

ALASKA CONSTITUTIONAL CONVENTION

December 3, 1955

TWENTY-SIXTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend James Gamble, minister of the Pentecostal Holiness Church. Reverend Gamble will give our daily invocation.

REVEREND GAMBLE: Our great and loving Heavenly Father, we bow a moment in Thy divine Presence this morning to thank Thee for life, health and reason. Wilt Thou this day grant special strength and wisdom to these who struggle with the problems involved in giving us a great constitution. We feel that Thy great hands of providence have had a real part in this undertaking, and may it continue to be so until a constitution is presented to the people and accepted by the people which will uphold equity, justice and the freedoms for which our fathers came to America, and as Thy Word says, "May we prosper and be in health even as our soul prospers. This we ask for Jesus' sake. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: Nine absent and 46 present.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with the regular order of business. Does the special Committee to read the journal have a report to make this morning? If not, we will dispense with that report until the afternoon session. Are there any petitions, memorials or communications from outside the Convention?

CHIEF CLERK: There is a communication from the Office of the Governor, Juneau. (The Chief Clerk read a telegram from the Office of the Governor of Alaska stating Governor Heintzleman would be unable to attend the hearing of the Executive Committee to be held this date because of his absence in Washington, D. C., and calling attention to remarks made in his speech to the delegates at the opening ceremonies.)

PRESIDENT EGAN: The communication will be referred to the Executive Committee. Are there other communications?

CHIEF CLERK: No.

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

ROSSWOG: Mr. Chairman, for the Local Government Committee, No. XII, we will not hold our regular meeting this afternoon

but will have a meeting at 2 o'clock tomorrow afternoon at Apartment 205 in the Northward Building.

PRESIDENT EGAN: Local Government will not have its regular meeting this afternoon but will have a meeting at Apartment 205 in the Northward Building at 2 p.m. tomorrow.

ROSSWOG: I would also like to announce that Mr. Weldon Cooper of the University of Virginia has arrived at the request of my Committee, and at this time I would like to introduce him.

PRESIDENT EGAN: If there is no objection the Chair sees Mr. Cooper in the gallery. If Mr. Cooper would be kind enough to come forward and say a few words, we would be happy.

MR. COOPER: Mr. President, ladies and gentlemen of the Convention, a few words are all I need because I am sure that among this delegation of 55 members there is an ample number to make all the speeches that are needed. I would like to say simply, Mr. President, that I am deeply honored by your invitation to come. I have been in your Territory (and I hope soon your state) only a few hours and have learned a good deal about your Territory. I met a large number of people, and I trust that when I depart, you will not have too many unkind things to say about me. Thank you very much.

PRESIDENT EGAN: Thank you, Mr. Cooper. Mr. Rosswog?

ROSSWOG: Mr. Chairman, I might further announce that Mr. Cooper has written several books and papers on the executive branch and also on local government, so if any of the other committees would like to use his services they are available.

PRESIDENT EGAN: If any of the other committees would desire the services of Mr. Cooper, they are available. Mr. Smith?

SMITH: Mr. President, I would like to announce there will be no meeting of the Resources Committee this morning. The next meeting will be at the regularly scheduled time.

V. RIVERS: I want to call the attention of the members to the committee hearing by the Committee on the Executive Branch at 9:30 this morning.

PRESIDENT EGAN: Mr. Victor Rivers call the attention of the members to the committee hearing of the Committee on the Executive Branch at 9:30 this morning. Miss Awes?

AWES: There will be no meeting of the Bill of Rights Committee today. Our next meeting will be Monday as scheduled.

PRESIDENT EGAN: Mr. Marston.

MARSTON: Mr. President, I want to be reported present. I was in the Executive meeting in the building.

PRESIDENT EGAN: I believe we have already reported you present. Mr. McLaughlin?

MCLAUGHLIN: There will be a special meeting of the Judiciary Committee as soon as the Convention recesses.

PRESIDENT EGAN: There will be a special meeting of the Judiciary Committee as soon as the Convention recesses. Mr. Sundborg.

SUNDBORG: Committee No. III, Style and Drafting, will meet for a very few minutes immediately upon adjournment.

PRESIDENT EGAN: Style and Drafting will meet immediately upon recess. Mr. Collins?

COLLINS: The Committee on Amendment and Revision will meet on schedule this morning.

PRESIDENT EGAN: The Committee on Amendment and Revision will meet on schedule this morning. Mr. McNealy?

MCNEALY: Mr. President, Committee No. IV on Ordinances will not meet as the committee until the regular time Monday, except the subcommittees will work over the weekend.

