

ALASKA CONSTITUTIONAL CONVENTION

November 28, 1955

TWENTY-FIRST DAY

PRESIDENT EGAN: The Convention will come to order. Reverend Londborg, would you come forward and give us our daily invocation?

LONDBORG: Our Heavenly Father, we thank you for this new day that lies before us. We thank you for the health and strength that is ours. We thank you for the opportunities that are ours this day to work in this way as delegates at this Convention. Our Heavenly Father, we pray that you would give us each one clearness of mind, understanding hearts of one another, determination to carry out our convictions. We pray that the thoughts that are here, though they may be different, may be fused into one draft as we work together to put out this constitution for the State of Alaska. Bless us, we pray, as we continue. We ask it in Thy Name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Three absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with the regular order of business. We will postpone the reading of the journal until the afternoon session. Are there any petitions, memorials or communications from outside the Convention?

SECRETARY: I have none, Mr. President.

PRESIDENT EGAN: Are there reports of standing committees? Mr. Sundborg?

SUNDBORG: Mr. President, Committee No. III, Style and Drafting, calls the attention of the delegates to -- we started to call it a manual but maybe it is not that substantial -- a few pages of drafting suggestions which are on every delegate's desk this morning prepared by our Committee.

PRESIDENT EGAN: You have heard the report of the Chairman of the Committee on Style and Drafting. Mr. Collins?

COLLINS: Committee No. XIII at the scheduled meeting Saturday found it very inconvenient for some of the members to meet at the time scheduled for us originally -- 3:30 - 4:50. By discussion we found that our committee could meet at 9:30 in the morning until 10:50 without having to inconvenience any of the members, and I would like to give notice that that

will be our schedule -- from 9:30 - 10:50.

PRESIDENT EGAN: Mr. Collins then announces and asks unanimous consent that the meeting time of Committee No. XIII the Committee on Direct Legislation, Amendment and Revision be changed to 9:30 a.m. each day. Is there any objection to that? No objection, Mr. Collins, that will stand as your meeting time then.

COLLINS: We will have to adjust the meeting place.

PRESIDENT EGAN: Are there other reports? Mr. Rosswog?

ROSSWOG: The No. XII Committee on Local Government will meet at 11 this morning and we will not have a scheduled meeting this afternoon.

PRESIDENT EGAN: The Committee on Local Government will meet at 11 this morning and will not have a scheduled meeting this afternoon. Mr. Cross?

CROSS: Your Committee on Resolutions reports on the resolution introduced by Delegate Kilcher on November 22. "Upon consideration and after general discussion of the Resolution introduced by Delegate Yule F. Kilcher on November 22, 1955, to change the name of Mt. McKinley to the name of Denali, the Committee upon motion duly made, seconded and unanimously carried, reports that in its opinion said Resolution does not constitute either Constitutional or Legislative matter, and recommends that it be postponed indefinitely.

PRESIDENT EGAN: You have heard the report of the Resolutions Committee on the resolution by Mr. Kilcher. What is the pleasure of the Convention? Mr. Kilcher?

KILCHER: I ask unanimous consent that I may be permitted to withdraw the resolution for special reasons of my own.

PRESIDENT EGAN: Is there objection to Mr. Kilcher's unanimous consent request that he be allowed to withdraw the resolution at this time? Is there objection to that unanimous consent request? Hearing no objection then, Mr. Kilcher, you have been authorized to withdraw the resolution and it is no longer before the body. Are there other committee reports? Mr. Riley?

RILEY: Mr. President, it is not in the nature of a report, but to announce the Rules Committee will meet immediately after recess in the gallery.

PRESIDENT EGAN: There will be a meeting of the Rules Committee immediately upon recess in the gallery. Are there other announcements? Mr. Ralph Rivers?

R. RIVERS: Mr. President, while we still are on the subject of committee reports, I want to make reference to the drafting suggestions of the Style and Drafting Committee. I am very disturbed about paragraph 2, on the first page of those suggestions. It is stated that the constitution in speaking for itself must be written in the present tense. Now all the other constitutions, including that of the United States of America, are written in what I think is the future perfect. Maybe Mildred can prompt me on that. In other words, we will say the judicial power "shall be" vested in a supreme court and in certain superior courts or in a superior court. We are all accustomed to that "shall be". We are drafting something that won't become valid unless and until it is ratified by the people of Alaska, and there are many references to what the legislature is going to do in the future and that sort of thing. For us to say the judicial power "is" vested in a supreme court and the superior courts consist of such courts as the legislature from time to time creates, you are getting your "is" mixed up with something that has not happened yet. You are running that all the way through this thing. I think Style and Drafting should be consistent. If we are starting out with the "is" or the present tense, Style and Drafting is going to get into the most hopeless editing -- final drafting job it ever got into. Now I am trying to rescue Style and Drafting as well as this constitution and think that we should all go to the "shall be". Then we have patterns to go by and we will all know how to write up what we have in mind in patterning after other constitutions. So therefore, I move that this report be sent back to Style and Drafting for the rewriting of paragraph 2 on page 1. Aside from that I want to thank Style and Drafting for what I think is a nice piece of work.

PRESIDENT EGAN: Mr. Ralph Rivers asks unanimous consent that the report be sent back to the Style and Drafting Committee for the proposed change as explained by Mr. Ralph Rivers.

MCLAUGHLIN: I object.

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

R. RIVERS: I so move.

MCNEALY: I second the motion.

PRESIDENT EGAN: Mr. Rivers so moves. Mr. McNealy seconds the motion. Mr. Rivers?

R. RIVERS: The motion would be to recommit. I may not have used the right expression, for redrafting of paragraph 2.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: I don't speak for the Committee but I speak individually having been aware of the difficulty the Committee has had in drawing the drafting suggestions. I might point out that we discovered that several times we violated our own drafting suggestions while we were drafting the suggestions. I might point out, finally having accomplished this, we made the point merely as a suggestion and I think it would be difficult to send the suggestion back to the Committee when it is merely presented here on the floor as a suggestion which can obviously be ignored, as I suspect it might be, but it is merely presented here as an idea for unification. As a matter of fact, the Style and Drafting, if I might speak for them without contradiction, they treated the constitution something in the same sense as a will, it became effective only upon death or adoption and under those circumstances, treating it as a living and existing document after much learned discussion they decided it should speak in the present tense. That in itself is beside the point because I believe this is merely a suggestion so that we might have something that when the bills are presented, within reasonable limitations, the committees might be guided by this and the suggestion itself is not compulsory upon any committee or the assembly. That is my reason for the objection.

PRESIDENT EGAN: Mr. McLaughlin, would you not consider Mr. River's motion as being that the suggestion be amended? Is there further discussion of the motion to commit? Mrs. Hermann?

