett  
Senator Hohman  
✓ Representative Rogers

# Alaska State Legislature

SENATOR  
ROBERT H. ZIEGLER, SR.  
307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901  
—  
POUCH V  
JUNEAU, ALASKA 99811



Senate

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SENATE JUDICIARY COMMITTEE  
IMMEDIATE PAST CHAIRMAN  
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SENATE COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE

June 6, 1980

The Honorable Clem V. Tillion  
Alaska State Senate President  
Halibut Cove, Alaska 99603

Dear Clem:

With some reluctance, I promised Brian Rogers that I would serve on the Constitutional Convention Interim Committee, if appointed.

I probably know as much about it as most people, and I will endeavor to make as many meetings as I can, should you appoint me.

What time did the 8:00 p.m. plane leave?

Catch you later,

3-

Robert H. Ziegler, Sr.

RHZ:lk

A handwritten signature, likely of Robert H. Ziegler, Sr., written in dark ink.

ALASKA  
STATE LEGISLATURE  
MEMORANDUM

12/18/79

TO: Glenda Straube

FROM: Deborah Gazaway, Juneau LTN

SUBJECT: Teleconf. on 12/10/79, Constitutional Convention, 'Internal  
Committee Meeting'

Good morning. Enclosed you will find a list of the people who participated in the teleconference on 12/10. I am forwarding the list to you with the hope that it may be of some use. Have a merry Christmas!

*Deborah*

SIOUX FROM MAXINE

THE FOLLOWING ARE PRICIPANTS OF THE CONST. CONV. TELE-CONF WORK SHOP:

on 12/10/79

REP. BRIAN ROGERS, CHAIRMAN, FAIRBANKS, PH 479-7692  
GLENDA STRAUBE, AIDE, FAIRBANKS, PH 479-7692  
DOUGLAS POPE, 912 W 6TH, ANCHORAGE, 99501 PH 272-6225  
GUY VAN DOREN, BOX 41, DOUGLAS, AK 99801 PH ?  
IRENE REED, CHAPMAN BLDG, U OF A, FBX 99701 PH 479-7874  
VIC FISCHER, 221 E 7TH #204, ANCHORAGE 99501 PH. 272-2381  
MICHAEL CAREY, BOX 1859, FBX 99707 PH 452-3446

OBSERVORS:

THOMAS B STEWART, SUPERIOR CT, POUCH U, JUNEAU, 99811 PH 465-3420  
SUSAN FISHER, DAILY NEWS-MINER, BOX 710, FBX 99707, PH 456-6661  
NATHAN SOURS, INTERN DAILY NEWS MINER, BOX 710, FBX 99707, PH 456-6661  
IRENE PEYTON, BOX 80588, FBX. 99707, PH 479-2864  
PATRICIA SHIELDS, LEAGUE OF WOMEN VOTERS, 4486 STANFORD DR. FBX 99701  
PHONE 479-2507  
SUE JONES, " " " " 318 SLATER DR, FBX 99701, PH452-5946

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UNIVERSITY OF ALASKA  
Institute of Social and Economic Research  
707 "A" St., Suite 206  
Anchorage, Alaska 99501  
Phone (907) 278-4621

February 19, 1979

Rep. Charlie Parr, Chairman  
House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Charlie:

The purpose of this letter is to suggest that you and your committee undertake or sponsor a preparatory effort for the 1982 referendum on calling a constitutional convention.

As you remember, the voters approved a convention call in 1970 by a rather slim margin. That referendum was voided by the Supreme Court because of improper wording of the ballot. Voting on the issue again on November 7, 1972, voters rejected the proposition. In accordance with the constitution, Alaska voters will be asked at the November 1982 general election whether a convention should be held. (Unless, of course, the legislature earlier called a constitutional convention, in which case there would be no referendum in 1982).

A conference held in Fairbanks in October 1976 to review the state constitution 20 years after it was written and first approved concluded that a general revision of Alaska's constitution was not needed, although some issues were deemed to deserve further pursuit and possible change. Most convention delegates, legislators, and others who were present felt that a new convention was not to be desired as it would open the whole constitution to unnecessary tinkering and possible massive revision. In general, most conferees concluded that the constitution was adequate for our time and the foreseeable future.

Recently, however, concern has been expressed that frustrations and special interests could result in approval of a convention call in 1982. There is fear that this could be brought about by a variety of issues: moving the capital, right-to-life vs. abortion choice, limiting legislative salaries, getting free land to the people, establishing limitations on taxes and state expenditure, electing judges, electing the attorney general, and others. The concern is that agitation on such issues may bring about a convention oriented toward individual causes other than being concerned with general governmental structure and constitutional integrity.

Those who have thought about this potential problem feel that it is important to defuse possible single-issue pressures. This can be done at least in part by giving the voters an opportunity to be heard before frustrations and emotions overflow, dealing with such issues insofar as possible via the legislative process, and, as appropriately, giving the public a chance to vote on specific constitutional amendments proposed by the legislature. An overall key element, of course, is voter education on what the constitution is and is not, and what the implications might be of holding a convention. If, in the end, a constitutional convention is held, it would hopefully be the result of action by an informed electorate or, if deemed appropriate, by the legislature calling a convention.

