

ALASKA CONSTITUTIONAL CONVENTION

November 9, 1955

SECOND DAY

PRESIDENT PRO-TEM, MILDRED HERMANN: The second session of the Alaska Constitutional Convention will come to order. We will have the roll call by the Secretary.

(Mr. John Hall called the roll.)

MR. HALL: Madam President, all fifty-five delegates are present excepting Frank Peratrovich who did not answer to his name.

MRS. HERMANN: This is the time and place set for a special order of business to hear an address by the keynote speaker for the Convention. I would like to appoint Mr. Hellenthal, Mr. Sundborg and Mrs. Nordale who will escort the speaker to the rostrum.

(Dr. Gruening was escorted to the rostrum at this time. applause)

MRS. HERMANN: Before we proceed with the address, I shall ask the Reverend Londborg to give the invocation.

LONDBORG: Let us pray. Almighty God, for whom we move and have our being, we stand before you this moment with bowed heads and humble hearts, realizing the responsibility that is ours as citizens and servants of this great potential State of Alaska. As Delegates to this Constitutional Convention we are aware of the need for divine guidance and wisdom. It is our prayer that this document we have been delegated to prepare will be one that will provide for equal liberty and justice for all peoples of Alaska, one that will stand the test of time and posterity and above all one that will bring honor to Thy holy name. We pray for Thy guidance in all of our business, that it may be conducted in a true spirit of brotherly love as taught by Christ, in order that we may make the most of the opportunity and challenge that is ours. We would pray as Solomon of old, "O Lord God, give us now wisdom and knowledge to do the task we have been called to do, for who can do this task that is so great." In Thy Holy Name we pray. Amen.

MRS. HERMANN: Yesterday when I was elected to be your temporary president, I felt both proud and humble. I am a little bit afraid I might not know how to say the right thing at the right time, but very proud that the Convention itself had thought that I could. It was not until later in the afternoon that it penetrated my befuddled intelligence, which had been jolted into something of a coma by my unexpected election, that I had still another reason to be proud to be your temporary chairman. It gave me the opportunity to introduce the keynote

speaker of the Convention. I think it is particularly appropriate that we have this speaker for our keynoter today, for it is more largely

due to his vision and courage that we have advanced this far toward the goal of statehood than it is to any other person in or out of Alaska. We who have marched in the vanguard of the movement for statehood since its faint stirring some years ago to the time and place that has assembled us here today to write the Constitution for the future state of Alaska, know how much the movement has been speeded and the pace has been set by his unwavering courage, his unflagging zeal and his resolute faith. The greatness of any movement lies in the character of its leaders. I think it might better be said in the words of the poet, "Give us men to match our mountains, courage to fare boldly forth, and we'll build a mighty empire in this bastion of the North." My fellow Delegates and ladies and gentlemen here assembled, I give you a man to match our mountains, Ernest Gruening. (applause)

ERNEST GRUENING: Madam Chairman and Delegates to the Constitutional Convention of Alaska, the title of my address is, "Let us End American Colonialism."

(Dr. Gruening then delivered a prepared address. See Appendix.)

(There was a standing ovation at the close of Dr. Gruening's address.)

MRS. HERMANN: Without objection and for the benefit of those who are shivering, we will stand at recess for ten minutes.

(At this time the Convention recessed for ten minutes.)

MRS. HERMANN: The meeting will please come to order. We are now open for the regular transaction of business of the session.

HELLENTHAL: Madam Chairman, I move that for temporary rules that the Convention adopt Robert's Rules of Order, Revised, unless otherwise specifically provided by the Convention, and until permanent rules are drawn up and adopted. I ask unanimous consent to accomplish this purpose.

MRS. HERMANN: Unanimous consent has been asked that the Convention adopt Robert's Rules of Order, Revised, until permanent rules are drawn up and adopted.

JOHNSON: Madam Chairman, I object.

MRS. HERMANN: The Rules Committee will be heard from immediately. This is just to take care of any ordinary rules adopting parliamentary procedure.

JOHNSON: I withdraw my objection.

MRS. HERMANN: Without objection Robert's Rules of Order will stand as the rules for the Convention as specified by Mr. Hellenthal's resolution. We have not yet had the minutes of yesterday's meeting

read. Is it your desire that these be read or shall we dispense with it at this time?

MCNEALY: I move and ask unanimous consent that for expediency the reading of the minutes of the previous day's session be dispensed with.

MRS. HERMANN: Unanimous consent was asked, and without objection that will be the order, and the reading of the minutes of yesterday's meeting will be dispensed with. The next business to come before the Convention is the report of the Rules Committee, which I assume made its rules yesterday.

RILEY: Madam Chairman, your temporary committee on rules is prepared to report pursuant to yesterday's resolution.

MRS. HERMANN: You may proceed.

RILEY: With the pleasure of the body I shall just proceed and read the entire text of these rules so that they can be heard in their entirety. Thereafter perhaps you will wish to consider them individually for purposes for adoption.

(Mr. Riley read the entire text of the rules.)

RILEY: That concludes the Committee report, Madam Chairman.

V. RIVERS: Madam Chairman, I move and ask unanimous consent that the Rules Committee report be adopted with the exception of Rule # which we have already acted upon.

MARSTON: I wonder how much work it would be to receive a copy of the Rules before we vote on it.

MRS. HERMANN: These are just temporary rules covering the election. Do you feel you would like to have a copy before voting?

MCLAUGHLIN: Madam President, I understand from Delegate Riley's statement to Rule 1 that the officers of the Convention shall be a president and a vice president. Is that only temporary until the election of the permanent officers?

MRS. HERMANN: That is the permanent form, that the officers shall be a president, vice president and secretary. The rules provide that the permanent officers shall be those officers and that the secretary be not selected from the membership of the Convention.

TAYLOR: In view of that explanation I object to the unanimous consent.

MCLAUGHLIN: Would it be too much trouble for Mr. Riley to stand before one of the microphones and read the rules again slowly?

MRS. HERMANN: Mr. Riley, would you come up to the microphone.

RILEY: It wouldn't take more than half an hour to make sufficient copies if that be your wish.

MCLAUGHLIN: I have a point of order, and it is on a section in substance to proposed Rule #. "The Secretary of the Convention need not be a Delegate and shall serve under the direction of the President as the principal administrative officer of the Convention." I make it as a rule of order because I think it violates Chapter 4#, Section 3, as it reads pertaining to the Convention, it shall have the power by vote of a majority of the Delegates to which the body is entitled to choose a president and secretary and all other appropriate officers. The mandate is clear that if the president must come from the Convention, then also the secretary must come from the Convention. I think that possibly the interpretation that the secretary can be an appointive officer comes from the manual which was prepared by the Statehood Committee. That manual assumes that the act which created the Hawaiian Convention is an act identical to our own, and it also assumes that the interpretation of the Hawaiian Convention of necessity is compelling upon us. The Handbook for Delegates provides here that the Hawaiian Convention in 1#50 provided for the following officers: president, vice president and secretary and, subsequently, in the succeeding paragraph is a parenthetical remark that the secretary may or may not be a Delegate.

MRS. HERMANN: For your information, Mr. McLaughlin, the handbook is not intended as a textbook.

MCLAUGHLIN: Section"3 reads, the second sentence, "It," meaning the Convention, shall have the power by vote of a majority of the Delegates to which the body is entitled to choose a president and secretary and such other officers..." Apparently the mandate is specific that two persons should be elected. If we presume that the secretary can be any member of this Convention, then it is completely logical to suggest that the president need not be a member of the Convention.

DAVIS: The Committee, of course, will be guided by what the Convention wants, but we believe that the delegates would want to act as delegates and would not have the time to act as secretary. For that reason we have suggested, not as the Hawaiian Convention did, that the secretary not be a delegate. I personally cannot agree with Mr. McLaughlin that there is any mandate whatsoever that the secretary be a delegate. Of course, if that is what the Convention wants that is what we will have.

MCNEALY: There is nothing in the bill, it is my opinion,

referring to an agreement that would prevent the president from being a person outside of this delegation any more than the secretary. The bill is clear on that. However, it was felt that the president of this Convention was certainly an important and enough of an honorary position that the president...

MRS. HERMANN: Is there any further discussion?

NOLAN: I think it only goes to show that we should have a copy of the rules. I make that as a motion and ask unanimous consent.

MCLAUGHLIN: I shall, if you desire, withdraw my point of order.

TAYLOR: Madam Chairman, Mr. Riley made a motion and asked for unanimous consent but I objected.

MRS. HERMANN: Mr. Nolan has now moved that we defer further till copies are available to all delegates. If there is no objection, no consideration of the rules will be made until copies are available to all delegates.

WHITE: Madam Chairman, in view of the statement of the Rules Committee that the rules could be provided in half an hour and mindful that lunch time has been set for 12:15, I move that following announcements the Convention recess until 2:00 o'clock.