HERMANN: Mr. President, having been appointed Convention grammarian by Mr. Rivers I rise to say that the use of the word "shall" does not necessarily connote future tense. It is probably in the way of an instruction that they shall do this and they shall do that and becomes more or less the expression of a mandate to the legislature as to what it should do. I don't believe that the purpose of "shall" in any of the constitutions is necessarily to limit the action of the legislature in the future. Naturally, we have yet no state legislature, and the mandate of the constitution to the state legislature cannot be effective until we do have. I do not take the use of the word "shall" to mean future tense. I recognize some of the difficulties that Mr. Rivers has mentioned, and I like to say in that connection that I think that we may have to work pretty hard in the Style and Drafting Committee to translate our intentions into effective action, but I believe that the constitution would have greater dignity and greater strength if we do and if we can and do express everything in the present tense. I approve of the thought, and I believe that the Style and Drafting Committee is going to be equal to the challenge of it, if and when any of the Committees give it anything to do.

PRESIDENT EGAN: Mr. Smith.

SMITH: I probably will only add to the confusion. I would simply like to read a definition of the word "shall" as given in Black's Law Dictionary. "The word 'shall' as used in statutes is generally imperative or mandatory, but it may be construed as merely permissive or directly as equivalent to 'may' to carry out the legislative intention and in cases where no rights or benefit to anyone depends on its being taken in the imperative sense and where no public or private right is impaired by its interpretation in the other sense. Also, as against the government, it is to be construed as 'may' unless a contrary intention is manifest. Although the word usually denotes an obligation, it also implies an element of futurity."

PRESIDENT EGAN: Is there further discussion? Mr. Rivers?

R. RIVERS: Just to point out I am not talking about the word "shall", I am talking about expression "shall be".

V. FISCHER: Mr. President, I think this discussion has brought out some differences of opinion, and the Committee on Style and Drafting certainly had in mind that there may be a lot of other differences. If the Convention as a whole starts going through this point by point now, each and every one of us could find other suggestions. The best thing to do is for each committee to take into account what they believe is worthwhile in these drafting suggestions and not keep sending it back. Otherwise, the Committees will never have the manual before them so they could start using it in their daily work.

PRESIDENT EGAN: Is there further discussion? Mr. Ralph Rivers.

R. RIVERS: There is in that. This points out that there should be uniformity in our work. This suggestion is stated in this manner: "It must therefore be written in the present tense." Now, I have had suggestions made to me before, and I have had objectives pointed out before. Here we find this is just a suggestion, it is not mandatory as stated. Mr. V. Fischer says we should all go on our own routes and then see what happens. I believe this body ought to decide. Maybe not now, maybe we could put it over and all sleep on it tonight but this body should decide whether we're all going to say "shall be" this or "shall be" that or whether we're all going to try and say "is". So I submit my motion.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I want to add a note to this. It is certainly too bad that the state of New Jersey and the State of Missouri did not have the benefit of our Drafting Committee. They followed the procedure which our Drafting Committee frowns upon.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Is there any other discussion? Mr. McNealy.

MCNEALY: I have only one thing to add, and I say this without any reflection on the Style and Drafting Committee. The reflection may be on myself here, but I certainly am going to take my hat off to them and even attempt to eat it if they can take the Bill of Rights and eliminate the words "shall be in there and still preserve all of the rights.

PRESIDENT EGAN: Is there other discussion? If not, "Shall the suggestion of Style and Drafting be recommitted to that Committee for their consideration?" All those in favor of the --

R. RIVERS: Roll Call.

PRESIDENT EGAN: The Chief Clerk will call the roll. The question is, "Shall the suggestions be recommitted to the Style and Drafting Committee?"

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

Yeas: 19 - Awes, Boswell, Doogan, H. Fischer, Hinckel, Londborg, McNealy, Marston, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Taylor, Walsh, Mr. President.

Nays: 34 - Armstrong, Barr, Buckalew, Collins, Cooper, Cross, Davis, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Reader, Riley, Rosswog, Sundborg, Sweeney, VanderLeest, White, Wien.

Absent: 2 - Coghill, Harris.)

CHIEF CLERK: Nineteen yeas, 34 nays and two absent.

PRESIDENT EGAN: So the motion has failed, We suggest a report of the Committee on Style and Drafting is still before us. Mr. Sundborg?

SUNDBORG: Mr. President, there will be no meeting of the Style and Drafting Committee this morning.

PRESIDENT EGAN: You have heard the report of the Style and Drafting Committee. Are there other reports of committees? Are there any proposals to be introduced at this time?

SECRETARY: "Delegate Proposal No. 27, by Mr. McNealy, ELECTION IN DISTRICT OTHER THAN PLACE OF RESIDENCE."

PRESIDENT EGAN: The proposal is referred to Committee No. VI on Suffrage, Elections and Apportionment. Are there other proposals?

SECRETARY: No further proposals, Mr. President.

PRESIDENT EGAN: Is there any unfinished business? Mr. Hilscher?

HILSCHER: I should like to ask permission of this body to spend not to exceed \$3.98 of our Convention fund. It was, as I understand it, the desire and intention of this organization to obtain as much national publicity on the Constitutional Convention as possible; that we're going to be favored with a number of celebrities as guests of the Convention and to date, with the exception of the address by former Governor Gruening on "American Colonial Policy" we have had very little in the way of outside publicity or matters which might possibly hit the national wire or receive national attention. In the past those of us who lived in Fairbanks a number of years ago got to know Fred Waring pretty well through the Fairbanks Winter Carnival. As a courtesy and gesture to the Fairbanks Winter Carnival, he played and sang the Alaska Flag Song, which as you know, his version of it is probably the most popular and thrilling of all of them. I should like unanimous approval to send this wire to Fred Waring:

"Fred Waring, 1697 Broadway, New York.

Fifty-five Alaskans are now in session at the University of Alaska drafting the Constitution for the future State of Alaska. This is the last time that a Constitution will be written for the admission of a state into the United States. Knowing your interest in Alaska and the affection Alaskans have for you and your inspiring rendition of the Alaska Flag Song, we would be highly honored if you and your crew would sing our state anthem and send the Constitutional Convention a recording which will be made a part of the permanent archives of this historic Convention. /Signed Herb Hilscher, Delegate to the Alaska Constitutional Convention."

The idea I had in my mind is this. He will undoubtedly read this over a nation-wide TV circuit and would favor us with the playing of it. I feel it would be \$3.98 well spent in getting us nationwide publicity. I therefore ask unanimous consent that we be permitted to send this telegram.

PRESIDENT EGAN: Mr. Hilscher asks unanimous consent that he be permitted to send the telegram. Mr. Sundborg?

SUNDBORG: Mr. President, I wonder if Mr. Hilscher would consent to a modest amendment. At the very beginning of it he says, "Fifty-five Alaskans are now in session . . ." I wonder if he would agree to say, "Fifty-five delegates elected by the people of Alaska" so that it will be very clear that this is an official duly constituted body.

PRESIDENT EGAN: You have no objection to the change in this message?

HILSCHER: That is in the present tense, is it?

PRESIDENT EGAN: Is there objection to Mr. Hilscher's unanimous consent request? Mr. Fischer?

