

LDIR#158
APPORTIONMENT
ALASKA
PROBLEMS
AND PROSPECTS



ALASKA LEGISLATIVE COUNCIL

LEGISLATIVE APPORTIONMENT

IN ALASKA

1912 - 1961

April

1962

2nd Action Filed In Federal Court

Two legal actions aimed at putting into effect Gov. William A. Egan's reapportionment plan for the Alaska Senate were to be filed today — one with the State Supreme Court and one in U.S. District Court.

Atty. Gen. Warren C. Colver said the state administration would file an appeal of the decision by Superior Judge James A. von der Heydt, who ruled as unconstitutional Egan's reapportionment order of last year.

The decision to appeal was announced here by Gov. Egan shortly after his arrival from Juneau on a scheduled four-day inspection trip to the Aleutians and Western Alaska, sponsored by the Alaska State Housing Authority.

Headed for federal court was

making the present state Senate "malapportioned."

a suit by two Republicans—former Rep. William C. Wiggins of Anchorage and Donald E. Smith, chairman of the South-central District Republican committee — contending that as private citizens their civil rights are being violated by malapportionment of the Senate.

Both the state appeal and the federal court suit ask that the courts involved to either adopt the Egan plan or to put into effect this year a plan of their own.

Colver, in a telephone interview with the Anchorage Times, said the lengthy briefs being filed in the state Supreme Court appeal would make the same points as those made before the lower court. He listed these as:

—The governor does have authority to reapportion under Article 6 of the Alaska constitution.

—The Superior Court erred in not considering the governor's plan which was the result of extensive study by the Governor's Reapportionment Advisory Board over the past 18 months.

Colver said he hopes the Supreme Court will agree to an early hearing. He said he expected the appeal "will move rapidly toward an early decision."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

JAMES NOLAN, ROBERT H. ZIEGLER,
HOWARD BRADSHAW, FRANK PERATROVICH,
ALFRED OWEN, HAROLD Z. HANSEN,
ROBERT J. McNEALY, JOHN B. HALL,
YULE F. KILCHER, DAVID C. HARRISON,
GRANT H. PEARSON, ROBERT R. BLODGETT,
NEAL W. FOSTER, PEARSE M. WALSH, and
EBEN HOPSON, on behalf of themselves
and all other persons similarly
situated,

Plaintiffs,

vs.

HUGH J. WADE, SECRETARY,
STATE OF ALASKA,

Defendant.

FILED in the Superior Court
State of Alaska, First District
at Juneau

APR 17 1966

D. V. Dungan, Clerk

By *[Signature]* Deputy

Civil Action No. 66-30

MEMORANDUM OPINION

von der Heydt, Superior Court Judge

For the first time, in either State or Federal Court in Alaska, this suit raises the question of the valid apportionment of the State Senate. The plaintiffs sue in their own behalf and as members of the class of which they are representative and interested in the common questions arising in the case. All are taxpayers residing in the State of Alaska.

Hugh J. Wade, defendant, is the Secretary of State of the State of Alaska and by statute, AS. 15.15.010, is vested with the responsibility of general administrative supervision over all statewide elections.

The issues of this case are in all probability the most complex inherent to a democratic society, for they raise questions concerning the necessity for, and manner in which all citizens may be assured of an adequate voice in the processes of government. Until 1962, the courts took no part in the resolution of these issues, for it was consistently held

ALASKA - Legislative Apportionment

First official action since the publication of the Reapportionment and Redistricting Proclamation of the Governor of September 3, 1965. Legal deadline for filing for office is May 1, 1966.

Clipping:

ANCHORAGE DAILY TIMES

February 22, 1966 p. 2

j c doyle
alaska legislative council

ANC TIMES 22 Feb 1966 p. 2

SUIT SEEKS SENATE REMAPPING IN 1968

JUNEAU (AP)—Fifteen members of the Alaska State Senate filed suit as individual citizens in superior court Monday asking that Secretary of State Hugh J. Wade be enjoined from holding this year's elections under the Senate reapportionment order of Gov. William A. Egan.

The suit contends that Egan's proclamation reapportioning and redistricting the Senate is "wholly unlawful and devoid of legal effect" on the grounds there is no express or implied legal authority in the state constitution for him to reapportion the upper chamber.

It also asks the court to declare the present state Senate malapportioned and to establish a deadline, in sufficient time for the 1968 elections, for a satisfactory reapportionment plan to be submitted to the court.

That reapportionment plan would be in the form of an amendment to the state constitution, proposed either by the legislature or by a constitutional convention. Either way, it would require voter approval.

The suit was filed after

House of Representatives twice killed resolutions requesting Egan to have the state institute a court action testing the reapportionment order at state expense. The suit filed Monday being financed by the 15 senators and interested private parties.

The 15 members of the Senate bringing the suit, all Democrats, were Sens. James Nolan of Wrangell, Robert H. Ziegler of Ketchikan, Howard C. Brashaw of Sitka, Frank Peratrovich of Klawock, Al Owen of Uganik Bay, Harold Z. Hans of Cordova, R. J. McNealy of John B. Hall of Fairbanks, Yu F. Kilcher of Homer, David Harrison of Dillingham, Gra H. Pearson of Nenana, Robert R. Blodgett of Teller, Elton H. son of Barrow and Pearse Wal and Neal W. Foster of Nome.

The only Senate Democrats not included were Sens. Nicholas J. Begich of Anchorage and Richard L. Peter of Juneau.

Nolan, as spokesman for the 15, said the Senate realizes reapportionment is inevitable under the United States Supreme Court's "one man, one vote" ruling.

"While many of us feel that the decision of the United States Supreme Court was neither legally nor politically justifiable, the question it decided is no longer open to debate . . .