MRS. HERMANN: I have some announcements here, and I would like to read those to you. We have a memorandum from Dr. Patty as follows, "During the next few days lunch will be served in the old cafeteria in the basement of the Club Dormitory. This will give you an opportunity to see how the other half lives. We expect to move back to the new cafeteria on Thursday or Friday." There is another memorandum from Dr. Patty for delegates driving their own cars. "Temporary head-bolt heater facilities are available. For assignment please call the University Engineer's office, Room 200, Eielson Building." Now we may entertain the motion to recess. Is there a second to the motion?

SUNDBORG: Madam Chairman, I would like to offer to amend Mr. White's motion to provide that we recess until the hour of 1:30 p.m. instead of 2 o'clock.

WHITE: I am perfectly willing to accept the amendment. I made it because I understood that we eat in a different building and the procedure may be somewhat longer than usual.

KILCHER: I second the motion.

MRS. HERMANN: The motion has been made to adjourn until 1:30 this afternoon, during which time copies of the Temporary Rules will be prepared. Is there any objection?

(On voice vote the motion carried and the Convention recessed until 1:30 p.m.)

MRS. HERMANN: Time for the convening of the afternoon session of the Convention has now arrived, and will the meeting please come to order. Has everyone been provided with a copy of the Rules that were made? The Secretary will present them to you if you need a copy.

MCLAUGHLIN: Madam Chairman, I would like to withdraw my point of order as to Rule 2.

MRS. HERMANN: The point of order having been withdrawn, the matter of adopting the Rules will now be up for consideration. Incidentally, I am requested to announce that everybody, including myself, is talking too low for the stenotypist to hear. We are attempting to keep a permanent record of the proceedings of this meeting, and we want everybody to be heard regardless of what they have to say.

RILEY: Madam Chairman, the Rules Committee had suggested before the noon hour that we would present for adoption the several proposed rules in order. After that comment was made there was a request from the floor for their adoption in their entirety with unanimous consent, and just to try that for size on the chance that it may save time, I will move at this time that they be adopted and ask unanimous consent as they stand.

MRS. HERMANN: Unanimous consent has been asked for the adoption of the rules as they stand. Mr. Johnson.

JOHNSON: Madam President, I object to the unanimous consent and wish to propose an amendment.

MRS. HERMANN: An amendment to the rules? Objection has been raised to adopting by unanimous consent. Is there a motion to that effect?

SUNDBORG: Madam Chairman, I moved that the rules as proposed by the Temporary Rules Committee be adopted.

WHITE: I second the motion.

MRS. HERMANN: It has been moved and seconded that the rules proposed by the Temporary Rules Committee be adopted. The question is now open for discussion. Mr. Johnson.

JOHNSON: Madam President, I should like to propose an amendment to Rule 5 which appears on page 2. The amendment will be as follows: Strike the colon after the word "votes" in the third line and insert a period, and then strike the balance of the paragraph.

MRS. HERMANN: Do you so move?

JOHNSON: I so move.

MRS. HERMANN: Motion has been made that Rule 5 be amended by striking the colon after the word "votes" on the third line, substituting a period and that the balance of that paragraph be stricken.

RILEY: Point of order, Madam President, have you a motion on the floor now?

MRS. HERMANN: A motion for the adoption of the rules which opens it up for discussion does it not?

RILEY: Is this discussion only, Mr. Johnson or is this another motion?

JOHNSON: I understood that the main question was up for discussion and that the rules would be subject to amendment.

RILEY: My point of order was that we have a motion which was seconded on the floor. Perhaps that should be disposed of before entertaining another motion.

EGAN: Point of order is, Madam Chairman that Mr. Riley's suggestion would be out of order at this time. The moment the motion was made by Mr. Johnson to adopt these rules, then it becomes open for amendment and Mr. Johnson's amendment is in order.

MRS. HERMANN. The Chair so rules. The amendment has been offered. Does anybody wish it restated? Was it seconded?

ROBERTSON: I second the motion.

MRS. HERMANN: Motion has been made and seconded that Rule 5 be amended to strike the semicolon after the word "votes" and insert a period and all the rest of that paragraph covering Rule 5 be deleted. Now is there any discussion on the matter? It's open for discussion. Mr. Sundborg?

SUNDBORG: Madam Chairman, perhaps the Convention would appreciate having a little discussion here or explanation of what the Committee on Temporary Rules had in mind by providing the portion that Mr. Johnson has now moved to strike out and thus amend Rule 5. We felt that unless we provided something of this kind that would insure that the Convention would go ahead toward an early decision on an election of a chairman, that we might spend many hours or even many days before any one candidate would get a majority of the votes to which this house is entitled. We felt that by providing that the lowest man not on the first ballot but after the second ballot would be dropped off automatically and that the lowest man each

successive ballot would be dropped off automatically, would not jeopardize the chance of any one who was really in the running to be

President of this Convention but it would take out of the running somebody who would not have such a chance and would free his votes to go to other candidates and thus lead more speedily to a decision.

MRS. HERMANN: Any further discussion?

R. RIVERS: Madam Chairman, members. I think Mr. Johnson is perhaps wondering why we provided for a, oh, I didn't realize it had secret ballot right up here at the very beginning but point of information. Mr. Johnson were you questioning the elimination process or were you questioning this part about receiving twenty-eight votes because the Act itself requires 28 votes, or what were you questioning on that proviso?

JOHNSON: I was questioning the elimination process. It doesn't seem to me that is fair to the nominee. I think they should be entitled to as many votes as are taken. They ought to be on the ballot at all times. That is why they are put there to begin with. In this body which is certainly a democratic body and ascribing to democratic principles I would think that in order to be fair, the process of elimination should be taken out because that could not be fair. I think I only need call attention to the fact that in some of our national conventions the final nominee was arrived at after any number of ballots, and if you would use this type of process why a very serious situation could arise and a very unfair one, because there might be ten nominees, and the tenth man on the list could very well be eliminated on the first or second ballot. It does not seem to me a fair way of handling it at all, and I see no reason why it should tie up the Convention unduly. Even if it did, what of it? It is an orderly process and the orderly way of doing things.

R. RIVERS: I would like to follow through the Committee's thinking a little more. The matter of casting successive ballots indefinitely with all the candidates still in the running is usually carried out by a roll call and is not too cumbersome nor too time-consuming process. But several people spoke to members of the Rules Committee about making a secret ballot. Some of we old-timers with thick skins can stand the gaff, but actually it is a little bit tough when the tension is on to cast a ballot against somebody whom you have been very fond of, but perhaps you think because somebody else is better qualified and probably the free thought of the members would be better expressed through a series of secret ballots. When we get into the cumbersome business of passing out ballots and everybody marking them and having a tally committee assist the clerk to count the ballots and we keep all candidates in, why we've got a rather time-taking process on our hands. It was for the reason that we found ourselves going for the

secret ballot that to shorten the procedure we would put in this business about dropping candidates after the second ballot. That explains the Committee's thinking.

MRS. HERMANN: Correction, Mr. Rivers. The Clerk of the Court does not count them but the temporary secretary. Mr. Hinckel?

HINCKEL: Madam Chairman, possibly Mr. Johnson's objection could be removed to the extent of the number of ballots with all candidates on the ballot with more than perhaps two, say three or perhaps four. By that time possibly he would feel they would all have had sufficient opportunity and remove the objection that way. I feel personally as Mr. Rivers does, that the thing might go on forever unless we have some process of elimination.

MRS. HERMANN: Is there further discussion? Mr. Sundborg, you have spoken once. Is there anyone else who wishes to speak before Mr. Sundborg has his second turn? Very well Mr. Sundborg.

SUNDBORG: If I speak again on this and to point out a difference between what we are doing here and what the national conventions of the political parties are doing. It was a parallel that was made by Mr. Johnson. Their main business and the reason they meet is to choose a nominee for the presidency and other candidates for election. That is why they meet. We have so much else to do here. We can't afford to spend days trying to choose a president of this body because I really think it doesn't matter much who is president and I (and I think the rest of us who were on the Temporary Rules Committee was trying to find a way to speed up that process so that we would not be tied up here unduly. I don't think there is a thing unfair about this provision either. It is perfectly democratic and fair and it isn't dropping off anybody who has a substantial number of votes. It is only dropping off the tail-ender.

MRS. HERMANN: Is there further discussion on the matter? Mr. Buckalew?

BUCKALEW: Apparently they opened the discussion up and made a few remarks about this secret ballot. I don't see why we should have to have a secret ballot. If we are trying to expedite this I don't see anything wrong with a voice vote.

MRS. HERMANN: Mr. Buckalew, you are not speaking on the motion which has nothing to do with the first sentence in the Rule 5 at all.

BUCKALEW: The only reason I brought this up was Mr. Rivers talking about a secret ballot, and thick skins and that sort of thing and I just wanted to say that my skin wasn't thick, and I don't care how I vote or anybody else knows how I vote.