V. FISCHER: I would like to ask Delegate Hilscher whether he would be willing to have the telegram signed by the President. I think, with all due respect, it might be more proper and carry more weight to have it signed by the President.

PRESIDENT EGAN: Do you offer that as a suggestion?

V. FISCHER: As a suggestion to Mr. Hilscher.

METCALF: Mr. President, this is not actual constitutional matters here. I would rather pay the \$3.98 myself instead of establishing precedent here. I am a little afraid we will be censured for establishing a precedent and I therefore object.

PRESIDENT EGAN: Mr. Metcalf objects to the unanimous consent request.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Johnson seconds Mr. Hilscher's motion that the telegram be sent. Mr. Sundborg.

SUNDBORG: I move to amend the motion to provide that the telegram will be signed by either the President or the Secretary on behalf of the Convention.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the motion be amended so that the telegram will either be signed by the President or Secretary of the Convention. Is there objection to that amendment? Mr. Marston?

MARSTON: I move that the President and the Secretary sign it.

PRESIDENT EGAN: Mr. Marston moves that Mr. Sundborg's motion be amended to amend the motion so that the President and Secretary will both sign.

SUNDBORG: I accept that amendment.

PRESIDENT EGAN: Mr. Gray.

GRAY: Mr. President, I kind of feel like the gentleman from Seward there. This is a personal matter. I would just as soon send it myself. I think it is a fine idea and I am all for the idea, but I think it should be a personal matter. We are starting in something new in this little telegram and tomorrow we are going to have another little event. It's going to be good. There's going to be a thousand of them and I believe we have to watch this thing. It's a matter of precedence and not a matter of \$4.00, it's not a matter of being signed by a delegate. I think it's a marvelous idea and I think it should be done but it should be done on a personal matter rather than an official matter and I am going to vote against the measure but I will furnish the \$4.00 to send it.

WHITE: Mr. President, this body is charged, and I think rightly so, with doing all those things necessary to prepare Alaska for statehood. I feel that this and any other measure in the nature of publicity is very much the business of this body. I hope there will be more similar suggestions.

PRESIDENT EGAN: Mr. Collins.

COLLINS: Mr. President, I heartily agree with Mr. Metcalf and Mr. Gray. This is an outside matter -- a wonderful gesture. We are letting the bars down -- there is no limit to how far we can go. We can well afford 15 or 20 cents apiece and make it personal rather than stab the treasury. We are writing a constitution. Still I think it is a nice gesture, but we are letting the bars down, and there will be others come in. First thing we know we are way off the trail. I think we better make it personal. I will pay for the telegram.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, a point of information. Is the Statehood Committee still alive and functioning? I personally think this is a perfect matter to be handled by the Statehood Committee. It is a matter of publicity and they should send the wire. It is a very good wire. They should sign it. Somebody on the Statehood Committee should send it and draw the attention of the public to the fact that there is a Convention and what it is about.

PRESIDENT EGAN: Mr. Barr has been trying to get the floor.

BARR: Mr. President, to begin with, I won't pay for the wire. I am going to make approximately the same motion as Mr. Kilcher. It seems to me the wire would not mean anything unless it were more or less official. However, I also have the feeling it would be setting a precedent. I would like to remind you that

the Statehood Committee is charged with doing everything possible to promote statehood, and this does fall within that category. It seems to me that it would be more or less official if they sent it and they are also authorized to do so.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, I ask unanimous consent that this Convention take a 20 second recess to pass the hat and reconvene.

UNIDENTIFIED DELEGATE: Objection.

PRESIDENT EGAN: Objection is heard.

PRESIDENT EGAN: Mr. Hilscher.

HILSCHER: Mr. President, I am very pleased that this suggested telegram has brought all this discussion. One of the responsibilities of this Convention is to sell the end product that we are here to write. If it takes \$3.98 of Territorial funds to help sell this document, then I am all for it. If it takes \$3,000 or \$30,000 to sell the end result, I am all in favor of it. This organization is committed to not only produce a document that will be our basic constitution for years and years to come but we have the job of selling this to our people and of selling it to the United States Congress and to the American people.

DAVIS: Mr. Chairman, I move the previous question.

COOPER: I second it.

PRESIDENT EGAN: Mr. Davis moved, seconded by Mr. Cooper, that the previous question be ordered. Did you ask unanimous consent, Mr. Davis?

R. RIVERS: Point of information. What is the previous question at this point?

PRESIDENT EGAN: Unanimous consent was asked that Mr. Sundborg's amendment to the motion be adopted. There was no objection as the Chair recalls. So it would be the original motion as amended by Mr. Sundborg. Is there objection to having the previous question ordered at this time?

SUNDBORG: Question.

PRESIDENT EGAN: Hearing no objection, it is so ordered. If there is no objection then the question is -- would the Chief Clerk read the motion as it would be before us at this time?

CHIEF CLERK: Mr. Hilscher moved and asked unanimous consent

to send the telegram which I did not take down, to Fred Waring, and it will be signed by the President and Secretary.

PRESIDENT EGAN: You have heard the motion. All those in favor will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the motion is carried. The telegram will be sent. Is there other unfinished business to come before us? If there is no other business to come before us at this time the Chair will entertain a motion. Mr. Buckalew?

BUCKALEW: I move and ask unanimous consent that we adjourn until 1:30 this afternoon.

PRESIDENT EGAN: Mr. Buckalew moves and asks unanimous consent that the Convention stand at recess until 1:30 this afternoon. Hearing no objection it is so ordered and the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Does the Committee to read the journal have a report to make? Mr. Knight?

KNIGHT: Speaking for the Committee, we did not find any errors in the journal of the 18th day. I ask unanimous consent that it be approved.

PRESIDENT EGAN: Mr. Knight asks unanimous consent that the journal of the 18th day be approved by the Convention. Is there objection? Mr. Davis?

DAVIS: I find what I think is an error in tense here or numbering. In Reports of Committees it says "Mr. Buckalew reported that the Committee appointed to obtain a gavel" -- only one gavel is mentioned there. It should either be "gavels" or "it".

PRESIDENT EGAN: What is your proposed change?

DAVIS: My suggestion is that we either put an "s" on "gavel" or change the word "them" to "it", one or the other.

PRESIDENT EGAN: What is the pleasure of the Convention? Mr. Davis, you suggest then and ask unanimous consent that where it says a "Committee appointed to obtain a gavel for the use of the Convention.." should be "to obtain gavels". Strike the word "a" and pluralize the word "gavel" . Is there objection? If not the correction will be ordered. Mr. White?

WHITE: I would like to move to a point of order. To save time in the future I would like to call attention to the agreement adopted previously that members of the Convention would

report any errors to the Chief Clerk's office prior to the one-half hour before the opening session and reading of the previous day's journal.

PRESIDENT EGAN: Hereafter that procedure will be adhered to wherever possible, Mr. White. Is there objection to Mr. Davis's request? Hearing none, the correction is ordered made. Unanimous consent is asked that the journal of the 18th day be approved by the Convention. Hearing no objection it is so ordered and the journal of the 18th day is ordered approved. Is there other business to come before the Convention at this time? Does the Chief Clerk have any communications to read?