Preliminary discussions have led to the conclusion that this matter needs to be approached slowly and carefully so as not to exacerbate the potential problem. An interim study undertaken jointly by the Senate and House Judiciary Committees could explore the situation further and possibly develop a strategy for dealing with the 1982 referendum. The committees might sponsor some specific studies and opinion surveys, hold some public hearings, and delve into both some of the real and the perceived problems that might be dealt with through constitutional change.

One question that such a joint investigation might deal with is whether to move toward a more visible and more active preparatory phase after the next legislative session. This could be accomplished through creating a constitutional study commission which might go through a broad public review and participation process. It might also propose that some specific constitutional amendments could be placed before the voters in 1980 or 1982 to take care of any real problems and, thus, demonstrate that necessary changes can be dealt with without constitutional convention. Or it might be concluded that the best thing is to let the whole business lie quietly on the premise that all will turn out all right without legislative initiative.

I would be glad to pursue all this further with you and your committee, should you so desire. You might also wish to discuss this with Judge Thomas B. Stewart, who was instrumental in preparing for and managing the 1955-56 convention and has participated in some of our recent discussions. I am addressing the same letter to Sen. Robert Ziegler of the Senate Judiciary Committee.

My very best personal regards.

Sincerely,

VF:la

Victor Fischer  
Professor

cc: Rep. Hugh Malone  
Rep. Brian Rogers

# GUY A. VAN DOREN

P. O. Box 41

Douglas, Alaska 99824

(907) 364-3442

June 15, 1979

The Honorable Terry Miller  
Lt. Governor, State of Alaska  
Office of the Lt. Governor  
Pouch AA  
Juneau, Alaska 99811

Dear Lt. Governor Miller:

The Constitutional Convention Committee of the Alaska State Legislature respectfully invites you to attend a one hour televised community forum meeting in the town of Bethel on June 27, 1979. The meeting will begin at 6:00 P.M. and should finish at approximately 7:00 P.M.

The purpose of the meeting is to explain what the Constitutional Convention Committee functions will be, give a brief history of the constitution, its drafting and subsequent amendments, explain why the question of holding a convention must appear on the ballot, and to seek input from the people of the Kuskokwim area regarding constitutional questions as well as to answer their questions.

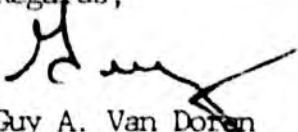
I would assume, you as Lt. Governor, would present a brief history on the first time the question of holding a convention appeared on the ballot and the resulting problems, as well as answering any questions regarding future balloting of the question.

Transportation: Anchorage-Bethel..Daily 7:25am and 7:00pm. Bethel-Anchorage Daily 9:20am and 8:55pm. I assume most of the people attending the meeting will travel to Bethel on the 7:25 a.m. flight on the 27th, and return on the 9:00a.m. flight on the 28th, however, since the meeting is due to be over around 7:00, I see no reason why a person couldn't plan to depart on the 8:55 p.m. flight on the night of the 27th.

Persons attending the meeting will be Senator George Hohman, Representative Brian Rogers, and perhaps Rep. Representative Jack Fuller. Staff and consultants will include Vic Fischer, Doug Pope, Mark Wittow, and myself. If you have any other questions you may contact me either at the above phone number or at 465-3743. Since you are going to Anchorage, you might try to contact Senator Hohman at the Legislative Information Office 238-3668 and discuss the forthcoming meeting with him.

Am looking forward to seeing you in the near future.

Regards,

  
Guy A. Van Doren  
Consultant, Constitutional Convention Committee

MEMORANDUM

SUBJECT: September meeting of Constitutional Convention Committee  
TO: Brian Rogers  
FROM: Glenda Straube *g*  
DATE: September 5, 1979

Guy Van Doren called yesterday. He stated that it doesn't look like George Hohman can come to Fairbanks between Sept. 10th and 14th. Also Hohman doesn't want public hearing at this time in his own district. (This is confidential). Guy is checking to see how much money is left in the budget, so that hearings in other parts of the state may be held if we have enough. Guy is available from the 10th to 14th, but prefers the 11th or 12th.

Guy will be calling me again Thursday morning to establish the date of your meeting with him, so let me know your answer ASAP. Any other messages to relay to him?

**BRIAN ROGERS**

*Alaska State Legislature*

June 19, 1979

Hon. Jay Rabinowitz  
Chief Justice, Supreme Court  
604 Barnette St.  
Fairbanks, AK 99701

Dear Chief Justice Rabinowitz:

The Alaska State Legislature has established an interim committee to prepare for the 1982 Constitutional Convention referendum. The purpose of the committee is to develop a strategy for dealing with that referendum, including:

- a) Specific studies and research regarding the original Alaska Convention;
- b) Proposed amendments which have been before the legislature since statehood;
- c) Interviews with delegates to the original constitution;
- d) Holding public hearings throughout the state giving the public background on a constitutional convention, establishing pros and cons of calling a convention and soliciting their idea regarding either a convention or proposed constitutional amendments;
- e) Developing legislation for either the call to convention or constitutional amendments.