I want to offer an amendment but I'll wait until this other amendment is voted on.

MRS. HERMANN: Is there further discussion on the matter? Mr. Taylor? The question has been called.

UNIDENTIFIED DELEGATE: State the question.

MRS. HERMANN: The motion is that we amend the temporary rules, specifically Rule 5, by deleting the semicolon after the word votes, inserting a period and deleting the rest of Rule 5. All in favor say aye, contrary "no". The motion is lost and the amendment is lost and Rule 5 will not be amended as suggested.

BUCKALEW: Madam Chairman, I would like to offer an amendment to Rule 5. In the first line strike "secret ballot" and insert "voice vote" and in the second line strike successive ballots and insert "voice votes", and in the fourth line I would have to insert where it says "second balloting process" insert "second voting process."

MRS. HERMANN: I did not quite understand that last part Mr. Buckalew. Will you read it as you want it to read.

BUCKALEW: Shall I read it? "Voting shall be by voice vote and voting shall continue by successive votes until one candidate shall have received at least 28 votes: PROVIDED, however, that in the event no candidate receives as many as 28 votes in either the first or second voting process, the low man (I'll have to leave that and continue after the parenthesis) shall be removed from consideration on the third vote and succeeding votes and, following the third and succeeding votes wherein no nominee receives at least 28 votes," etc. I'm just striking out "secret ballot" that is all.

MRS. HERMANN: You have heard the amendment to Rule 5.

EGAN: Madam Chairman, just for the purpose of clarification, I am wondering if Mr. Buckalew wanted to have the wording proper in the hands of the secretary beginning on the first line in Rule 5, "Voting shall be by voice vote and balloting shall continue, on the next line, "by successive voice vote ballots". That is the way he worded it originally and was copied down that way. It's quite a jumble in my opinion. I think that is, what he meant to say.

MRS. HERMANN: You stand corrected Mr. Buckalew? The substance of the amendment is that it shall be by a "voice vote." Do you mean "roll call" or "voice"?

BUCKALEW: "Roll call."

MRS. HERMANN: A voice vote is not exactly the same as a roll call vote.

BUCKALEW: Roll call would be the proper terminology.

MRS. HERMANN: I think that is what is intended. Let's word it this for purposes of getting it before the Convention straight: "Voting shall be by roll call and shall continue by successive votes until one candidate shall have received at least 287 votes." Does that express your meaning?

BUCKALEW: That has got it.

MRS. HERMANN: Is there a second to Mr. Buckalew's motion? There being no second the motion is lost. Has the question been called for? Mr. McNealy?

MCNEALY: One of the delegate's wives said that she would prefer that someone else was allowed to talk beside the attorney delegates here, but not withstanding, I must make one motion -- first to clarify myself in regard to the point of order raised by Mr. McLaughlin concerning the rule in regard to the Secretary of the Convention. As I had stated previously, I believe that there is nothing, in the fact that the Conventional bill as such that the Secretary need not be legally elected as a member of this body. However, if there is going to be any chance whatsoever of this particular portion being attacked in the courts or by any of the enemies of statehood, then rather than subject ourselves to any attack, I think that it would be fitting and proper that the Secretary of this Convention be named from among the delegates of the Convention to hold the secretaryship in, I might say, title only and to serve under the direction of the President of this Convention, and then for the Secretary Delegate to, in turn, delegate his duties to an administrative official. It would bar any chance or opportunity of that particular portion being attacked. In other words, the Secretary would be a Delegate, but by being in a position to delegate his or her authority to an administrative official it would then operate in this way that the party who might be so unfortunate as to be elected Secretary still would have ample time to proceed with his duties and do his or her duties as Delegate. I therefore propose, Madam Chairman, an amendment to Rule 2, line 1, strike out the word "not" so that in reading "The Secretary of the Convention shall be a Delegate", etc.

MRS. HERMANN: You have heard the motion amending Rule 2.

COOPER: Madam Chairman with the consent of Mr. McNealy I would like to add an amendment to the amendment. Strike the word "shall" and put in "does. Leave the word "not" and insert "have to be a Delegate". I believe you will find authority for that in Section 13.

TAYLOR: Madam President, I believe that motion to amend is out of order until Mr. McNealy's motion is seconded.

MRS. HERMANN: Until Mr. McNealy's motion is seconded. TAYLOR: It has been seconded?

MRS. HERMANN: It hasn't, no.

TAYLOR: I'll second it then.

MRS. HERMANN: The motion to amend Rule 2, to read "The Secretary of the Convention shall be a Delegate and shall serve under the direction of the President as the principal administrative officer of the Convention" Did you want all of it kept in except the word "not"?

MCNEALY: Yes.

HERMANN: The substance of the amendment is to remove the word "not" before "shall" in the first line. Is there any second to that motion?

EGAN: Madam Chairman, I would like to ask unanimous consent that the Convention stand at recess for about two minutes.

MRS. HERMANN: Unanimous consent has been asked that we have a recess for two minutes. Without objection has there been an objection?

UNIDENTIFIED DELEGATE: There has been an objection. V. RIVERS: I object.

MRS. SWEENEY: I so move.

V. FISCHER: I second the motion.

MRS . HERMANN: It has been moved that we have a recess for two minutes, seconded by Mr. Fischer. Any discussion? We don't discuss that do we? All in favor signify by saying "aye", contrary "no". The "ayes" have it and we will have a recess for two minutes.

(The Convention at this time recessed for about two minutes.)

MRS. HERMANN: The meeting will please come to order and we will continue the discussion on the adoption of the Temporary Rules. Mr. McNealy?

MCNEALY: Madam President, I would like to withdraw the amendment that I had heretofore offered on the floor, the amendment to strike out the word "not".

MRS. HERMANN: If there is no objection the amendment can be withdrawn.

TAYLOR: I was the second. I will consent to the withdrawal.

MRS. HERMANN: With the consent of his second Mr. McNealy has withdrawn the motion to strike the word "not" from Rule 2. Is there further discussion with regard to Rule 2 or any of the other rules?

SMITH: Madam Chairman, is it in order to present an amendment to Rule 2 at this time?

MRS. HERMANN: It is in order to present an amendment Mr. Smith.

SMITH: I would like to propose that Rule 2 be amended to read "The Secretary of the Convention may be selected from the Delegates or may be someone other than a Delegate and shall serve under the direction of the President as the principal administrative officer of the Convention."

MRS. HERMANN: The motion made by Mr. Smith provides that the Secretary of the Convention may or may not be a Delegate, as the Convention may decide, and shall serve under the direction of the President. Is there a second?

NOLAN: I second the motion.

MRS. HERMANN: Seconded by Mr. Nolan.

TAYLOR: Madam President, I would like to offer an amendment to that amendment, and that is to amend Rule 2 to read as follows: "The Secretary of the Convention need not be a Delegate and shall serve under the direction of the President as the principal administrative officer of the Convention." That does the same thing as Mr. Smith's but it only needs the one word changed.

MRS. HERMANN: Do you accept the amendment, Mr. Smith?

SMITH: Yes with the consent of the second.

MRS. HERMANN: The amendment now reads: "The Secretary of the Convention need not be a Delegate and he shall serve under the direction of the President as the principal administrative officer of the Convention." Is there any discussion on the motion?

UNIDENTIFIED DELEGATE: Question.

MRS. HERMANN: All in favor signify by saying "aye", contrary "no". The "ayes" have it and Rule 2 has been amended by substituting the words "need not" for the word "shall" on the first line thereof.

TAYLOR: Madam President, I would like to offer an amendment to Rule 1, and that is to strike the article "a" at the end of the first line of Rule 1 and then insert the word "three" and make "Vice President" plural, so there would be three vice presidents.

MRS. HERMANN: The motion is that the Rule 1 be amended to provide that there shall be three vice presidents instead of one as appears in the original rule. Is there a second to the motion?

MCNEALY: I second the motion.

MRS. HERMANN: Motion has been made and seconded that Rule 1 of the Temporary Rules be amended to provide that there shall be three vice presidents as permanent officers of the Convention.

TAYLOR: Madam President, as the maker of that motion, the reason I did that is that we will be in session here for a long time, I believe, and during that time it may be that the president might be absent or vice president might be absent. We're all more or less in business and we don't know when we might be called away at a particular time and if such would be the case that there should be a vacancy I think we should have two other vice presidents so that in the event that there would be an occasion where the president and the vice president were not here that there be two other persons, the second and third vice president who would be in line to automatically assume the Chair and would not have to, during the Convention, have an election to see who was going to take the Chair just for the purpose of maybe sometime during the Convention it will expedite the business.

COLLINS: Madam President,

MRS. HERMANN: Mr. Collins.