CHIEF CLERK: A communication from Mr. Salisbury.

(The Chief Clerk read at this time a letter from Professor Lee H. Salisbury of the University of Alaska inviting the delegates to attend the performance of "Bell, Book and Candle" Friday and Saturday of this week and offering complimentary tickets.)

PRESIDENT EGAN: That is Friday and Saturday evening then at the University Gymnasium at 8:15 p.m.

CHIEF CLERK: And the matter of a bus schedule has to be decided whether a bus will be needed at 5 o'clock.

PRESIDENT EGAN: What is the desire of the Convention relative to the necessity of having a special bus around the hour of 5 o'clock or at such time as you may deem to be most appropriate.

CHIEF CLERK: The last bus leaves at 4:05 and the next bus at 5:50. We would have to have a show of hands to see how many we needed.

PRESIDENT EGAN: Is there discussion on that matter? Mrs. Sweeney.

SWEENEY: I am wondering how many have found it necessary to use the bus to get home in the afternoon. It seems to me quite a number are going home by private car. Could we have a show of hands?

PRESIDENT EGAN: Would those who have used buses almost exclusively in the afternoon please raise their hands. Then from the lack of hands it would seem there is no necessity at this time in the minds of the delegates for a special bus. Mrs. Hermann?

HERMANN: I think if we ever get down to holding longer plenary sessions it will be necessary to make some arrangements.

PRESIDENT EGAN: That might be necessary in the future. If not, then the matter will be held over until such time as the delegates feel it is necessary to take it up before us. Is there anything else to come before the Convention? Mr. McCutcheon?

MCCUTCHEON: I would like to move that we meet Wednesday evening at 7:30 for the purpose of resolving ourselves into a Committee of the Whole to discuss the matter of bicameralism and unicameralism in such a Committee of the Whole. I will ask unanimous consent.

PRESIDENT EGAN: Mr. McCutcheon moves and asks unanimous consent that the Convention meet on Wednesday evening at 7:30, at that time to resolve itself into a Committee of the Whole for the purpose of discussing the question of unicameralism and bicameralism as it relates to the legislature. Mr. Kilcher?

KILCHER: Point of information. We all know the need of this Committee of the Whole and in view of the fact that the need is dire and that a lot of labor will hinge upon decisions that we will reach at that time, I wonder if Mr. McCutcheon couldn't tell me why we shouldn't meet sooner.

PRESIDENT EGAN: Day after tomorrow, is that right? Mr. McCutcheon, you may answer the question.

MCCUTCHEON: Mr. Kilcher, I had in mind setting it as a matter of business of Wednesday evening. It would give the public information services ample time to get out across the wire, and we might have expressions from elsewhere in Alaska and it also might provide people an opportunity here locally to attend the evening session.

KILCHER: In other words, you would make it a public hearing?

MCCUTCHEON: Well, I hadn't thought of it in the sense of a public hearing, but it certainly would be open to the public.

V. FISCHER: I would like to address a question to Mr. McCutcheon.

PRESIDENT EGAN: Mr. Victor Fischer, without objection you may address your question.

V. FISCHER: Mr. McCutcheon, a meeting of this type without a definite program could easily develop into a free for all from which it would be very difficult to make any kind of determination of opinion among the delegates. Would it be possible for your Committee to present the issues, the two sides, one unicameral and one bicameral to start with and thereupon have a discussion rather than just throwing it open?

MCCUTCHEON: Mr. Fischer, it was not our Committee's intention to make a matter of settlement final. As far as a free for all is concerned, that is what I personally would like to see. Perhaps your idea of an agenda so to speak, having each side present themselves, might be well to have -- one protagonist from our committee supporting bicameralism present their views and one supporting unicameralism present their views, and from there let the discussion take its course. We are interested in hearing all the facets and shades of opinions without arriving at any conclusive action on the subject.

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

GRAY: I had a question on the bus schedule, Mr. President. I notice you have the meeting at 7:30. We have a bus leaving at 6:30 from downtown. Do you think we ought to move the meeting up to 7 or have a special bus in that deal?

MCCUTCHEON: I had not thought a great deal about it. I thought to give the delegates ample time to conduct whatever business they might have in town before coming out here again but I wished it early enough in the evening so that we would have time to discuss it and also to provide ample opportunity for the people of Fairbanks to partake in the hearings and in the discussion.

PRESIDENT EGAN: Mr. Barr?

BARR: I would like to make a statement also as a point of information for Mr. McCutcheon. I suppose his Committee would like an expression of opinion from the body as a whole on this before they make a decision. Was it Mr. McCutcheon's idea that after we had this discussion we should take a vote on it to see the thinking on it?

MCCUTCHEON: It was not, Mr. Barr.

BARR: Then how will your Committee arrive at its decision as to what the body thinks?

MCCUTCHEON: I believe that most of the delegates here if their sensibilities are in order will probably have a pretty good idea of what the sentiment of this group is when we arise from the Committee.

BARR: That isn't so definite. Some people just naturally talk more than others. A minority might be on the talkative side. I don't see any reason for having it in the evening at all. It is a regular order of business. If it develops into a free for all, which I favor, in the evening after we've been working all day, it might be more interesting but more argumentative than it would be in the morning. I think anything like that should be taken up during the day.

MCCUTCHEON: Mr. President, my thought was to try not to interrupt other committees, because as we go along here and proposals are put on the floor from other committees we are going to require both all day and all evening to discuss the things, I am sure and we are now feeling our way along. I'd rather not interrupt the other committees. However, if the body feels they want to do it in the daytime, it is of no consequence to me.

DOOGAN: Mr. President, I might direct a question to Mr. McCutcheon. In asking for this Committee of the Whole in the sense of a public hearing, are you anticipating, then precluding argument after your Committee submits their proposal to the body as a whole?

MCCUTCHEON: Of course not. That would not preclude any discussion because the proposal would have to come in and take its normal course through the channels of our progress, according to the rules.

DOOGAN: I question then the advisability of it, because we are going to get the same old arguments twice. We are going to get them in this Committee of the Whole before the proposal is submitted then we'll get the identical arguments again after the proposal is submitted on the floor.

PRESIDENT EGAN: Mr. McCutcheon made the motion, then he said that he was asking unanimous consent. Evidently from the discussion here, there should be a second to the original motion.

SUNDBORG: I second it.

PRESIDENT EGAN: Mr. Sundborg seconded Mr. McCutcheon's motion that the Convention meet at 7:30 on Wednesday evening at that time resolve itself into a Committee of the Whole for the purpose of considering the question of the unicameral or bicameral legislature. Mrs. Hermann?