The committee has established a liason with the Executive branch through Lt. Governor Terry Miller and we feel judicial branch involvement is also essential. We would respectfully request that you authorize a member of the court system who is familiar with the constitution and the constitutional convention to act as a liason with the committee and to assist in interim work on a part-time basis.

Please feel free to contact me for more information about the committee, timing of work, or anything else you might need.

Thank you for your time.

Sincerely,

Representative Brian Rogers  
Co-Chairman  
Constitutional Convention Committee

CONSTITUTIONAL CONVENTION COMMITTEE

AGENDA December 10, 1979

CONSULTANT REPORTS:

Irene Reed: progress report on Yupik translation  
Douglas Pope: constitutional issues - legal analysis  
Guy van Doren: state constitutional conventions in the 1970's  
Dr. Victor Fischer: preliminary considerations and arrangements  
Glenda Straube: transcription of Constitutional Review

PUBLIC COMMENTS:

Fairbanks  
Anchorage  
Juneau  
Other teleconference locations if necessary

COMMITTEE ACTION:

Requests for legislation and resolutions (if necessary)  
Continuation of committee through session  
Discussion of future projects

OTHER BUSINESS if necessary

1456 Turner  
Fbks, Ak 99701

Hello Brian:

I heard the last few minutes of the Town Crier tonight, tried to call in but was unable to get through. I would like a Constitutional Convention as soon as possible.

I have always thought three branches of government was at least one too many. The problems we have with government are structural. The Executive Branch should be done away with. The legislature should serve full time and the bureaucracy moved into the legislative branch. Those who make the law should have to implement it. As the full time legislature breaks itself down into committees, the committee members replace the top bureaucrats in the former executive dept. For example if the Labor & Management committee had 7 members, they would replace the top 7 bureaucrats in the Dept of Labor and run the labor dept on a day to day basis, set policy, make regulations, etc. The legislature could come together every year or two years as a committee of the whole to consider passing or repealing laws. Terms of office could be staggered to insure that a majority of the committee was experienced. Terms of office limited to two terms of 2 to 4 years. This will make government more responsive, and more economical to operate. A part time legislature (bicameral or unicameral) simply cannot combat a full time executive branch as is supposed by the three branch system. Full time legislators who operated the bureaucratic machinery would need less staff, staff attorneys, fewer studies contracted out, etc etc. They would be the the policy makers in fact as well as in law. A two branch system easily meets the "republican form" requirement of Article 4 of the Constitution of the U.S.

There is always the Bill of Rights to protect the minority & individuals from the tyranny of the majority and the legislature.

A full time legislature can react to emergency as quickly as an executive consulting with his bureaucracy. The legislative committee system was adequate to free the thirteen colonies. The true republicans on the federal convention refused to sign the

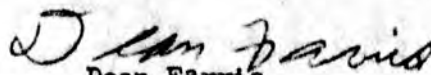
Constitution because it had no Bill of Rights. They realized that something intrinsically empty as dividing the governments power could not protect the individual. There is no need for an executive elected or appointed by the legislative, all that is needed is a chairman of the committee of the whole. No need for a judiciary committee since full time legislators will quickly learn what is and is not legal or constitutional and those issues are proper subjects for debate of the committee of the whole.

An equal and independant judiciary with judges elected OR appointed by hte jury to "referee" a particular case. This can be made practical.

I agree with very little in the Alaska Constitution and hope to see meaningful changes. The taxing power carries with it all other power, one of the major defects of the present constitution is that the limits of that power are not specified. The Bill of Rights must specify that it is superior to and operative against every clause in the body of the constitution or it is not a bill of rights at all.

My research indicates that as a practical matter most written constitutions amount to little more than 'rule from the grave.' There is enough talent in Alaska to do without the outside experts which attended the last one. I would rather trust the job to a dozen bar flys on 2nd avenue than to the Brookings Institute or any other group of experts. American Constitutions always purport to be made by the people but they never have been, and the ratifiers usually do not understand fully what they are voting on. The second defect is easy to rectify but what of the first?

I did'nt hear the whole program, if this was suggested, I loudly second it. I also question the commonwealth theroy. 'Things' are done for the 'good' of the whole and government, we are told, is founded on the will of the people. This is simply \*might makes right\* restated wherein the ballet replaces the bullet. There is no one more qualified to run government than the majority, but I do not consent to be governed by the majority or anyone else. And the majority has no business complicating my life with their laws however \*good\* it may be for them. Hope you can go public with these issues as much as possable between now and the convention.

  
Dean Farris

**VICTOR FISCHER ASSOCIATES CONSULTING**

221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • (907) 272-2381

November 5, 1979

TO: Glenda Straube, Interim Constitutional Convention  
Fairbanks OfficeFROM: Vic Fischer 

SUBJECT: 1955-56 Constitutional Convention Archives

Your August 31, list seems fairly comprehensive. The first item; Minutes of Convention, should cover two different items: The Six Volume Proceedings published by the Alaska Legislative Council in 1965 and the Journal. The proceedings are the verbatim record of what transpired on the floor of the convention. The Journal covers daily actions of the convention and consists, I believe, of two or three mimeographed volumes. Both items should be in the files. If not, they should be obtainable from the Legislative Affairs Agency in Juneau.