COLLINS: I think it's a very good idea to have this number of vice presidents but they should be designated seniority in the event that the president should be disqualified, then the question would have to be raised before the delegation who would succeed him. There should be a first vice president, a second vice president and third vice president if you so see fit to have that many. That would eliminate the question that might arise when the president of the Convention is not present.

MRS. HERMANN: Would you like to make that in the form of a motion Mr. Collins?

COLLINS: I will make that in the form of a motion, that they should be designated: "First Vice President, Second Vice

President and Third Vice-President.

MRS. HERMANN: Do you accept the amendment, Mr. Taylor?

TAYLOR: Well, I think he meant it in the form of a motion. I would certainly accept it as an amendment to my motion. I think they should be designated as first, second and third vice presidents.

MRS. HERMANN: I understood Mr. Collins was making that as a motion to amend your motion.

TAYLOR: I accept it.

MRS. HERMANN: Who was your second? Mr. McNealy? MCNEALY: I agree.

MRS. HERMANN: Rule 1 as amended will then, as the motion to amend will then be as follows: "The officers of the Convention shall be a President, a First Vice President, a Second Vice President, a Third Vice President, and a Secretary; the President and Vice Presidents to be elected from the Delegates by the vote of at least 28 delegates." Mr. Fischer?

V. FISCHER: Madam Chairman, it seems to me that the election of a series of vice presidents seems unnecessary since if it is strictly a matter of succession in case of the inability of the president and vice presidents to serve, the Permanent Rules of the Convention provide for succession in one way or another, and we will be taking up hours of time electing a series of vice presidents.

MCNEALY: Madam Chairman, I would like to speak briefly in support of Mr. Taylor's motion on this ground and I hope that if the motion passes, there will be a ladies' and gentlemen's agreement of the delegation for example, if the president of this Convention is elected from one division that the three vice presidents be elected one from each division.

MRS. HERMANN: It has been my hope that we would avoid divisions and sectional discussions and all of us be citizens of Alaska at this historic meeting and I would like to hear from anyone else that has an idea on that subject. Mr. Smith?

SMITH: Madam Chairman, I want to say a word in favor of the original motion. It appears to me that there would be no method of succession to the office unless you do designate the first, second and third vice presidents. If we had a long list of officers to choose from then some succession could be set up, but we don't have that long list. I favor the original motion, designating first, second, and third vice president.

MRS. HERMANN: Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

MRS. HERMANN: The question has been called for. The motion is that we shall amend Rule 1 to read as follows: "The officers of the Convention shall be a President, a First Vice President, a Second Vice President, a Third Vice President, and a Secretary; the President and Vice Presidents to be elected from the Delegates by the vote of at least 28 delegates." All in favor signify by saying "aye", contrary "no".

SMITH: Roll call.

MRS. HERMANN: The roll call has been asked for. The Secretary will call the roll on the amendment.

(The roll was called with the following result:

Ayes: 25 - Armstrong, Barr, Coghill, Collins, Cooper Doogan, Egan, Emberg, H. Fischer, Hellenthal, Hermann, Hilscher, Johnson, Knight, Lee, Longborg, McNealy, Marston, Nolan, Robertson, Rosswog, Smith, Taylor, VanderLeest, Wien.

Nays: 29 - Awes, Boswell, Buckalew, Cross, Davis, V. Fischer, Gray, Harris, Hinckel, Hurley, Kilcher, King, Laws, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Stewart, Sundborg, Sweeney, Walsh, White.

Absent: 1 - Peratrovich.)

MR. JOHN HALL: The roll has been called, Madam President. The vote was 25 ayes, 29 nays and one absent.

MRS. HERMANN: The "nays" have it, and Rule 1 will not be amended as moved.

R. RIVERS: Madam President, I have a motion. My motion will be as follows: "The officers of the Convention shall be a President, two Vice Presidents and a Secretary,"

MRS. HERMANN: Two?

R. RIVERS: Two vice presidents and a secretary.

UNIDENTIFIED DELEGATE: Numbered or unnumbered?

R. RIVERS: A first and a second vice president I ask unanimous consent.

MRS. HERMANN: Unanimous consent has been made that we amend Rule 1 to read: "The officers of the Convention shall be a

President, a First Vice President and Second Vice President and a Secretary' etc. Without objection --

V. FISCHER: I object.

MRS. HERMANN: Who objected? Objection being heard, is there a motion?

R. RIVLRS: I will so move.

SUNDBORG: I'll second.

MRS. HERMANN: It has been moved and seconded that we amend Rule 1 to include a first and second vice president among the officers. Are you ready for the question?

UNIDENTIFIED DELEGATE: Question.

MRS. HERMANN: All in favor signify by saying "aye", contrary "no". The "ayes" have it and the rule will be amended to provide for a first and second vice president. Is there further discussion in connection with the temporary rules or motions?

MCCUTCHEON: I move the previous question.

MRS. HERMANN: The main motion has been called for, which is that we adopt the rules as amended.

SUNDBORG: I second the motion.

MRS. HERMANN: Did we have a motion to adopt the rules as amended? It has been moved and seconded that we adopt the rules as amended. Any discussion? All in favor signify by saying "aye", contrary "no". The "ayes" have it and the temporary rules will be adopted as amended.

RILEY: Madam Chairman.

MRS. HERMANN: Mr. Riley?

RILEY: I believe it was the rules alone and not the report which was adopted. The Temporary Committee on Rules had two recommendations which might be well to put into action for expediting permanent rules and they appear on the last page, page 3.

MRS. HERMANN: Turn to your page 3 of the mimeographed copy of the Temporary Rules which contain two recommendations as made by the Rules Committee. You have moved for their adoption Mr. Riley?

RILEY: I ask unanimous consent of those recommendations.

MRS. HERMANN: Unanimous consent has been asked for the adoption of the recommendations of the Rules Committee. Is there objection?.

TAYLOR: Does that mean the adoption of these rules?

RILEY: No. If I may, I will reply through the Chair. Mr. Taylor, actually the second paragraph will require a resolution on the part of the Convention that the Permanent Rules Committee be appointed to commence preparation of permanent rules. That may take a little while. We spent about 24 hours on this.

TAYLOR: I withdraw my objection.

MRS. HERMANN: There being no objection, the recommendations of the Rules Committee will be adopted. I am sure the appointment of the nine-member Rules Committee must be made by the permanent President. Is there further business to come before the meeting? The next business will be the election of officers: of a President, a First Vice President, a Second Vice President, and a Secretary. Nominations for the President are now in order.

ROBERTSON: Friends, I am happy to nominate for President a man who is a pioneer, a man who has been in Alaska for more than fifty years, a man who was Speaker of the House and the first Alaska Legislature of 1913 and of the second in 1915, a man who has had legislative experience in several other sessions of the Territorial Legislature, a man who served as Mayor of Fairbanks, a man who has engaged in and contributed to many civic and fraternal activities in our Territory, a man who for several years who has not only practiced in Alaska the profession in which you Madam President and I are engaged, a man who is respected by all, a man who is active and keen both mentally and physically, a man who can preside over us with impartiality, in fairness to all, interested only in obtaining a good Constitution for the State of Alaska. Madam President, I nominate Earnest B. Collins for President.

MCCUTCHEON: Madam Chairman, I would like to place in nomination the name of a man who came to Alaska and our northern country as a babe in arms, one whose name has been before the people of Alaska for a good number of years. He took his school in the mining camps and passed into a profession as an adult as a civil engineer. In the sessions of 1937 and 1939 he was the president of the All-Alaska Chamber of Commerce, and he served as a Senator from the Fourth Division. In 1947 and 1949 I had the pleasure of serving with him as a Senator from the Third Division. He made the great economic studies that lay behind the plans for our finance and revenue measures of the Legislature of 1949 which, I might say, has placed the future State of Alaska on a sound economic basis. That man whose integrity is above reproach and whose ability has been

recognized and honored throughout Alaska is Senator Victor Rivers. I would like to place his name in nomination.

MRS. HERMANN: The name of Victor Rivers has been placed in nomination.

ROSSWOG: Madam Chairman?

MRS. HERMANN: Mr. Rosswog will have the floor now.

ROSSWOG: Madam Chairman and fellow Delegates, I would like to nominate a young man whom I believe, by his residence in the Territory and his experience with Mason's to serve as our President of this Convention, Mr. William Egan of Valdez.

MRS. HERMANN: Mr. Egan has been nominated. Mr. Marston?

MARSTON: I have tread on ground that no human being has tread on before in climbing mountains, and I walk softly and with great expectation and I think we are travelling on new ground today in making this Constitution the thing we planned. I could address you as men of the tundra, and that is where my heart is in twenty thousand igloos among the Eskimos, the Indians and the Aleuts. One-third of the population of the area of Alaska is the tundra out beyond the timber line, the firmly frozen ground. I could address you as men from the timber or the plains. I elect to address you as people of Alaska. I guess after this morning's address I should say "fellow colonists". I have traveled the great width of Alaska, about a half million miles, and there are two bodies of water of this great piece of land, they run from the East to the West. The great Kuskokwim River and the great Yukon River.