HERMANN: Mr. President, I want to rise to express the same opinion as Mr. Barr expressed in the informal discussion. I feel this meeting should be held during the regular session of the Convention and it won't do any harm if the work of the committees is interrupted for such a meeting, because after we have this Committee of the Whole consideration of this measure I think all the committees are going back to their own work probably a little better able to reach and formulate decisions than they were before they heard it. To me it seems apparent that much of the business of this meeting that is ultimately going to be finalized depends upon the approach to the question of whether we are going to have a unicameral or a bicameral legislature. I think it overlaps to

some extent almost every committee's deliberations, and it might be a very good time at this time to interrupt the committees for one half day if necessary and get down to some fundamental discussion on this important and perhaps controversial issue so the members of all committees will know where the body as a whole stands on this particular thing. I believe they can practically all of them do more effective work after such an interruption, if it takes an interruption, than they are doing at present, because they are all of them coming up against this particular snag in their deliberations. So I would like to say while on that subject too, I think the committee meetings should be lengthened. Instead of an hour and a half, the committees should meet for half a day almost, on alternate days. I think they would make greater progress if they had longer meetings and fewer of them. I don't see why we could not start off with this Committee of the Whole meeting either Wednesday or Thursday morning or afternoon, whichever is desirable, and I don't think the fact that it is going to interrupt committee meetings need be given any consideration at all.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I would like to see an evening session held for this primary reason. It will permit the general public in the Fairbanks area especially, to attend if they would like to, where a day time session would largely prohibit it. I would go in favor of Mr. McCutcheon's original request that we meet at least this first time in the evening on Wednesday either at 7:00 or 7:30.

HELLENTHAL: I move to divide the question. I am not sure how to do that but I should like the first problem to be considered be the problem of whether the Committee as a Whole meeting be held and that the second problem then be considered as to when it should be held. I therefore move to divide the question into two parts the first part being, shall the meeting as proposed by Mr. McCutcheon to be held irrespective of time.

MCCUTCHEON: In order to negate a vote at this time, with the consent of my second, I would divide the question originally.

SUNDBORG: I agree.

PRESIDENT EGAN: Is there objection to the division of the question. If there is no objection, the second consents.

MCCUTCHEON: I would therefore change my motion to read that we assemble Wednesday for the purpose of discussing in a Committee of the Whole the matter of unicameralism and bicameralism.

PRESIDENT EGAN: Mr. McCutcheon moves then that the Convention

assemble Wednesday for the purpose of discussion the question of a unicameral or bicameral legislature. Mr. Hellenthal, do you withdraw your request?

HELLENTHAL: Yes indeed.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Do you want to tie that down to Wednesday? If I may address the question to Mr. McCutcheon, it is now too late to get it in this, in the newspapers for Monday. If we are going to have it Wednesday morning it is a little bit late.

MCCUTCHEON: I don't know --

PRESIDENT EGAN: At this time, Mr. McCutcheon, as the Chair understands it, your intent in making this motion originally was so the question of time could be considered in another motion.

SUNDBORG: Time as well as day. Did you want it on Wednesday?

MCCUTCHEON: I was hoping for Wednesday.

PRESIDENT EGAN: Has the motion been seconded?

MCNEES: I second the motion.

PRESIDENT EGAN: The motion is then that the Convention meet and resolve itself into a Committee of the Whole on Wednesday for the purpose of discussing the question of the unicameral or bicameral legislature. Is there discussion on the motion? Mr. Cooper, your point of order?

COOPER: Point of order. As I understand it, when the question was divided a day is symbolic of time. I think the question should be "Shall we meet in a Committee of the Whole to discuss this problem?" and the second question would be when.

PRESIDENT EGAN: Mr. Cooper, your point of order is in the mind of the Chair, probably well taken. Mr. McCutcheon?

MCCUTCHEON: Point of order. In view of Mr. Hellenthal's objection as to a time element, his point did not come to issue. Therefore, unless Mr. Cooper raises the point of issue as to an actual time outside of a date, I think my motion should stand as to date but not to time of the meeting on that date.

PRESIDENT EGAN: The point of order is before the Chair. It seems to the Chair that in the division of the question Mr. Cooper raises a question. The Chair has a feeling on it but

if there is no objection the Convention will stand at recess for a couple of minutes. The Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Cooper, your point of order would probably have been well taken all right if Mr. Hellenthal had not withdrawn his original division of the question motion. Mr. McCutcheon's motion is now before us. Mr. Kilcher?

KILCHER: Is an amendment in order to Mr. McCutcheon's motion?

PRESIDENT EGAN: Yes, an amendment would be in order, Mr. Kilcher.

KILCHER: I would then like to amend Mr. McCutcheon's motion to add that after this Committee of the Whole, the Convention, the regular Convention, shall take up the matter and definitely decide the issue immediately after the Committee of the Whole.

PRESIDENT EGAN: Mr. Kilcher, that motion would probably be more well taken after the time would be decided for the reason that it was stated that deciding the fact as to whether or not we would have a meeting is the main reason for this motion.

KILCHER: I dare to disagree Mr. President, not knowing what parliamentary form or shape that should be done. I think that if that amendment should be added to the motion it then would indicate what time would be preferable for the amended motion. If the amendment should pass then we would know what time would be most adequate. I think time should be subordinate to the amended motion.

PERATROVICH: I think I grasp Mr. Kilcher's idea there. He might have a point but that depends upon the recommendation of the committee, as I understand it. Am I correct in that, Mr. Chairman? The committee when it arises will have to give a report, and if they care to go into detail further as a body they can make such a recommendation.

PRESIDENT EGAN: The Committee of the Whole could recommend --

KILCHER: I concede this point. I did not intend to say that the Convention after having risen would be mandatory to reach a decision, but they should consider it. The Committee of the Whole should resolve itself into a Convention again and they should consider reaching a final agreement on the issue, seeing that it's vital.

PRESIDENT EGAN: Your proposed amendment, Mr. Kilcher, would ask that the Committee of the Whole that would be hearing this

meeting, that would be meeting, would render a definite report on the question that would be considered by the Convention in plenary session? Is that the sense of your proposed amendment?

KILCHER: Yes.

SUNDBORG: I object if Mr. Kilcher asked unanimous consent.

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

KILCHER: I so move.

PRESIDENT EGAN: Mr. Kilcher moves. Is there a second? There does not seem to be.

SWEENEY: I will second it to get the motion on the floor.

PRESIDENT EGAN: Mrs. Sweeney seconds Mr. Kilcher's motion. Mrs. Sweeney?

SWEENEY: There is some question in my mind as to whether Mr. McCutcheon was entirely right in saying we were not going to take a poll of the delegates here. It was my understanding that we would have this Committee of the Whole and then get a definite feeling of the sentiment in the Convention Hall as to the bicameral or unicameral legislature. I would like to hear more about that from Mr. McCutcheon.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Mr. President, may I ask Mrs. Sweeney -- don't you think that would be an order of business say for the next day at the regular plenary session, after people have had a chance to think about it following the Committee of the Whole meeting whenever it is held.

SWEENEY: If we could be sure it would come up the next morning or if we have this in the morning and have it come up in the afternoon or something like that.