There should also be the Three Volume "Constitutional Studies" prepared on behalf of the Alaska Statehood Committee for the Alaska Constitutional Convention by Public Administration of Chicago.

There are a a number of other items that are probably not too important, such as "The Handbook for Delegates to the Alaska Constitutional Convention" also prepared by PAC. You might check the foot-notes in my book for similar references. Quite likely, these items are already somewhere in the files of the archives or of the Skinner Collection on the main floor of the library.

I assume your item II. C. refers to the "A Handbook on Alaska Regionalism" prepared by George Rogers. It was not by, from, or for the Legislative Council, whatever credit needs to be should be cited to the office of the Governor.

Regarding your last foot-note, you might also take a look at Bartlett's Key-note Address in Volume Six of the Proceedings. It has some fabulous stuff about avoiding exploitation of Alaska's resources by outside interests. (Bartlett's, by the way, was The Key-note Address. Gruening gave some extemporaneous comments at the opening session of the convention, and these are in Volume One of the Proceedings; his speech on colonialism was presented subsequent to the opening of the conference. The issue of exploitation and Colonialism was of course of the really basic reasons behind the Statehood movement).

I look forward to seeing the transcriptions you are making.

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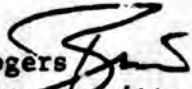
WHILE IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4925

HOME:  
BOX K, COLLEGE  
FAIRBANKS, ALASKA 99708  
(907) 456-2037

**BRIAN ROGERS**

*Alaska State Legislature*

May 13, 1979

TO: Senator George Hohman  
FROM: Representative Brian Rogers   
RE: Constitutional Convention Committee

Enclosed is a rough interim budget and proposed schedule for the interim committee on the constitutional convention. I think it's important that we meet in early June to work out the plans for the interim and to approve consultant contracts, etc.

I'd suggest we meet either in Anchorage the first week of June or in Fairbanks the second week, at your convenience. Please give me a call in Fairbanks (456-2037) after May 19th to work out details.

I look forward to working with you during this interim.

INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION

MAY            Committee planning  
                Arrange consultants  
                Draft consultant contracts

JUNE           First meeting:  
                Work plan for interim  
                Approve budget  
                Approve consultant contracts  
                Analysis of constitutional reunion  
                Constitutional convention materials located

JULY           No meeting  
                Analysis of constitutional amendments offered in legislatures  
                Interview constitutional leaders - Egan, etc.

AUGUST        Second meeting:  
                Review progress on contracts  
                Review reunion, convention, interview materials  
                Plan hearing schedule  
                Draft call for convention  
                Begin polling re convention vote

SEPTEMBER    Hearings: Interior, Northwest, Yukon/Kuskokwim  
                Consultant interim reports due

OCTOBER      Hearings: Southeast, Southcentral  
                Begin drafting legislation, report

NOVEMBER     Meeting: review legislation in progress  
                review committee report

DECEMBER    Meeting: approve legislation for introduction  
                approve final report  
                final consultant reports due

JANUARY      Present legislation, report to council & legislature

INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION

100	PERSONAL SERVICES		
	Administrative Assistant (Fbks, 7 mos.)	14700	
	Secretary (Fbks, 5 mos.)	7500	
	Secretary (Jnu, 2 mos.)	3000	
		<u>25200</u>	
	+benefits 10%	2520	
			<u>27720</u>
200	TRAVEL & PER DIEM		
	Staff & consultant travel & per diem	8000	
	Legislators travel & per diem	7000	
			<u>15000</u>
300	CONTRACTUAL		
	Consultants		
	-Convention, reunion analysis	20000	
	-Constitutional issues analysis	15000	
	-Legal analysis	10000	
	Contingency	5000	
	Office expenses	2000	
			<u>52000</u>
400	COMMODITIES	500	
			<u>500</u>
500	EQUIPMENT	0	
			<u>97220</u>

Constitutional Convention Committee  
610F Gruening Building  
University of Alaska  
Fairbanks, Alaska 99701

December 11, 1979

Fairbanks Office Supply  
320 2nd Avenue  
Fairbanks, Alaska 99701

TO WHOM IT MAY CONCERN:

The Constitutional Convention Committee of the Alaska State Legislature has purchased items from your store and is now currently renting a Lanier transcribing machine.

There has been some mix-up in the billing situation. The Labor and Management Committee of the Legislature has been receiving our bills.

In the future, when billing for these expenses please check the invoice and if it has the name of the Constitutional Convention Committee or my personal name on it, please send the bill to: Legislative Affairs Agency, Accounting, Pouch Y, Juneau 99811. Be sure to let them know the name of the committee.

I hope that we can straighten out this problem. If you have any questions, please call me at 479-7692.

Sincerely,



Glenda J. Straube  
Administrative Assistant

Constitutional Convention Committee  
610F Gruening Building  
University of Alaska  
Fairbanks, Alaska 99701

*Con Con*

Leo Wheadon  
Supply  
Legislative Affairs Agency  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Wheadon:

The following is a list of the inventory for our office here in Fairbanks. Rep. Rogers will be discussing the use of the office here with President Barton and quite possibly we will store this furniture here on campus.