MRS. HERMANN: Pardon me Mr. Marston, but are you going to nominate somebody?

MARSTON: I am coming to it. We have 75 days here if we have to use them, and I want to take the time to make this nomination. May I proceed, Madam Chairman?

MRS. HERMANN: You may proceed. I just wanted to be sure you were on the subject.

MARSTON: I am on the subject definitely. The reason I am coming to it this way is because of a former nomination. The man's name I wish to place in nomination is a man who lives on the Yukon, the great river, the Yukon, and I can say exactly as Senator McCutcheon said for his nominee, this man came only three years old to Alaska and has lived upwards of a half century in the snows of the Arctic or its part of Alaska. He has been a member of the Attorney General of this Territory of Alaska and has been mayor of Fairbanks two or three times. I wish to place these two great Rivers, are great Rivers. I know them both, I have traveled both of their courses, I am

proud of both of the two great mighty Rivers. The Yukon is a little deeper and a little older, and I wish to place in nomination the name of Ralph Rivers for president of this Convention. (applause)

MRS. HERMANN: The name of Ralph Rivers has been placed in nomination. Are there further nominations?

MARSTON: I move the nominations be closed. BARR: I object.

MRS. HERMANN: It has been moved that the nominations be closed. All in favor signify by saying "aye".

UNIDENTIFIED DELEGATE: There has been no second. MRS. HERMANN: Oh, we didn't get a second. Pardon me. BUCKALEW: I'll second it Madam Chairman.

MRS. HERMANN: It has been moved and seconded that the nominations be closed. All in favor signify by saying "aye", contrary, "no". The "ayes" have it and the nominations for President of the Constitutional Convention have been closed. I will ask, we did retain the ballot didn't we? I will ask two members of the group to act as talliers on the ballot and to work with the Secretary of the Convention in doing so. Now we don't want anybody who is too close a friend to any of the nominees, do we? On that I don't know. I will appoint Dorothy Awes and Leonard King to be talliers for this election. The ballots are now being distributed.

(Ballots were distributed at this time.)

You may be at ease until they are distributed. The ballots have been prepared. The Chair will ask the two talliers to check them and place them in the hands of the Clerk.

MR. JOHN HALL: Madam President, the vote is

Collins	--	11
Victor Rivers	-	17
William Egan	--	18
Ralph Rivers	--	8

MRS. HERMANN: There being no majority and 28 votes not being cast for any candidate, we will ballot again. Do we leave off the lowest one this time?

UNIDENTIFIED DELEGATE: No, next time.

MR. JOHN HALL: Does everyone have blank ballots?

UNIDENTIFIED DELEGATE: Nobody does.

MRS. HERMANN: The Chair will direct the Secretary to destroy the previous votes.

(Mr. John Hall destroyed the previous votes and took them out.) (The second ballot was cast at this time.)

MR. JOHN HALL: Did somebody not turn in their ballot or did somebody not vote? There are only 53 on the tally:

Collins	--	8
Victor Rivers	--	17
William Egan	--	24
Ralph Rivers	--	4

A total of 53, Madam President.

(Mr. John Hall destroyed the ballots for the second vote.)

KILCHER: Madam President, it seems to me I heard a mumbled "Egan" down there once and you didn't tally it.

UNIDENTIFIED DELEGATE: It doesn't matter anyway.

MRS. HERMANN: It's immaterial. The Chair rules that it's immaterial in that nobody has a majority vote of 28. We will cast a new ballot.

MR. JOHN HALL: Is there anybody who needs ballots for the next vote? Is there anyone else who needs a blank ballot?

MRS. HERMANN: According to the temporary rules that you have just adopted, low man is eliminated from this ballot, leaving only three candidates to be voted upon.

R. RIVERS: Madam Chairman, I would like to amend your last remarks. It is with pleasure that I withdraw as a candidate of this race. I certainly recognize what the poor old President is going to be up against and to clear the air and get around this Yukon-Kuskokwim struggle, it is my pleasure to withdraw.

MRS. HERMANN: Now that raises the question of whether the low man is eliminated. I think Mr. Collins --

R. RIVERS: No Ma'am. You said that the rules say that the low man is eliminated. Then they also say that anyone may withdraw.

MRS. HERMANN: That is correct but it doesn't necessarily make Mr. Collins withdraw, too. Or is he eliminated? I don't think he is.

R. RIVERS: Well I thought we were following a rule. The rules

say that after the second ballot and prior to the third ballot the low man is eliminated. It also says that anybody else who wants to may withdraw.

MRS. HERMANN: That's right.

R. RIVERS: Well, we're following a written rule so I invoke the rule Madam President.

MRS. HERMANN: I would like to hear further from the members on that particular point.

SWEENEY: The ballot as called by the Clerk showed Mr. Collins in fourth place. He is not placed in third place until the withdrawal of Ralph Rivers. I do not believe that Mr. Collins is in a position to be eliminated.

R. RIVERS: I apologize to Mr. Collins. I thought I had you beat by one, but you have me beat by one. Yes, I am eliminated two ways now.

MRS. HERMANN: The ballot will be cast for three candidates --

Mr. Egan, Mr. Victor Rivers, and Mr. Collins. The Secretary is instructed to destroy the last ballot.

MR. JOHN HALL: I have destroyed them, Madam Chairman.

(The third ballot was cast at this time.)

MR. JOHN HALL: Madam President, this last vote was

E. B. Collins -- 7

Victor Rivers -- 15

William Egan -- 28

(applause)

MRS. HERMANN: The Chair declares Mr. Egan elected permanent President of the Convention and will appoint a committee to escort Mr. Egan to the Chair. On that committee we will ask Douglas Gray, W. O. Smith, and Burke Riley.

(Mr. Egan was escorted to the Chair at this time.) (applause)

MRS. HERMANN: Mr. Egan, I congratulate you upon your election to be President of the Alaska Constitutional Convention, hand to you this gavel, symbol of your authority. I commend you to act with courage and humility.

PRESIDENT EGAN: Madam Chairman and Delegates, I feel deeply humbled and proud of this honor you have bestowed upon me, and I want you to know that you can rest assured that I will at all times strive to carry out the responsibilities that go with this office with the dignity and fairness, that your

Temporary Chairman, Mrs. Hermann, has done.

MRS. HERMANN: Thank you.

SMITH: Mr. Chairman, may we have the honor of escorting the Temporary Chairman to the floor?

(At this time Mrs. Hermann was escorted to the floor.)

DAVIS: Mr. President, I would like to offer the motion that the Convention give a vote of thanks to Mrs. Hermann for her fair and able handling of the office of Temporary President of this Convention.

JOHNSON: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent has been asked that the Convention give a unanimous vote of thanks to Mrs. Hermann for her able handling of the position of Temporary Chairman of this Convention. Hearing no objection Mr. Walsh?

WALSH: I move to amend Mr. Davis' motion to read "rising vote of thanks to Mrs. Hermann."

PRESIDENT EGAN: Mr. Walsh has moved to amend Mr. Davis' motion to give a rising vote of thanks to Mrs. Hermann.

DAVIS: I accept the amendment.

PRESIDENT EGAN: There being no objection it is so ordered.

(At this time the Convention gave Mrs. Hermann a rising vote of thanks.)

PRESIDENT EGAN: The Convention will come to order. Mr. Smith?

SMITH: I believe the act of establishing a Convention calls for the adoption of the Constitution of the United States, and if I am not out of order, I would like to propose that that be done at this time.

BARR: Mr. President?

PRESIDENT EGAN: Mr. Barr.

BARR: I believe that the Act states that that will be done after the organization of the convention and that has not been completed yet.

PRESIDENT EGAN: Mr. Smith, would it be in order to leave that order of business until we have the complete permanent organization? The Chair will order that that be held in abeyance. The next order of business to come before the Convention is the election of the First Vice President. Mrs. Sweeney?

SWEENEY: Mr. President, I wish to place in nomination for the position of First Vice President of this Convention the name of a man of long residence in Alaska, one who has on numerous occasions served us in the Legislature of the Territory of Alaska and served as President of the Senate during the 1955 session. He is a man highly esteemed not only in the First Division but throughout Alaska. He has a reputation for honesty and fair play, a man whose interest is territory-wide and a man who can be a source of great strength and help to the President of this Convention. It is my privilege and real pleasure to nominate James Nolan of Wrangell, Alaska.

PRESIDENT EGAN: Mr. Sundborg?