PRESIDENT EGAN: Of course, up to this point in a Committee of the Whole, a report could be made, the Chair would like to state. Mr. Riley?

RILEY: I believe Mrs. Sweeney's question touches on the same question raised by Delegate Kilcher and replied to by Mr. Peratrovich, that this body has an entity apart from the Committee of the Whole, and it would not be proper for us to seek to direct how the Committee of the Whole shall conduct itself, but in due course probably the desire of each will be expressed within the committee.

PRESIDENT EGAN: Mr. Barr.

BARR: That question will come up of course in the third reading in front of the plenary session for decision, but this Committee of the Whole, as I understand it, is to allow us to hash this over among ourselves, argue back and forth and perhaps form our opinions for the benefit of the committee and also for our own benefit. Now it seems to me that this Committee of the Whole, their word would be ineffective unless we had some showing of their opinion when it is all over. We would not necessarily put ourselves on record, but if we had a showing of hands before the Committee arose why then all these committees that are working with this question would have some indication of what the body thought. It would merely serve as a guide. I think that is necessary.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I would like to report here, if I may, that discussion along this line took place today at a meeting of the committee chairmen, and after we had talked it over at some length I think it was the consensus of that group and probably unanimous, that it would be best not to try to reach a decision right away that same evening on a matter as important as this, but let's have a full discussion of it, bring out the issues if we can, maybe take a few days at it -- maybe we can't do it all in one evening and not try to bind the Convention with a decision on a matter as vital and substantial as this after a single evening's discussion. I might say further that the chairman of one of the other committees, which is very much interested in the matter of unicameral or bicameral, the Committee on Apportionment, said that his Committee would have a report a few days hence on how they would propose to apportion a House or a Senate if we had a bicameral system or just a single body if we had a unicameral one which might relate directly to this question. He hoped we would not make a decision immediately but would just air the issue and try to bring out the facts.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I believe that under our present rules and Robert's Rules of Order that if the question is put on Mr. Kilcher's motion it will take a two-thirds vote to carry it because it is a departure from the rules and requires suspension of the rules.

PRESIDENT EGAN: That is Mr. Taylor, that the proposed amendment made by Mr. Kilcher would be a departure in that it would require a certain specific report from the Committee of the Whole?

TAYLOR: No, you're waiving the report and asking an immediate

decision upon whether or not we agree upon a unicameral or a bicameral legislature instead of letting it take its usual course of business into second reading and then on into third reading for a vote. We are not doing that so that would require suspension of the rules and this motion now would take a two-thirds vote to suspend the rules and allow this motion to be put.

PERATROVICH: Mr. Chairman, point of order.

PRESIDENT EGAN: Mr. Peratrovich, your point of order.

PERATROVICH: I doubt if you can tie the hands of your Committee of the Whole prior to their meeting. As I stated here before, we are going to discuss this question as the object of this Committee of the Whole, and your Committee is going to make a recommendation. If it sees fit to take this question upon the floor immediately after arising, they will make such a recommendation. If they want to set some other day that is their privilege. I don't think it is in order for us to act upon what the Committee shall do before they meet.

R. RIVERS: I pursue Mr. Peratrovich's point on the point of order. Mr. Kilcher's amendment would ask this Convention to tie its hands by commanding us at this point to take official and final action immediately after the Committee of the Whole arises. We retain the power to act from day to day as the Convention sees fit. So I don't think that his proposed amendment is in order.

PRESIDENT EGAN: That was more or less the feeling of the Chair in the beginning. Mr. Doogan are you rising on the same point of order?

DOOGAN: I am rising on the same point. If I recall the rules, when in calling for a meeting of the Committee of the Whole, when the Committee of the Whole is through, they are to rise and report and that throws the matter out on the Convention floor for a decision. I think possibly what Mr. McCutcheon had in mind was that possibly what he wanted was a committee meeting with the hearing where it is mandatory that all of the delegates be here to discuss it and for the delegates alone and then the matter could remain within the committee until such time as they are ready to report.

COLLINS: I might throw some light on this discussion of the Committee of the Whole --

PRESIDENT EGAN: Are you rising on the point of order that is before us?

COLLINS: Section 6, Rule 21, "All proposals, amendments, reports, resolutions, and other matters may be debated in the

Committee of the Whole section by section, and recommendations with respect thereto shall be reported to the Convention."

HELLENTHAL: I had hoped that I would not have to talk on this matter, but I want to go back to the reasons for this proposal that is now before us. Three weeks ago we would all have agreed unanimously that this motion was out of order because it runs contrary to the committee system that we have adopted for following and handling the work of this Convention. I think we can all agree on that. Three weeks ago when we first arrived here it would have been grossly improper to even suggest a means whereby the delegates could be polled on a fundamental problem that was facing the Convention. With the passage of some ten meetings of the committees, and that is all that on the average have occurred, we now an attempt is being made or the possibility is being made for the group here to instruct their committees. Now Mr. McCutcheon very carefully said that it was to discuss matters. He avoided any mention of a poll or a vote. Mr. Kilcher, on the other hand, wants a vote right after the meeting of the Committee of the Whole or, as he could see it proper, during the meeting of the Committee of the Whole so that the committees would know what to do. Now, it may or may not be desirable to instruct your committees in advance as to the practice, within which they are to operate, but these committees are working seriously, honestly, they are trying to keep an open mind, they are trying to gather facts. Now this goes to a basic principle in government. Are we going to have government by poll or are we going to have government after selective work. Some of the committees facing this matter of apportionment are going to bring in experts from the States who may not arrive until January I understand. Would we look kind of peculiar if we said on their arrival, "We all got together the other night and decided this. You just confine your remarks to bicameral or you just confine your remarks to unicameral. We know all about it so don't try to influence us one way or another." Now these committees are working seriously. They are calling experts in from Alaska and some of them from other places. I don't think we should try to influence or tell them how to decide matters after three, four, five, six or maybe ten hours discussion on the floor. I think it is basic. It goes to the very root of the system that we have chosen to adopt for doing our Convention business. Now, one more point on it. We might as well face it, the basic reason for this request is that all of us left home thinking that the problem of unicameralism was a remote possibility -- that there would doubtless be a small minority effort to obtain a unicameral body but that it would not gain any weight at all. To our surprise the movement is rapidly gaining weight, gaining momentum, and it may very well be that after great deliberation this body decides to adopt a unicameral house, but we want it voiced around the Territory. That is the reason for this motion. The reason for this motion is not to force the committees to think or arrive at a solution, but

it is to let the public know that a grave problem has arisen here -- one that was not anticipated, one in which we were unable to go to our friends and get their opinion on it. Now if I am wrong in that statement I am sure some of the members that attended the committee meeting of committee heads will correct me.

V. FISCHER: Point of order, Mr. President.

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

V. FISCHER: I hate to interrupt Mr. Hellenthal but previously a point of order was under discussion and we never had a ruling from the Chair which might dispose of this question altogether.

PRESIDENT EGAN: Mr. Fischer's point of order is well taken. There can be no further discussion until that point of order is resolved. Mr. McCutcheon.

