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THE CAPITAL RELOCATION ISSUE IN ALASKA

C. RAFF SWAP
University of Alaska

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Merritt P. STARR and Clarence J. Bailey,
Appellants,

v.

Paul B. HAGGLUND, Pearse M. Walsh, Peter M. Deveau, Frank Peratrovich, Eben Hopson, Donald Harris, Helen D. Sheahan, Robert E. Ellis, Ed Locken, John J. Conway, Lester Bronson, Peter Jorgensen, Marcus Jensen, Lauris S. Parker, James Nolan, Mrs. Allan L. Petersen, Robert I. Ditman, Jack Werner, Edith Bullock, Robert R. Blodgett, Harold Z. Hansen, Carl W. Heinmiller, Morgan W. Reed, City of Juneau, a municipal corporation, and City of Douglas, Alaska, a municipal corporation, Appellees.

No. 246.

Supreme Court of Alaska.

Aug. 16, 1962.

Rehearing Denied Sept. 11, 1962.

Action presenting question of whether section of Constitution providing for location of state capital could be amended or revised by means of an initiative. From an adverse judgment of the Superior Court, First Judicial District, James A. von der Heydt, J., the plaintiffs appealed. The Supreme Court, Dimond, J., held that section of Constitution providing that capital of state should be at Juneau was not intended to be a permanent and abiding part of the fundamental law of the state which could be changed only by constitutional amendment, and such section was subject to change by law, enacted either by the Legislature or by the people through the initiative.

Judgment reversed, injunction dissolved, and case remanded with directions.

Arend, J., dissented in part.

1. Constitutional Law ⇨5

Method of amending section of Constitution providing that capital shall be at Juneau is not governed by provisions relating to constitutional amendments.

1. The precise location would be determined by a vote of the people after a

Const. arts. 11, 13, 14; art. 12, § 11; art. 15, § 20.

2. Statutes ⇨217.3

Reports of committees and statements of chairmen of committees may be resorted to in determining the intent of the enacting body.

3. Constitutional Law ⇨5

Section of Constitution providing that capital of state shall be at Juneau was not intended to be a permanent and abiding part of the fundamental law of the state which could be changed only by constitutional amendment, and such section is subject to change by law, enacted either by the Legislature or by the people through the initiative. Const. art. 13; art. 15, § 20.

4. Statutes ⇨321

Initiative proposition which Secretary of State was erroneously prevented by injunction from placing on ballot for first statewide election held more than 120 days after adjournment of the legislative session following the filing of the petition could be placed on the first available statewide election ballot thereafter. Const. art. 11, § 4.

James E. Fisher, Kenai, John R. Connolly, Paul F. Robison and Arthur D. Talbot, Anchorage, for appellants.

R. Boochever, Juneau, Robert J. McNealy, Fairbanks, Harold J. Butcher, Anchorage, Robert H. Ziegler, Ketchikan, for appellees.

Before NESBITT, C. J., and DIMOND and AREND, JJ.

DIMOND, Justice.

A schedule of transitional measures appended to the Alaska constitution provides in section 20 that "The capital of the State of Alaska shall be at Juneau." The appellants, Starr and Bailey, are sponsors of an initiative petition to move the capital from its present location to some place in Western Alaska.¹ At the instance of ap-

special committee had selected not more than three potential capital sites.

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IN THE SUPREME COURT OF THE STATE OF ALASKA

MERRITT P. STARR, et al,
Intervenors,

Appellants,

vs.

PAUL B. HAGGLUND, et al,

Appellees,

HUGH J. WADE, Secretary,
State of Alaska.

No.246

FILED July 2, 1962
in the SUPREME COURT of
the State of Alaska

J. M. McPherson
Clerk

APPELLEE'S BRIEF

On appeal from the Superior Court for the State of
Alaska, First Judicial District at Juneau

HAROLD J. BUTCHER,
ROBERT J. McNEALY,
ROBERT H. ZIEGLER,
R. BOOCHEVER

Attorneys for Appellees

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Box 1121
Juneau, Alaska

STATE OF ALASKA
SECRETARY OF STATE
JUNEAU

CERTIFICATE

I, HUGH J. WADE, SECRETARY OF STATE OF THE STATE OF ALASKA,
DO HEREBY CERTIFY THAT the attached are true and correct copies
of the following pages from the Minutes of the Alaska Constitu-
tional Convention now on permanent file in my office:

January 24, 1956: pages 82, 86, 87, 88, 94, 95, 96, 97,
98, 99

January 26, 1956: 30, 31, 32, 33, 34, 35, 36, 37, 38,
39, 40

January 31, 1956: 40, 41, 43, 42, 44, 45, 55, 56 **

February 3, 1956: 14, 48, 51, 52, 55, 63, 64, 65, 66, 67

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed hereto the Seal of the State
of Alaska, at Juneau, the Capital,

This nineteenth day of April, A.D. 1962.

SEAL

/s/ Hugh J. Wade
Hugh J. Wade
Secretary of State

** These pages deleted from this appendix

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THE SUPREME COURT OF THE STATE OF ALASKA

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Appellees,

HUGH J. WADE, Secretary,
State of Alaska.

No. 246

APPEAL FROM THE SUPERIOR COURT, STATE OF ALASKA

FIRST JUDICIAL DISTRICT

BRIEF OF APPELLANTS

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FILED June 6, 1962,
in the SUPREME COURT of
the State of Alaska


J. M. MCPHETRES, Clerk