SUNDBORG: Mr. President, I would like to offer to this Convention as a nominee for the office of First Vice President, a man who also has had long residence in the Territory, in fact, he was born here. His ancestors have been born in Alaska as far back over as many generations as this land was populated by human beings. He, too, has been a member of the Territorial Legislature serving with distinction in both the House and the Senate, and he too has been the President of the Senate of the Alaska Territorial Legislature. I would particularly like to see this Convention honor the nominee who I am about to name, by giving him a position of high rank in the Convention, because he is a member of the aboriginal inhabitants of this Territory, a representative of the Indian people who lived here long before any of the rest of us came on the scene. And the man whose nomination I now urge upon you is Frank Peratrovich of Klawock.

PRESIDENT EGAN: So at this time we have the names of James Nolan of Wrangell and Frank Peratrovich of Klawock before us for the position of First Vice President of the Convention. Are there other nominations?

METCALF: Mr. Chairman, I would like to nominate Mrs. Mildred Hermann for this First Vice President. In case there is a vacancy, with her fairness and handling of this thing, I would like to nominate Mrs. Hermann.

PRESIDENT EGAN: Mr. Metcalf has placed in nomination the name of Mrs. Mildred Hermann for the position of First Vice President. Are there other nominations?

MCNEES: Mr. Chairman, I would like to put before the Convention the name of a man who I think has served the Territory for a number of years both Houses of the Legislature, a man who is on the Board of Regents of the University of Alaska, a man who has served the Territory ably and well for a period of nearly fifty years, Michael Walsh.

PRESIDENT EGAN: Mr. Michael J. Walsh of Nome has been proposed as the First Vice President. Are there other nominations for

the office of First Vice President. Mr. Taylor?

TAYLOR: I would like to place in nomination a man highly respected in the Territory of Alaska. He practiced law for a good many years. He comes from the Third Division and is on the Board of Governors, the Bar Association, and I think a man who can ably fill the office of First Vice President, and I place in nomination the name of Ed Davis of Anchorage.

PRESIDENT EGAN: The name of Mr. Ed Davis has been placed in nomination.

DAVIS: Mr. President, I would like to thank Mr. Taylor but would like to decline the nomination.

PRESIDENT EGAN: Mr. Davis declines the nomination. Are there other nominations for the office of First Vice President?

COGHILL: Mr. President, I move that the nominations be closed.

PRESIDENT EGAN: Mr. Coghill moves. Is there a second? BUCKALEW: I second the motion.

PRESIDENT EGAN: It has been moved and seconded that the nominations for the office of First Vice President be closed. We have the names of Mr. James Nolan, Mrs. Mildred Hermann, Mr. Michael Walsh and Frank Peratrovich before us as nominees for the office of the First Vice President of the Convention. Mr. Buckalew.

BUCKALEW: How do you spell "Peratrovich"?

(Ballots were passed at this time.)

PRESIDENT EGAN: The same people can collect the ballots who collected them before, if you will.

MR. JOHN HALL: The following is the result of the first ballot Mr. President:

Mrs. Hermann	-- 10
Mr. Walsh	-- 10
Mr. Peratrovich	-- 18
Mr. Nolan	-- 15

PRESIDENT EGAN: So on the first ballot no one has received a clear majority for the position of First Vice President. Mr. McNealy?

MCNEALY: Mr. President, point of order. I don't want to be technical and it may be a matter for the Rules Committee Mr. President, but the fact that Delegate Peratrovich was not

sworn in and the fact that he has not taken his oath of office and not present and that before proceeding, all of the officers must be elected, sworn in before the Convention can continue with the business. I just wondered what the rule might be on it.

PRESIDENT EGAN: Mr. McNealy, does the -- if the Chair may, was there anything in the law that said that. I mean that, Mr. Peratrovich, the way the Chair understands it, is detained, not of his own choosing but because of weather. Are you asking for a slight recess Mr. McNealy?

MCNEALY: I would ask for a two-minute recess.

PRESIDENT EGAN: Mr. McNealy asks unanimous consent for a twominute recess. Mr. Walsh?

WALSH: I don't find anything in the law that requires that a Delegate take an oath of office for election. I think Mr. Peratrovich is qualified.

RIVERS: Mr. President, Delegate Peratrovich has been certified for the office here and he cannot assume his duties until he is sworn in, well he is not going to start work until he gets here. I think he is still eligible at this point.

PRESIDENT EGAN: Mr. McNealy has asked unanimous consent that the Convention recess for two minutes. If there is no objection the Convention stands at recess for two minutes in order to possibly look into this question. Mr. Barr?

BARR: Before we recess I would like to point out that there is nothing in the Act that said that you could not elect a man if he isn't present but it does state: "The Convention shall be the judge of the qualifications of its members, their election or appointment." So it doesn't state whether or not--

PRESIDENT EGAN: If there's no objection, the Convention will stand at recess for two minutes. The Convention is at recess.

(The Convention recessed for two minutes)

PRESIDENT EGAN: The Convention will come to order. Mr. McNealy?

MCNEALY: Mr. President I wish to withdraw my point of order. I believe there is nothing in the Act itself that requires taking the oath of office. It is merely a general Territorial law and I believe the point of order should be withdrawn.

PRESIDENT EGAN: The Convention will proceed with the second ballot on the nominations for permanent First Vice President. Mr. Walsh.

WALSH: I hope all the delegates understand clearly now that Mr. Peratrovich is qualified. The fact that he is not here does not disqualify him, and the fact that he has not taken the oath of office yet does not disqualify him. I hope all of you understand that Mr. Peratrovich is qualified.

PRESIDENT EGAN: Hearing no objection, the Chair will hold that Mr. Peratrovich is qualified to hold the office if elected. Does everyone have their ballots? You people may go around and collect the ballots then.

(At this time the ballots were collected.)

MR. JOHN HALL: Mr. President, the second ballot for First Vice President is:

Mr. Nolan	-- 17
Mr. Peratrovich	-- 22
Mrs. Hermann	-- 7
Mr. Walsh	-- 7

PRESIDENT EGAN: At the end of the second ballot no one has received a clear majority for the office of First Vice President. Under the Rule the two low candidates were eliminated. So now at the beginning of the third ballot you have Mr. Nolan and Mr. Peratrovich as candidates for the office of First Vice President. The Clerk can destroy the ballots of the last voting.

MR. JOHN HALL: Yes sir.

(At this time the third ballot was cast.)

MR. JOHN HALL: Mr. President, the third ballot for First Vice President was

Mr. Nolan	-- 26
Mr. Peratrovich	-- 28

PRESIDENT EGAN: So by vote of the Convention Delegates, Frank Peratrovich of Klawock has been named the First Vice President of the Convention. We will now proceed with nominations for Second Vice President of the Convention. Nominations are in order. Mr. Fischer?

V. FISCHER: Mr. President, we have heard many fine nominating speeches before and therefore I would just like to nominate Mr. Ralph Rivers of Fairbanks.

PRESIDENT EGAN: Mr. Fischer nominates Mr. Ralph Rivers of Fairbanks as Second Vice President of this Convention. Are there other nominations? Mrs. Sweeney?

SWEENEY: Mr. President, I would like to renew my nomination

for Second Vice President, Mr. James Nolan of Wrangell.

PRESIDENT EGAN: Mrs. Sweeney nominates for Second Vice President of the Convention, Mr. James Nolan of Wrangell. Mr. Barr?

BARR: Mr. President, the nominating speech has been already made for the man I would like to name. We have also been told that there are two great Rivers in this Territory. I would like to submit the name of Mr. Vic Rivers again.

V. RIVERS: I think once is enough in one day Frank. Thank you very much. I appreciate the nomination. I will do my best to work effectively on the floor and would prefer to be there at this particular stage of the proceedings. Thank you Frank.

PRESIDENT EGAN: Are there other nominations for the office of Second Vice President? Mr. Buckalew?

BUCKALEW: I don't want to be out of order but Colonel "Muktuk" Marston forgot his punch line. What he meant to say at the close of his speech that Ralph Rivers got more votes than anybody in the Territory and ran at large. I wanted to add that.

R. RIVERS: Thanks for making that speech.

PRESIDENT EGAN: Are there other nominations for the office of Second Vice President of the Convention? If not

MCCUTCHEON: I move and ask unanimous consent that the nominations for Second Vice President be closed.

PRESIDENT EGAN: Mr. McCutcheon asks unanimous consent that nominations for Second Vice President be closed. Is there objection? Hearing no objection, nominations are closed and if the Clerks will distribute the ballots and papers, we will proceed with the election. There are two candidates -- Mr. Ralph Rivers and Mr. James Nolan for the office of Second Vice President.

(At this time the first ballot was cast.)

MR. JOHN HALL: Mr. Chairman, the votes for the office of Second Vice President on the first ballot was

Ralph Rivers	-- 32
James Nolan	-- 22

PRESIDENT EGAN: So by your vote you have elected Mr. Ralph Rivers Second Vice President of the Convention. (applause) The Chair will now declare nominations in order for the office of

Secretary of the Convention. Mr. Sundborg?