MCCUTCHEON: Under the point of order, I feel that Mr. Hellenthal's remarks are entirely pertinent and if the Chair feels inclined to rule him out of order, I will have to appeal the ruling of the Chair.

PRESIDENT EGAN: Is that your intention, Mr. Hellenthal, to address to that point of order?

HELLENTHAL: Yes.

PRESIDENT EGAN: You're getting around to that?

HELLENTHAL: Yes.

PRESIDENT EGAN: If that is your feeling, then continue.

PERATROVICH: Mr. Chairman, could I interrupt?

PRESIDENT EGAN: Yes, Mr. Peratrovich.

PERATROVICH: I don't like to go too far with this either but I think the Chair has to make a ruling on the point of order.

PRESIDENT EGAN: If he is speaking to this point of order, Mr. Peratrovich, that has arisen, if that is his intention, he can - it might affect the Chair's decision.

HELLENTHAL: I do touch in other problems because I find it difficult to divide this, but to sum it up, there is nothing wrong and it is entirely proper that the people of Alaska know the problem that we are faced with, and if this opens discussion we will promote discussion throughout the Territory and

lend others to give us a view of their opinions, I am all for it, but to ask the body or to put ourselves in the position where immediately following or during the thing we are going to take a vote or a Gallup poll, I am vigorously opposed to that, and I am sure the intention of the men who spoke for the original motion, that that was not their intention.

PRESIDENT EGAN: Mr. Riley, as Chairman of the Rules Committee, the Chair would request that you hold a meeting of the Rules Committee, if there is no objection, and resolve this question as to whether or not Mr. Kilcher's amendment to the proposed motion by Mr. McCutcheon is in order under the terms of Rule 23 of the permanent rules. If there is no objection, the Convention will stand at recess. Mr. Kilcher?

KILCHER: In order to save time I would rather withdraw my amendment. I for one am as interested as anybody of seeing some headway made in this matter. If we want to let the pendulum of public opinion swing back and forth from unicameral to bicameralism we might even swing several times between now and next Spring. I am very surprised that our astute professional and politicians didn't all during last Summer or Fall have formed some sort of opinion upon some source of information as to what they are roughly in favor of . I don't think we should have a special college to decide --

PRESIDENT EGAN: Mr. Kilcher, are you asking unanimous consent that you withdraw your proposed amendment?

KILCHER: I ask the personal privilege to speak a couple of minutes on the subject.

PRESIDENT EGAN: Is there objection to Mr. Kilcher's personal privilege?

V. FISCHER: I object only to the point that his opinions can be expressed fully in the motion of Mr. McCutcheon.

PRESIDENT EGAN: Objection is heard.

KILCHER: I would like to withdraw my amendment and give the reasons for it.

PRESIDENT EGAN: Mr. Kilcher, you may give your reasons for withdrawing the amendment.

KILCHER: In order to save time on the floor and to save the Rules Committee time I withdraw my amendment and declare myself in general agreement with Mr. McCutcheon's motion, and having studied and listened to other interpretations of the rules, I am aware that a committee report would amount to what I actually had in mind, a recommendation to the Convention and I hope the matter will be settled soon.

PRESIDENT EGAN: The question before us then, if there is no objection to Mr. Kilcher's withdrawing his proposed amendment, the question is, "Shall the Convention meet on Wednesday for the purpose of considering in Committee of the Whole the question of a unicameral or bicameral legislature?" Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: All in favor of the motion will signify by saying "aye", all opposed by saying "no". The "ayes have it and the Convention will meet in the Committee of the Whole on Wednesday for considering the questions of the unicameral or bicameral legislature. Mr. Johnson?

JOHNSON: Mr. President, I now move that the Committee of the Whole hearing be held at 7:30 p.m. on Wednesday.

MCNEES: I second the motion.

BARR: I object.

PRESIDENT EGAN: Mr. Johnson moves and Mr. McNees seconds a motion that the Committee of the Whole be held on Wednesday evening at 7:30 p.m. The question is open for discussion. If there is no discussion the question is, "Shall the Committee of the Whole meeting be held for the purpose of discussing the unicameral and bicameral legislature at 7:30 p.m. on Wednesday?" All in favor of the motion signify by saying "aye", all opposed "no".

UNIDENTIFIED DELEGATE: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 32 - Armstrong, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Smith, Sundborg, Wien, Mr. President.

Nays: 19 - Awes, Barr, Boswell, Buckalew, Cooper, Hermann, Kilcher, Laws, Londborg, McNealy, Nolan, Reader, R. Rivers, Rosswog, Stewart, Sweeney, Taylor, Walsh, White.

Absent: 4 - Coghill, Harris, Metcalf, VanderLeest.)

CHIEF CLERK: Thirty-two yeas, 19 nays and four absent.

PRESIDENT EGAN: The "ayes" have it and so the Convention will meet as a Committee of the Whole at 7:30 o'clock Wednesday evening for the purpose of discussing unicameral and bicameral legislature.

SUNDBORG: Mr. President, I move and ask unanimous consent that the secretariat arrange to have a bus leave the Nordale Hotel for the University at 7 o'clock Wednesday evening.

PRESIDENT EGAN: Is there objection? Hearing none, then the Secretary or Chief Clerk is ordered to make arrangements for a bus. Mr. Londborg?

LONDBORG: Will we be excused for our TV program then on Wednesday evening?

PRESIDENT EGAN: We will take that under advisement between now and tomorrow, Mr. Londborg. Mrs. Hermann?

HERMANN: This memorandum that is on our desk in regard to TV appearances has the Committee on Rules scheduled to meet tonight? I was just thinking that in the event all of them are moved up we might leave Wednesday free because there will be left only five after the Rules is eliminated.

PRESIDENT EGAN: The Chair would like to announce that President Patty of the University has requested that the delegates meet in a body about 1:50 p.m. tomorrow here and then go to the gymnasium for the convocation proceedings that will be held there. Senator Knowland was due in Fairbanks at 2 p.m. this afternoon. We think that he might be available for a brief talk before the Convention at 9 o'clock tomorrow morning. That is in the process of being arranged and if that should be in agreement with Senator Knowland we will have the honor of his presence with us at 9 o'clock tomorrow morning when we convene and immediately following the roll call we will have an address by Senator Knowland. Are there any questions relative to this convocation?

V. RIVERS: Does that invitation include our staff? Are they also invited to attend in the matter of this invitation -- the secretarial staff?

PRESIDENT EGAN: Mr. Rivers, in the letter that came from Dr. Patty a short time ago I don't think they mentioned the staff. However, I don't think there would be any objection to the staff going to the convocation.

V. RIVERS: I move and ask unanimous consent that those members of the staff who desire to attend the convocation also be granted such a privilege.

PRESIDENT EGAN: Mr. Victor Rivers moves and asks unanimous consent that those members of the staff who desire to attend the convocation be invited to do so. Is there objection? Hearing no objection it is so ordered, and the members of the staff who desire to do so will attend the convocation. Is there other business to come before the Convention at this time? Mr. Rosswog?