- |                                     |          |
|-------------------------------------|----------|
| (1) Hon. 30x60 double pedestal desk | 31-05060 |
| (1) Hon. 30x60 secretarial desk     | 31-05061 |
| (1) Hon. 30x60 secretarial return   | 31-05062 |
| (1) Hon. 48" metal bookcase         | 31-05063 |
| (1) Hon. 4-drawer file cabinet      | 31-05064 |
| (1) Black plastic wastebasket       | 31-05065 |

If there are any questions regarding this inventory, I can be reached through Rep. Roger's Juneau office after January 8.

Sincerely,

*Glenda J. Straube*

Glenda J. Straube  
Administrative Assistant

December 18, 1979

TO WHOMEVER:

RE: Review of "Issues of Constitutional Change"

You are one of a number of Alaskans selected to receive the enclosed draft paper which examines changes to Alaska's constitution that have been suggested in the past or might be considered in the near future. The paper is part of a study program sponsored by the Alaska Legislature's Interim Committee on the Constitutional Convention to provide preliminary background information for the convention question on the 1982 ballot. The other attached paper discusses the general questions related to constitutional revision. It is sent to you for background and informational purposes.

I would very much appreciate your review of the constitutional issues study. As you will note, the preface provides a brief description of the paper and its contents. Also mentioned there, this draft is strictly preliminary in nature; and all suggestions for revision, expansion, and deletion of material will be very welcome.

Sen. George Hohman and Rep. Brian Rogers, co-chair of the interim committee, contemplate the possibility of publishing this paper as well as other parts of the study series. Your assistance will help to provide a more complete and improved end product. By the way, the committee has not yet received this draft, and it does not purport to represent the views of the committee.

I need to receive your comments and suggestions by January 11, 1980. If you cannot provide them by that date but do intend to submit them later, please drop me a note to that effect or call me.

Many thanks for your assistance, and very best season's greetings.

Sincerely,

*Vic fs*  
Vic Fischer

Constitutional Convention Committee  
610F Gruening Building  
University of Alaska  
Fairbanks, Alaska 99701

December 20, 1979

Norman Cohen  
P. O. Box 3-3908  
Anchorage, Alaska 99501

Dear Mr. Cohen:

I'm sorry that it took me so long to get this information together for you, but I've been extremely busy in preparation for the upcoming legislative session.

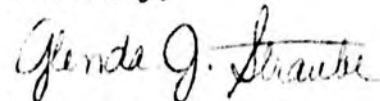
I searched through the minutes of the Constitutional Convention concerning natural resources. I have enclosed the pages that involved this article, other than those which only included changes in style and drafting.

Also enclosed are three student papers concerning the natural resources workshop during the Constitutional Review in 1976.

You had stated that you already had the material from Report 8 and 8A of Volume 6 of the Constitutional Convention procedures, so I have not included these.

I hope this will be helpful in your research.

Sincerely,



Glenda J. Straube  
Administrative Assistant

POUCH V  
JUNEAU, ALASKA 99811  
(907)465-4925

BOX R - COLLEGE  
FAIRBANKS, ALASKA 99708  
(907)456-2037

**BRIAN ROGERS**  
*Alaska State Legislature*

*Con Con*

December 5, 1979

The Honorable Thomas B. Stewart  
Presiding Judge, Superior Court  
Alaska State Court System  
Pouch U  
Juneau, Alaska 99811

Dear Judge Stewart:

In response to our request, Chief Justice Rabinowitz has designated you to be the Court's liaison to the Constitutional Convention Committee.

A meeting of the committee will be held on Monday, December 10 beginning at 10 A.M. We will meet at the Legislative Information Office at 101 College Road in Fairbanks. Oral reports will be given by Doug Pope, Vic Fischer, and Guy Van Doren. Senator George Hohman, co-chair of the committee, will be participating also.

Your attendance at this meeting would be helpful as we will be discussing the constitutional guidelines of the call to the convention and the convention itself. If you are unable to attend the Fairbanks meeting, you might participate via the Legislative Information Network in Juneau. For more information, you can reach me at 479-7692.

Sincerely,

*Brian Rogers*

Rep. Brian Rogers  
Co-Chair, Constitutional  
Convention Committee

# Alaska State Legislature

SENATOR  
ROBERT H. ZIEGLER, SR.  
307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

POUCH V  
JUNEAU, ALASKA 99811



Senate

*Cor Cor*  
*Cor Cor*

CHAIRMAN  
SENATE JUDICIARY COMMITTEE  
IMMEDIATE PAST CHAIRMAN  
WESTERN CONFERENCE - COUNCIL OF  
STATE GOVERNMENTS  
VICE CHAIRMAN  
SENATE RULES COMMITTEE  
MEMBER  
SENATE STATE AFFAIRS COMMITTEE  
SENATE COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE

July 25, 1980

The Honorable Clem Tillion  
The Honorable Terry Gardiner  
Alaska State Legislature

Gentlemen:

Legislative Resolve 48 calls for the appointment of a seven-person committee to delve into state constitutional convention matters. The President is to appoint three Senators; the Speaker is to appoint three Representatives. In addition, Senator Hohman, wearing his Legislative Council chairman hat, is to appoint the seventh member.