SUNDBORG: Mr. Chairman, I would like to move for a recess for ten minutes.

PRESIDENT EGAN: Mr. Sundborg asks unanimous consent that the Convention stand at recess for ten minutes. Is there objection? Hearing no objection the Convention is at recess.

(The Convention recessed at 3:35 p.m.)

PRESIDENT EGAN: The Convention will come to order. Nominations are now in order for the office of Permanent Secretary of the Convention. Mr. McNealy.

MCNEALY: Mr. President, I would like to place the name of Katherine Alexander, Secretary of the Senate and a very capable lady as Secretary of this Convention.

PRESIDENT EGAN: Mr. McNealy offers in nomination the name of Mrs. Katherine Alexander.

R. RIVERS: Mr. President, I want to nominate a man whom I think is extremely well qualified for the job of Secretary of this Convention. I visualize the job of Secretary as the man who has to know all the delegates, all the consultants, who will act as a liaison between the consulting staff and the delegates, liaison between the various committees, there will be eleven or twelve of them, an aid to the President. If there is difficulty with personnel in the clerical staff, the chief clerk would refer those problems to the Secretary and not bother the President with them. I visualize the Secretary as being the man who has to watch the press relations, the publicity for this Convention on a nationwide basis, who may have to have a press aide and a person on the very top side of this Convention. Now this is one of the positions provided for by the Alaska Legislature. It is not something to be treated lightly. I think the man who is to be the Secretary of this Convention, elected by this body, should be a man with the qualifications who could meet the duties I have just outlined to you. I am talking about Tom Stewart of Juneau, a man who is a graduate in both liberal arts and political science and also a graduate of the Yale Law School, a man who helped draft this initial bill, a man who visualized this thing in a big way, who consulted with various professors in political science departments and institutes back East when he was on a trip, prior to the last Legislature, a person who has worked his head off putting all these small points together, who has worried about the housing, about the consulting service, about the transportation and who has gotten to know all the delegates and knows all the consultants, a man who has had a lot to do with the press and with public relations, a man who has stubbed his toe and made a few mistakes, as any of us would have done, but a man on the over-all picture knows the thing right from

the ground up and is admirably qualified to be the Secretary of this Convention, so I nominate Tom Stewart.

PRESIDENT EGAN: Mr. Rivers has placed in nomination the name of Mr. Tom Stewart to be Secretary of the Convention. Mr. Sundborg?

SUNDBORG: A point of order, Mr. President. As I remember, Mr. Rivers said Mr. Stewart was a member of the Legislature which helped adopt this bill which calls for a Constitutional Convention and as he further said, the bill itself establishes the office of Secretary. My point of order is the Alaska Organic Act prohibits the serving by Mr. Stewart in the position of Secretary of this Constitutional Convention.

PRESIDENT EGAN: Mr. Sundborg, your point of order is one, to raise a point of order of that nature is one that the Chair would certainly not want to rule upon because you raise what might be in your mind a legal objection. We do not have, right at this time, a Rules Committee, a permanent Rules Committee, to refer any matter of that nature to unless the Convention wants to ask that the temporary Rules Committee that we had under the temporary set-up take up that question for consideration at this time. The Chair will entertain further discussion as to how we should proceed. Mr. Rivers?

V. RIVERS: I will make a motion to refer any further questions to the temporary Rules Committee as constituted which is still available for that use. I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent has been asked. Mr. Riley?

RILEY: Mr. Chairman, this is not in the nature of an objection but point of inquiry. Have you still a temporary Rules Committee with any injunction from the body? I believe we've performed our function as stated by yesterday's resolution.

PRESIDENT EGAN: That is true, Mr. Riley. You have raised a question that is good. At the present moment there is no Rules Committee. The Chair would probably have to with the aid of the members of the Convention appoint a temporary Rules Committee to take over in this permanent setup to be legal. What is the -- Mr. Buckalew?

BUCKALEW: I move that we have a ten-minute recess.

PRESIDENT EGAN: What does the Convention desire? Mrs. Sweeney?

SWEENEY: Mr. Chairman, I move that the Chair appoint the previous temporary Rules Committee to serve on this question and ask unanimous consent.

PRESIDENT EGAN: Mrs. Sweeney asks unanimous consent that the

Chair be authorized to appoint the members who served on the previous rules committee take this matter under advisement and report back to the Convention after a recess. Is there objection? Hearing no objection, those members of the delegates who were on the previous temporary Rules Committee are appointed as a temporary Rules Committee now to take this matter under advisement and if there is no further objection, will the Chairman of the Rules Committee state how long that would take.

RILEY: Mr. Chairman, I don't expect to pick up that ball with any particular accuracy, but I think we could come out with a report of progress at least in ten or fifteen minutes.

PRESIDENT EGAN: If there is no objection, the Convention is at recess for twenty minutes. The Convention is at recess.

(At this time the Convention recessed for 20 minutes.)

PRESIDENT EGAN: The Convention will come to order. Mr. Marston?

MARSTON: I don't know what the lawyers have gotten themselves into here. This audience and this body is strong enough and big enough to create a job of secretary general from our own organization and appoint Tom Stewart and proceed. Then we aren't involved with the laws down at Juneau or anywhere else.

PRESIDENT EGAN: Mr. Rivers?

V. RIVERS: We have a specific order of business which is a report of the Rules Committee at this time.

PRESIDENT EGAN: That is correct Mr. Rivers and the specific order of business is the report of the Rules Committee upon which they were deliberating. Mr. Riley?

RILEY: Your reconstituted temporary Committee on Rules has considered the problem put to it and has adopted two guides, namely Chapter 46 of the last session of the Legislature of which provided for this Convention and Section 11 of the Organic Act which states prohibition against the holding of office on the part of legislators. It is the feeling and the report of your Committee that Section 11 in this case does apply, that the office was constructively created by the last legislature and Mr. Stewart would be ineligible for nomination, due to ineligibility to hold the office. It may be that Colonel Marston has anticipated the Committee. The Committee will have other aspects of its report to present in the morning but meanwhile the recommendation of the Committee is that nominations remain open.

PRESIDENT EGAN: Is it the recommendation of the Committee that nominations remain open and that the completion of the committee report be reported to the Convention tomorrow

order that that will be the case. Mr. Rivers?

R. RIVERS: I move that we adjourn until the usual time tomorrow.

PRESIDENT EGAN: Mrs. Hermann you may come to the rostrum.

HERMANN: I want to give you some more information about traveling out here. The persons who want to come out on the bus are requested to be at the Nordale as usual but subject to the time of adjournment. If you are going to meet at 10 o'clock we think maybe it might be well not to come out till 9:30, but anybody that expects to ride on the bus should keep that in mind and be on hand. Now, Mr. Chairman, I have a request for a special privilege that I want at this time.

PRESIDENT EGAN: If there is no objection Mrs. Hermann that request is granted, Mrs. Hermann.

HERMANN: I have in my possession a little poem that was written for the delegates to the Constitutional Convention. It is called "A Prayer for Convention Delegates." I want to read it to you because I think it is something that all of you will be interested in:

"How many strive for immortality.
 How few achieve it!
 Yet in history's pages--those remembered
 Were merely doing every day
 The homely tasks with which they were confronted.
 So let those common people--
 Elected by their neighbors, friends and fellowmen,
 Remember to be humble, and retain
 The Common Touch, and Sense, that makes them great.
 And So write Alaska's Constitution--
 That children yet unborn may bless their memory!"

Mr. Chairman, I move that this poem be spread on the minutes of this day's proceedings. I ask unanimous consent.

PRESIDENT EGAN: Is there objection to this unanimous consent request? If there is none, --

UNIDENTIFIED DELEGATE: Who is the author?

HERMANN: The author is Sarah von Riesen, whom I do not know, Box 154, Mountain View.

PRESIDENT EGAN: If there is no objection, the prayer is ordered spread upon the minutes of the Convention.

HERMANN: Any time you don't have a Chaplain, you can take it out and read it.

PRESIDENT EGAN: Thank you Mrs. Hermann. Before we adjourn the Chair would like to Mr. White?

WHITE: Mr. President, if I recall correctly, in adopting the report of the temporary Rules Committee this morning we left undone the passing of a resolution calling for the appointment of a nine-member permanent rules committee by the Chairman. Having in mind that the Chairman may need some time to make these appointments, I offer a resolution to the Convention: "RESOLVED by the Convention that the Chairman appoint a nine-member permanent rules committee."

V. RIVERS: I second the motion and ask unanimous consent.

PRESIDENT EGAN: Mr. White, does your motion mean that the Chair will appoint the committee?

WHITE: That is correct.