ROSSWOG: Mr. Chairman, could we refer to the committee announcements?

PRESIDENT EGAN: If there is no objection we will refer back to the committee announcements.

ROSSWOG: The Local Government Committee, No. XII, will meet at 3:30 this afternoon.

PRESIDENT EGAN: Local Government Committee No. XII will meet at 3:30 this afternoon. Mr. Nerland?

NERLAND: Finance Committee No. XI will meet briefly in the gallery following this adjournment.

PRESIDENT EGAN: Finance Committee No. XI will meet briefly in the galleries following adjournment. Mr. Hilscher?

HILSCHER: I would like a point of information upon this memorandum here regarding radio and TV broadcasts. Is this a directive, Mr. President?

PRESIDENT EGAN: A directive?

HILSCHER: For appearances by committees?

PRESIDENT EGAN: Of course, Mr. Hilscher, this is all by just mutual agreement between the chairman of various committees. There is no directive to it.

HILSCHER: I really would like to make a comment on this. I fear that after all -- I wonder if it is not true that KTVF originated this idea of having TV programs.

PRESIDENT EGAN: That is right, but if I may interject that the moment they did so we made it known to them that if the other station broached the subject we would have to give them exactly the same consideration. This on Channel 2 will also be over the radio stations.

HILSCHER: I just hope that keeping us old fellows up until after 10:30 at night isn't going to wear us out for the next day.

PRESIDENT EGAN: Is there any other business to come before the

Convention? Mr. Johnson.

JOHNSON: I move and ask unanimous consent that the prayer offered by Delegate Londborg this morning be spread upon the journal in its entirety.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the prayer as offered by Reverend Londborg this morning be spread upon the journal in its entirety. Is there objection? Mr. Kilcher?

KILCHER: Point of information. Could we continue to spread them all on the journal every day -- I don't see the point of one -- why not have them all there if they are not too long?

SUNDBORG: I object, Mr. Chairman. I don't see any particular reason to put them on our journal. We hear them. I think they give us guidance for that day. It is a great deal of work for the secretariat to type and cut stencils and mimeograph the journal, and I really don't think that these prayers, at least picking out an occasional one and putting them in is quite the material we should put in our journal.

JOHNSON: I so move.

PRESIDENT EGAN: Objection is heard. Mr. Johnson so moves.

PRESIDENT EGAN: Was there a second?

SWEENEY: I seconded the motion.

PRESIDENT EGAN: Mrs. Sweeney seconded the motion. Mr. Marston?

MARSTON: I want to speak in favor of Delegate Londborg's prayer going on the record and then make this ruling that the Delegate from Juneau just made -- that it be ceased from there on.

PRESIDENT EGAN: The question is, "Shall the prayer as offered by Reverend Londborg this morning be spread upon the journal in its entirety?" Mr. Walsh?

WALSH: I don't see the fairness of Mr. Marston's remarks to cease at a certain time. That would be discriminating against some who might have prayers just as appropriate as those we have heard. I believe that each day the minister or the clergyman should offer the prayer, that it should all be inserted in the record, every day.

KILCHER: If Mr. Walsh would make this a motion I would be glad to second it.

PRESIDENT EGAN: There is a motion before the house at this

time, Mr. Kilcher. The question is, "Shall Mr. Longborg's prayer be inserted on the pages of the journal in its entirety?" All in favor signify by saying "aye". All opposed by saying "no". The "ayes" have it and the prayer will be inserted on the pages of the journal. Mr. Kilcher?

KILCHER: Is it in order to make a motion now that all prayers from now on be spread on the journal?

SUNDBORG: I second it.

PRESIDENT EGAN: It has been moved and seconded that all the daily prayers be spread upon the pages of the daily journal. Mrs. Hermann.

HERMANN: If we're going to spread them all from now on, we ought to go back and get all the ones we had in the past. I very much want that one on the journal of the man who said he hoped we "would have no cobwebs in our brain and no lead in our feet."

PRESIDENT EGAN: The Convention will come to order. Is there further discussion on this motion by Mr. Kilcher? Mr. Gray.

GRAY: If we are going to keep running into these honorable, well meaning phrases that I question whether they should be on the journal. They were not given to us to be put on the journal. They were given to us for our daily thought. We are the recipients of them personally. This is a personal question. I don't believe there has been a minister here that ever spoke for the fact of getting it on the record. He is speaking to us individually and personally, and I believe that if the individual delegate will listen and absorb what is being said, they should be able to retain it and not have to refer back to a journal. Again I say you are getting into things that are personal and honorable, and there is just no limit to this and I do hope we have a minister every day, and I don't want to be in the position of voting for one to be spread on the record and voting for one not to be on the record, and I wish we would confine our journal to a working journal.

PRESIDENT EGAN: We would be voting on this to spread them all on the journal, Mr. Gray. Mr. McLaughlin.

MCLAUGHLIN: Are amendments in order?

PRESIDENT EGAN: Amendments are in order if it is a proper amendment.

MCLAUGHLIN: I move that the motion be amended by adding after the word "prayers", "of less than 75 words."

PRESIDENT EGAN: You have heard Mr. McLaughlin's amendment to the motion. Is there objection?

BUCKALEW: I second it, Mr. McLaughlin's amendment.

PRESIDENT EGAN: It's been moved and seconded that Mr. McLaughlin's amendment be adopted. Mr. Walsh?

WALSH: I am surprised that Mr. McLaughlin would limit the words pertaining to the province of the Almighty and limit the wording of the prayer when we get so much extraneous matter that does not mean a thing. I think a little more of the prayer would help out a lot.

PRESIDENT EGAN: The Convention will come to order. The question is on Mr. McLaughlin's proposed amendment. All in favor of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the amendment has failed. The question now is, "Shall all the daily prayers be spread upon the pages of the journal?" Is there further discussion? If not, then all those in favor of the question will signify by saying "aye", all opposed by saying no

SUNDBORG: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Ayes: 22 - Armstrong, Collins, Cooper, Doogan, H. Fischer, Hilscher, Johnson, Kilcher, King, Laws, Londborg, McLaughlin, McNealy, McNees, Nordale, Peratrovich, Poulsen, Smith, Stewart, Sweeney, Walsh, Wien,

Nays: 29 - Awes, Barr, Boswell, Buckalew, Cross, Davis, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, McCutcheon, Marston, Nerland, Nolan, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Sundborg, Taylor, White, Mr. President.

Absent: 4 - Coghill, Harris, Metcalf, VanderLeest.)

CHIEF CLERK: Twenty-two ayes, 29 nays and four absent.

PRESIDENT EGAN: The motion has failed. Is there other business to come before the Convention at this time? Mr. Gray?

GRAY: I move that the Convention adjourn until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Gray moves and asks unanimous consent that the Convention stand adjourned until 9 a.m. tomorrow. Is there objection? Hearing no objection it is so ordered and the Convention will stand adjourned until 9 a.m. tomorrow.