We are rapidly running out of time within which to do the type job we ought to do and want to have done. If these appointments were to be made immediately, we could have our organizational meeting in Anchorage on the afternoon of August 1st or in the morning of the 2nd. This would coincide with the Legislative Council meeting scheduled for the 1st.

Guy Van Doren, my administrative assistant, has indicated he is ready, willing and able to serve as administrative assistant for the interim constitutional convention committee. If we do organize in Anchorage, perhaps he should attend said meeting. If you concur, will one of you please notify Guy, perhaps through Myrt Charney, that he is on the payroll and to make plans accordingly. Also, Landa Krossa has been tentatively selected as committee secretary; she advises me she can make the Anchorage meeting if requested so to do.

It is my understanding that Clem will probably appoint Senator Sackett and myself as two of the three Senate members and that Terry has contemplated appointing Representatives Rogers and Parker as two of his appointees.

I fear that if we don't move with alacrity, we might as well abandon the project. That would be a shame, for I am of the positive opinion that the work we do in the next few months will stand us in good stead in the years to come.

Regards,

*3*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

August 19, 1930

MEMORANDUM

TO : Representative Brian Rogers  
Representative Joe L. Hayes

FROM : M. R. Charney, Executive Director *M.R.C.*

SUBJECT: Joint Interim Committee - Constitutional Convention

Speaker Gardiner has requested me to notify you that he has appointed each of you, as well as himself, as the House members to the Joint Committee examining matters pertaining to Constitutional Conventions, established by SCR 43 am (Legislative Resolve No. 48) in the last session.

At this time, I have yet to receive the three appointments from President Tillion or the one appointment from the Council Chairman.

Representative Rogers has been designated by the Speaker to serve as Chairman of the House members.

Funding for the joint committee was appropriated to the Legislative Council and will be made available by the Chairman when all appointments are made.

cc: Sen. George H. Hohman, Jr.  
Sen. Clem V. Tillion  
Rep. Terry Gardiner  
Sen. Bill Ray  
Richard G. Berg

C  
Reimer  
Gamble  
B-D'innocente  
H-Harter  
I-Marshall  
B-Therrie  
W-Helms  
K-Palczar  
B-Rachford  
H-Lance

*Copy*  
*Con*

1980 5/28/80  
Robert M. Rosen

A Citizens' Organization for Better Government - Founded 1954



*James for  
Con Con*

Sponsor of

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- Joseph Roubie, Miami
- W. H. Roberts, Dallas
- Harvey C. Russell, Purchase, N.Y.
- Frank P. Sebree, Kansas City, MO
- Joseph F. Turley, Boston
- E. Robert Turner, Boulder
- John R. Vella, San Francisco
- Fay H. Williams, Indianapolis

July 9, 1980

Mr. Guy A. Van Doren, Consultant  
Interim Constitutional Convention Committee  
Pouch Y Room 107 Capitol Building  
Juneau, Alaska 99811

Dear Mr. Van Doren:

In reply to your letter of June 23, we are sending the names of several individuals with whom you may wish to correspond in connection with your work for the constitutional convention committee. This is by no means an exhaustive list, but all have played important parts in revision efforts as authors, consultants and/or delegates.

John E. Bebout, Box 441, Wellfleet, Massachusetts 02667, 617-349-3546, has been associated with revision efforts since the successful move to adopt a new constitution in New Jersey in the 1940s, and was a major consultant to the Alaska convention. ✓

George D. Braden, 302 Hudson Avenue, Albany, New York 12210, 518-436-0145, has been involved in revision efforts in Connecticut, New York, Illinois and Texas, and has co-authored books on the Illinois and Texas constitutions. ✓

George E. Campbell, Rose, Nash, Williamson, Carroll, Clay and Giroir, 720 West Third Street, Little Rock, Arkansas 72201, 501-375-9131, was a delegate to the 7th Arkansas Constitutional Convention and was executive secretary of the Constitutional Revision Study Commission.

Elmer E. Cornwell, Department of Political Science, Brown University, Providence, Rhode Island 02912, 401-863-2825, was co-author of The Politics of the Rhode Island Constitutional Convention and Constitutional Conventions: The Politics of Revision. ✓

Samuel K. Gove, Director, Institute of Government and Public Affairs, University of Illinois, Urbana, Illinois 61801, 217-333-3340, was a member of the commissions preparing for and implementing the results of the 6th Illinois Con-

Carl H. Pforzheimer Building, 47 East 68th Street, New York, N. Y. 10021  
Telephone: (212) 535-5700