"In an effort to bring about the required change in as orderly a manner as possible, members of the Senate, in their capacities as residents of the state of Alaska, have initiated legal proceedings to force reapportionment."

The holding of the 1966 elections under Egan's Senate reapportionment order, the suit said, would deny the plaintiffs the rights of suffrage in that they will be illegally barred from casting their votes in a "valid" held election for the state legislature."

Such an election, the suit contended further, would deny the plaintiffs their right to have changes in the constitutional established formula of reapportionment of the legislature proposed by the legislature or by constitutional convention.

STATEMENT BY
GOVERNOR WILLIAM A. EGAN
REGARDING
1965 REAPPORTIONMENT PROCLAMATION
SEPTEMBER 3, 1965

First, I want to say that copies of the Proclamation, and other pertinent material were put in this morning's mail to all members of the Legislature and of the Reapportionment Advisory Board.

Making this Proclamation today has not been an easy task for me. My personal feelings and my duties and obligations as Governor under the Constitution of Alaska do not exactly coincide.

Nearly 10 years ago at the Constitutional Convention, I was one of those who worked hard and saw to it that the apportionment of the State Senate would take into consideration factors other than just population. We considered, among other things, geography, socio-economical needs, the relationships of contiguous areas, and the future possibilities of growth.

It was my view, as well as a majority of the other delegates, that it was in the public interest to have one house of the Legislature apportioned more by area rather than population, to serve as a check and balance on the other. That is still my view.

However, this is a land ruled by law, not men. The Supreme Court of the United States is our final arbitrator of justice. Our Nation's highest court has ruled that each citizen's vote must count as much as another's, and we must abide as closely as possible by that decision. In this instance it was with reluctance that I

Reapportionment Explodes On Alaska Scene

A Political Revolution

By JOE ROTHSTEIN
Daily News Staff Writer

The time: early evening, Jan. 11, 1956.

The place: Constitution Hall, University of Alaska, Fairbanks.

The event: presentation of a report which will ultimately become the apportionment article of the Alaska State Constitution.

The speaker: John Hellenthal of Anchorage, chairman of the committee that drafted the report.

"MR. PRESIDENT . . . all the apportionment plans are the results of weighed and considered compromises, and I want the members to bear in mind that this plan — after careful decisions by the committee members, after consulting for weeks with the advisors — is a weighed and considered plan and is made up like all apportionment plans — with compromises.

"And remember that in your considerations. Now the goal of all apportionment plans is simple: the goal is adequate and true representation by the people in their elected legislature, true, just, and fair representation.

"And in deciding and in weighing this plan, never lose sight of that goal, and keep it foremost in your mind; and the details that we will present are

have the most seats, since it was the largest.

Population, geography and the practicalities of getting any plan approved by the delegates directed the final decision. Southcentral Alaska was given six senators, the Central and Southeast Districts got five each and Northwestern received four.

Rural Alaska and urban Alaska had clashed at the convention and they had compromised. The cities — or population areas — were to get the House. They were not to have a majority of the Senate, ever.

BUT THE delegates could not foresee that this plan, so carefully drawn to achieve what Hellenthal termed "true representation" and at the same time give rural Alaska a significant voice in the affairs of the state, would run afoul of the

APPORTIONMENT BY DISTRICTS

HOUSE DISTRICT	Population Per Rep.	Population Per Sen.
1. Prince of Wales-Ketchikan	5,268	5,268
2. Wrangell-Petersburg	4,181	10,786
3. Sitka	6,605	10,786
4. Juneau	4,773	12,471
5. Lynn Canal	2,926	12,471
SOUTHEASTERN AVG.	4,827	6,758
6. Cordova-Valdez	3,935	3,935
7. Palmer-Wasilla	5,162	73,717
8. Anchorage	5,896	73,717
9. Seward	2,956	8,646
CENTRAL AVG.	5,138	10
17. Barrow-Kotzebue	5,449	5
18. Nome-Unalakleet	5,587	8
19. Wade Hampton	3,057	8
NORTHWEST AVG.	4,698	3
(All figures based on 1960 census)		
10. Kenai Peninsula	5,690	8
11. Kodiak	5,367	8
12. Aleutians	3,584	8
SOUTHCENTRAL AVG.	4,762	15
13. Bristol Bay	3,485	8
14. Bethel	5,412	8
15. Tanana-Nenana	5,523	5
16. Fairbanks-Ft. Yukon	5,279	36

the state level and blocked in Congress by the same condition.

Finally, the matter was laid before the courts. And the political face of America was changed.

First, the U.S. Supreme Court determined that Congressional districts must represent population, not scenery. This did not affect Alaska, since Alaska's lone Congressman is elected at-large, by all the people in the state.

THEN THE court applied a similar rule to state Houses of Representatives. Again, Alaska was not affected. Its House is

Alaska's Republicans see opportunity, the Democrats see danger.

Alaska's political situation is unlike that in any other state of the nation. Because Republican strength is universally instilled in rural areas and Democratic power comes from the cities, the nation's Democrats generally have welcomed reapportionment. Republicans have fought it.

But in Alaska, Republican strength resides in the cities. It is the Democrats who are masters of the bush. Conceivably, reapportioning the Senate could be synonymous with in-

creasing the strength of Alaska Republican Party

IF CITIES of about population and over are considered to be urban centers the remaining rural, this is the Alaska rural picture:

The Democrats have 15 members in the Senate, of which 10 represent rural areas and 5 represent cities.

The Republicans have 10 members in the Senate, of which one represents rural areas and 9 represent cities.

(Continued on Page

CURRENT POPULATION ESTIMATES
ALASKA, BY ELECTION DISTRICT

July 1, 1964

ALASKA DEPARTMENT OF LABOR

EMPLOYMENT SECURITY DIVISION

RESEARCH AND ANALYSIS SECTION