PRESIDENT EGAN: As subject to the consent of the Convention. Now there is another subject upon which the President feels should be brought to your attention and that is that the Chair feels that every delegate tonight should think about what committees he would be most interested in and the type of subjects that he is interested in and probably attempt to bring a paper with him tomorrow, each of you, with the committees you would like to be on or the subjects that you are most interested in. It will certainly help when we get the Committee on Committees functioning to expedite the appointments of committees, if that information with your name on it is available for the Committee on Committees when it goes out. If there is no objection then each of you can attempt to bring your suggestions of the committees you would like to serve upon. Another subject that has come up is the question of permanent help. I don't believe we can appoint any Committee on Permanent Help until after we have had the permanent Rules Committee. I stand corrected on that, if there is correction. Mr. White?

WHITE: A point of clarification, Mr. President. On the resolution that I offered I should have asked for unanimous consent. Was unanimous consent granted.

PRESIDENT EGAN: If there is no objection, unanimous consent has been granted that the President appoint a nine-member permanent Rules Committee and report the names of those members to the Convention tomorrow morning. If there is no objection the President will do that. Mr. Sundborg.

SUNDBORG: Mr. President, I move and ask unanimous consent that the President be authorized also to appoint a Committee on Permanent Help without further reference to a Rules Committee or any other committee of this body.

PRESIDENT EGAN: That is permanent help other than the permanent Secretary? Then everything will be ready to go when we get completely organized.

SUNDBORG: Yes sir.

PRESIDENT EGAN: Is there objection to Mr. Sundborg's unanimous consent request? Hearing none, then the President -- Mrs. Hermann?

HERMANN: Mr. Chairman, I do object temporarily because I think the matter of employment of permanent help is in the suggested rules that the temporary Rules Committee requested us to study, and until the permanent rules are adopted I don't think we ought to take a stand on anything that is covered by those suggested rules.

PRESIDENT EGAN: Mr. Davis?

DAVIS: I wonder if they are making any progress in getting those prepared rules out so that everybody can take them home tonight and study them.

PRESIDENT EGAN: Well, aren't those proposed rules already mimeographed? They're still being mimeographed? Is it possible they can be available for the members tonight?

MRS. ALEXANDER: They are being mimeographed. In about forty five minutes they will be ready.

PRESIDENT EGAN: Is it the Convention's desire that we stay here until the proposed rules are ready for distribution? Mr. Hellenthal.

HELLENTHAL: I'll throw out two things for discussion that might utilize some of the time. One is the possibility of a holiday on Friday. I think we might as well square off on that and determine whether or not we will be in session Friday. As I understand it, it is a Territorial holiday, Veteran's Day. Secondly, I see no reason for that bus picking us up at 9 o'clock and bringing us here at 9:20 when we have to wait until ten. I think we should either have the bus pick us up a little later or start a little earlier.

PRESIDENT EGAN: You are suggesting perhaps that the Convention convene at 9:30?

HELLENTHAL: I suggest we start at 9:30 and leave the bus scheduled at 9, as before.

PRESIDENT EGAN: Do you make that in the form of a motion Mr. Hellenthal?

HELLENTHAL: Yes, I would like to make that motion. I move

that the bus continue to pick us up at 9 o'clock at the Nordale and that we convene at 9:30.

KILCHER: I second that motion.

PRESIDENT EGAN: Mr. Hellenthal moves and it has been seconded by Mr. Kilcher that the Convention meet at 9:30 each morning and that the members get on the bus at 9 o'clock. Is there objection to the motion? Hearing none, that will be the order of --

WHITE: Mr. President, I would like to direct a question in connection with the motion. Does that imply that the Convention will continue to pay for the bus?

PRESIDENT EGAN: Mr. Hellenthal?

HELLENTHAL: That is my implication although that's my goal but I hadn't thought of it.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. Chairman, we voted the other day that the Convention continue to bear the bus service expense until we have a complete permanent organization and after that the Convention can decide whether it wants to pay for a permanent thing or not.

PRESIDENT EGAN: I believe that is correct. Mr. Sundborg?

SUNDBORG: I have a parliamentary inquiry. I asked unanimous consent a moment ago for the authority for the President to appoint a Committee on Permanent Help and Mrs. Hermann said she objected temporarily and we just sort of left it there. Was that adopted?

HERMANN: Well, I objected permanently I think. SUNDBORG: Well, I so move.

PRESIDENT EGAN: Mr. Sundborg moves that the Chairman appoint a Committee on Permanent Help other than a permanent Secretary.

COGHILL: I second the motion.

PRESIDENT EGAN: It has been moved and seconded that the Committee on Permanent Help be appointed. The motion is open for discussion. Mr. Sundborg?

SUNDBORG: Mr. President, all that this committee is going to do is to make some recommendations to the Convention which the Convention can either adopt or reject. Here we are running along getting almost into our third day. We have asked a lot

of people to do mimeographing, stenographic work, typing and we have not made any provision at all for paying them and I think it is time, in fact it's past time for us to get started on this business of creating some kind of an organization here in the secretariat.

PRESIDENT EGAN: Mrs. Hermann?

HERMANN: Mr. Chairman, if I'm not mistaken, the Statehood Committee has authorized the employment of certain people during the initial days of the session when we anticipated the Convention would be organized, and provision was made, they have committed themselves to the payment of those people who were employed, subject we hope, to reimbursement by the Convention. but, in any event, it is a commitment, a continued liability that we have assumed in the interest of getting the Convention started off in an orderly manner. I don't think that angle of it needs to be too serious, and it seems to me that we will be ready to consider those rules tomorrow anyway, the permanent rules, and it would seem that nothing could be gained by appointing a committee, by passing a motion to appoint a committee, now. I will not object to it if we don't get off to a pretty good start on it tomorrow.

PRESIDENT EGAN: Is there further discussion on the motion; If not the question is, "Shall the President appoint a committee on permanent help?" Mrs. Hermann?

HERMANN: Point of order, Mr. President, I think it was a request for unanimous consent which I objected to.

PRESIDENT EGAN: Then Mr. Sundborg moved and it was seconded, Mrs. Hermann. All those in favor of having the President appoint a committee on permanent help at this time say "aye" all opposed say "no". The Secretary will call the roll.

(The roll was called with the following result:

Yeas: 30 - Armstrong, Barr, Buckalew, Coghill, Cooper, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hilscher, Hinckel, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, McNealy, Marston, Metcalf, Nerland, Poulsen, Rosswog, Stewart, Smith, Sundborg, VanderLeest, Walsh.

Nays: 23 - Awes, Boswell, Collins, Cross, Davis, Doogan, H. Fischer, Hermann, Hurley, Johnson, McCutcheon, McNees, Nolan, Nordale, Reader, Riley, R. Rivers, V. Rivers, Robertson, Sweenoy, Taylor, White, Wion.

Absent: 1 - Peratrovich.

Not Voting: 1 - Mr. President.)

PRESIDENT EGAN: And so the Chair has been instructed to appoint a Committee on Permanent Help at this time. The Convention can be at ease for about a minute or two. The Chair will attempt to -- Mr. Taylor? The Convention is at ease.

PRESIDENT EGAN: The Convention will come to order. The President has wondered about this Committee on Permanent Help, and if there is no objection we would like to name three members at this time to form a nucleus of the Permanent Help Committee. Perhaps they could get together this evening and the rest of the members we could name in the morning. If Mr. Ralph Rivers, Mr. Kilcher and Mr. Coghill could more or less look into the situation this evening and in the morning the Chair will name the rest of the members of that Committee. We felt that the people in the Fourth Division would know considerably more about the persons who might be wanting a job here so if that is satisfactory we'll carry the Committee over until tomorrow morning. Mr. Rivers?

V. RIVERS: I am going to move for adjournment at this time till 10 o'clock tomorrow at the suggestion that the bus was set up at 9:30. My reason for that is this, out of consideration for the Chair and the help we have I think we should give them a chance, the Chairman to consider his people and the timber he has for his committees as the next order of business. Also, the permanent help are starting in new quarters, their supplies, see what they need in the way of help and so I suggest that we do not convene until 10 a.m. I move that we adjourn until 10 o'clock tomorrow morning.

COLLINS: I second the motion.

PRESIDENT EGAN: It has been moved and seconded that the Convention adjourn until 10 o'clock tomorrow morning. Mrs. Hermann, your point of order?

HERMANN: Something will have to be done when we've already got it through that we were going to meet at 9:30.

PRESIDENT EGAN: Without objection, of course it would have the same tendency as a unanimous consent or two-thirds majority would and it could overrule the other motion for this particular session. Mr. Fischer?

V. FISCHER: Mr. Chairman, I realize that it might be a burden on some of the help, but maybe until we can get fully organized and start operating as committees, the committees themselves could meet earlier in the morning. We might stay by our previous action and meet at 9:30 tomorrow so that we can get organized that much sooner.

PRESIDENT EGAN: Is there objection to the 10 o'clock adjournment? If not, the Convention will stand adjourned until 10

o'clock tomorrow morning. The Convention is adjourned.

(The Convention adjourned at approximately 5 p.m.)