- COUNCIL**
- Marion P. Ames, Rye, N.Y.
  - Charles A. Ballard, New York
  - Nelta G. Barkley, Charleston, S.C.
  - Alan K. Campbell, Washington, D.C.
  - Anthony M. Carey, Baltimore
  - Thomas J. Clark, Long Beach, CA
  - LeRoy Collins, Tallahassee
  - Samuel M. Convisser, New York
  - Leonard E. Davis, San Antonio
  - Roy F. Drachman, Tucson
  - Harold W. Dodds, Princeton
  - Michael S. Dukakis, Boston
  - Richard A. Edwards, New York
  - Curtis E. Frank, Greenwich, CT
  - George Gallup, Princeton
  - Samuel K. Gove, Urbana, IL
  - Franklin P. Hall, Richmond
  - W. Len Hill, Boulder
  - Ruth J. Hinerfeld, Mamaroneck, N.Y.
  - Barbara Jordan, Austin
  - Richard Kizer, New York
  - N. Warner Lee, Phoenix
  - Frank Licht, Providence
  - Gordon E. McDanold, Chicago
  - Allen J. McDowell, Lincoln
  - Howard D. McMahan, Fort Worth
  - Cecil Morgan, New Orleans
  - James A. Norton, Cleveland
  - John B. O'Hara, Philadelphia
  - Roy H. Owsley, Louisville
  - William T. Patrick, Jr., New York
  - Theima Press, San Bernardino
  - William L. Randall, Milwaukee
  - Ray T. Reed, Jr., Wichita
  - Ariyne E. Reichert, Great Falls, MT
  - Jeanne Richman, Scarsdale, N.Y.
  - George Romney, Bloomfield Hills, MI
  - Victoria Schuck, Washington, D.C.
  - William W. Scranton, Scranton, PA
  - Murray Seasongood, Cincinnati
  - William F. Taggart, East Brunswick, N.J.
  - Marjorie L. Taylor, Wichita
  - Cecil H. Underwood, Huntington, WV
  - Richard C. VanDusen, Detroit
  - David I. Wells, New York
  - Stanley J. Winkelman, Detroit
  - John C. Wyckoff III, Memphis

- William N. Cassella, Jr., Executive Director
- William G. Andersen, Jr., Assistant Director
- Joan A. Casey, Director, Library/Publications
- Page Elizabeth Bigelow, Staff Associate
- Marion A. Kelly, Administrative Assistant
- Gerald N. Hardy, Field Consultant
- Peter L. Shaw, Field Consultant
- Troy R. Westmeyer, Field Consultant
- William K. Woods, Field Consultant
- Frank P. Grad, Counsel

Mr. Guy A. Van Doren

July 9, 1980

2

Con, and co authored Revision Success: The Sixth Illinois Constitutional Convention.

Richard Kosaki, Department of Political Science, University of Hawaii at Manoa, Porteus 640, 2424 Maile Way, Honolulu, Hawaii 96822, 808-948-8357, authored materials on the 1978 Hawaii Constitutional Convention.

Norman Meller (address and phone same as Kosaki) wrote With an Understanding Heart: Constitution Making in Hawaii and served as a consultant to the Pacific Trust Territories constitution making effort.

James F. Ray, 8834 Honeysuckle Trail, Austin, Texas 78759, 512- 345- 3108, was executive director of the Texas Constitutional Revision Commission and the Constitutional Convention.

Albert L. Sturm, Center for Public Administration and Policy, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 703-961-5133/5830, is author of a book on the Michigan Constitutional Convention, of numerous articles on revision, of Thirty Years of State Constitution Making, 1938-1968, and of the annual constitutional developments summary in the NATIONAL CIVIC REVIEW and the Book of the States.

John P. Wheeler, Hollins College, Hollins, Virginia 24020, 703-362-6000, directed the League's State Constitutional Studies Project in the 1960s and authored The Constitutional Convention: A Manual on Its Planning, Organization and Operation, and co-authored Magnificent Failure: The Maryland Constitutional Convention of 1967-1968.

The League's executive director, William N. Cassella, Jr., participated in the Alaska Constitutional Review Conference held in Fairbanks in 1976. He is also in close touch with Victor Fischer of Anchorage, who is the author of the League-sponsored study Alaska's Constitutional Convention.

We will be grateful if you can send us copies of materials prepared by your committee to add to our extensive library collection on constitutional revision in all the states.

We trust this list will be useful to you, and please feel free to call on us if we may be of assistance to you.

Sincerely yours,

*Joan A. Casey*  
Joan A. Casey  
Director  
Library/Publications

Chairman  
Rep. Brian Rogers

INTERIM COMMITTEE  
ON  
THE CONSTITUTIONAL CONVENTION

Pouch Y, Rm. 107  
Capitol Bldg.  
Juneau, Alaska  
99811  
(907) 465-3743

Members  
Sen. Hohman  
Sen. Mulcahy  
Sen. Sackett  
Sen. Ziegler  
Rep. Gardiner  
Rep. Hayes

Staff  
Guy Van Doren  
Admin. Asst.

September 4, 1980

As required by the Alaska State Constitution, the question of whether or not there shall be a Constitutional Convention in Alaska, will be on the ballot in 1982.

In light of the fact that all students of constitutional revision emphasize pre-planning of a Constitutional Convention, the Alaska State Legislature has created a Special Interim Committee on the Constitutional Convention. As can be seen by the enclosed resolution, the Committee is charged with examining matters pertaining to the organization and conduct of Constitutional Conventions.

In 1954, Thomas B. Stewart, now Judge Stewart, spent over a month seeking information and advice from nationally recognized authorities in the field of government and constitution-making.

The current committee is contemplating the same type of information-gathering and has chosen me to carry out that task. Your name has been suggested by the National Municipal League.

The purpose of this letter is to furnish you with the draft work which has been completed to date and to solicit tentative dates on which you would be available for a meeting with me. I intend to be traveling during the month of October and possibly the first part of November. As soon as I have received the dates you will be available and the available dates of others recommended by the League, I will set up firm appointments by telephone.

Please advise me as soon as possible if you are interested in such a meeting and convenient dates.

I look forward to meeting with you in the near future.

Sincerely,

Guy A. Van Doren  
Administrative Assistant,  
Special Interim Committee on the Constitutional Convention

*Copy to  
Con Com*

August 30, 1980

Robert H. Wagstaff  
912 West Sixth Ave.  
Anchorage, Alaska 99401

Re: Contract with Joint Committee on a  
Constitutional Convention.

Dear Bob:

The purpose of this letter is to state, on behalf of Rep. Rogers, the stages of work to be performed for the Joint Committee and to confirm the understanding on hiring an assistant.

Researching and preparing a memorandum on the issues surrounding cash distribution of state revenues to residents is the first item. It is the desire of Rep. Rogers that the time and expenses for this item not exceed \$8,000.00 without further approval. After the State Supreme Court rules in the tax and permanent fund dividend cases, Rep. Rogers will advise you whether to proceed with further research and preparation of memoranda. At present, it is his intent that any time and expenses incurred for researching that supreme court decision shall not exceed an additional \$8,000.00 without prior approval.

It is understood that you will hire a law clerk to assist you. Compensation for a clerk shall not exceed \$40.00 per hour.

Sincerely,

Douglas Pope

DP:mec

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

*con  
corres*

POUCH V - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

September 5, 1980

MEMORANDUM

TO : Representative Brian Rogers  
FROM : *for* *Mr. R. Lehman* Senator George H. Hohman, Jr.  
Chairman, Legislative Council  
SUBJECT: Legislative Council 1980 Interim Committee -  
"Joint Constitutional Convention Committee"

As Chairman of the Legislative Council, I am appointing you as the Project Chairman of the Joint Constitutional Convention Committee under the auspices of the Council. Members of your committee are Representatives Terry Gardiner, Joe L. Hayes and Senators Robert H. Ziegler, John Sackett, Bob Mulcahy and George H. Hohman, Jr.

In accordance with legislative action, your committee has been given a budget of \$143,000. Please coordinate with the Administrative Services Division in establishing criteria for proper control of State funds.

In addition, I have appointed Senator Ray as Chairman of an Interim Project Oversight Committee. Their task shall be to review the progress of all interim activities and to act on all funding requests.

I would also appreciate you keeping Mr. Charney informed with copies of your periodic reports to the Oversight Committee in order that public access may be maintained.

cc: Rep. Terry Gardiner  
Rep. Joe L. Hayes  
Sen. Robert H. Ziegler, Sr.  
Sen. John Sackett  
Sen. Bob Mulcahy  
Sen. George H. Hohman, Jr.  
Sen. Bill Ray

OFFICIAL TESTIMONY

of

Timothy Dove

to the

Interim Constitutional Convention Study Committee

an

Interim Committee of the Legislative Council

Before the Legislature takes any steps toward calling a constitutional convention, public inquiries should be made of the present constitution: "What's good about it?", "What's wrong with it?", "What changes are needed?", "Why should we have a constitutional convention, anyways?".

How many people are aware of the power of the state over the individual as embodied by our present constitution? Did you know that the constitution compels the creation of borough governments in areas where boroughs were not wanted by the residents? Fairbanks twice voted down the formation of the borough, yet the courts still forced it down their throats. Did you know that even though a majority (59%) voted for the Beirne Homestead Act, the Supreme Court ruled that the people do not have the constitutional authority to dispose of state land? And did you know that the present constitution creates the most powerful, dictatorial governor in the country? His power to appoint is staggering: Supreme Court Justices, law enforcement officials, various regulatory department heads, Airport Managers, Commissions ad nauseam, etc, etc. He and his Commissioner of Natural Resources have deliberately strangled the economy of Alaska. His Supreme Court finds it "constitutional" if the government wants it (boroughs), and "unconstitutional" if the people want it (homesteading). The judges then claim "sovereign immunity" - they can't even be voted out!

I am for a constitutional convention which will take the power out of the hands of a few and give it back to the people. I am for a constitution which will abolish the centralized, state-planned economy in favor of a free market based on private ownership of land and resources.

However, I do not yet hear a hue and cry of the people for a constitutional convention. They have not yet deduced the relationship between our present economic stagnation and our constitution. Therefore, until and unless the people of Alaska call for a constitutional convention to get government off their backs, I must stand resolutely against a convention planned and organized by the Legislature. The power brokers at such a convention would only give themselves still more power. A constitution should be the will of the people, and until they are for it and involved in it, the plans of others to call a convention should be thwarted.

In the meantime let's put the question before the voters on the 1982 ballot, as required by the present constitution.

*Timothy A. Dove*  
12-10-77

cc: Editor, Daily News-Miner  
Rep. Dick Randolph