PRESIDENT EGAN: Committee No. IV will not meet in regular schedule until Monday. Are there other reports? Mr. Armstrong?

ARMSTRONG: Mr. President, there are two matters -- one the letter that was authorized to be sent to the Colonel at Eielson Air Force Base -- it has been placed in your hands and I believe you have signed it and sent it on to the proper authorities.

PRESIDENT EGAN: That is correct.

ARMSTRONG: I want to report that. The other matter is the matter of an introduction of a man who has served for many years at St. Lawrence Island, at Hydaburg, Alaska, and has just returned from a six months tour of duty at St. Lawrence Island -- the Reverend Elmer Parker who is with us this morning in the gallery. Those who are interested in some of the problems of the outlying areas, the isolated areas of Alaska, may want to talk or consult with him and I thought the Convention would be glad to know of his presence. (The Reverend Parker stood.)

PRESIDENT EGAN: We are happy to have you with us, Reverend Parker. Are there any proposals at this time? Any motions

or resolutions? Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that no plenary session be held this afternoon but that when we adjourn this morning we adjourn until 9 o'clock Monday morning.

PRESIDENT EGAN: You have heard Mr. Sundborg's unanimous consent request. Is there objection to that procedure? If there is no objection it is so ordered. Is there anything else to come before the Convention at this time? Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, in as much as many members of the Judiciary Committee are on the Committee on Style and Drafting, the Judiciary Committee will meet ten minutes after recess. That is on the presumption that the Style and Drafting Committee meeting will be as short as the Chairman declares it will be.

PRESIDENT EGAN: You have heard the report of the Chairman of the Judiciary Committee. (Discussion back and forth between Mr. Metcalf and Mr. McLaughlin at this time.)

PRESIDENT EGAN: If the Convention would be at ease for a few moments, we might have the report from the select committee. If there is no objection the Convention will be at ease for a few moments.

PRESIDENT EGAN: The Convention will come to order. Is there any report from a select committee that was appointed from among the committee chairmen? Mr. Sundborg?

SUNDBORG: Mr. President, yesterday you appointed a select committee of three committee chairmen to do some planning with respect to the proposed recess late this month, and the committee in order to do that planning desires some information from each of the delegates. The messenger or the doorkeeper is now distributing to each member of the Convention a questionnaire. May we have permission to proceed with the distributions?

PRESIDENT EGAN: Yes, you may.

SUNDBORG: What we want to know is clearly set forth here. It is just a little questionnaire that asks you about your wishes with respect to the proposed recess, and we are gathering this information so that we may set up or propose at least to the Convention a schedule of hearings during the proposed recess. The questionnaire, after it is filled out, should be returned to the Chief Clerk, and we hope that that may be done by each member by Monday so that we may proceed with our planning and bring our report before the Convention.

R. RIVERS: Mr. Chairman, the members would no doubt be curious

to know about the opinion of the Attorney General with regards to whether they get per diem during this proposed absence, etc. I might not know whether I want a vacation unless I get a per diem. I think we should have that information in connection with answering this questionnaire.

PRESIDENT EGAN: Mr. Sundborg, you were present when the Attorney General gave his opinion, if you would be so kind to do so.

SUNDBORG: The Attorney General attended a meeting of committee chairmen, I believe day before yesterday, and said that, while the opinion we requested has not yet been written, that it is in process of being written, and that it will say, first of all that, any delegate who desires to return to his home during a recess declared by the Convention will have his transportation paid to his home and return to Fairbanks, that such delegates will also be entitled to claim per diem for one day's travel in each direction. He said further that, if hearings are scheduled delegates will be entitled to claim both salary and per diem for the specific days on which hearings are held but not for other days during the recess. He also said with respect to those who have moved here to Fairbanks with families and do not intend to go home that they would be entitled to claim per diem for the entire 15-day recess, if the recess is for that time. He said further that the 15 days of the recess will not be counted in the 75 days which is the maximum this Convention can meet, but that we will have 75 days of session in addition to the 15-day recess, if one is declared. Does that seem to cover it?

PRESIDENT EGAN: That seems to cover it well, Mr. Sundborg. Are there any questions? Mr. Kilcher.

KILCHER: May I ask a question of Mr. Sundborg? The hearing days -- they are not deducted either from the 75 Convention days?.

SUNDBORG: They would be included in the 15 days of the recess and would not be considered either way.

KILCHER: Is there a reasonable mileage to the hearings? We have large areas to represent down there. It is much more sensible for instance for me to be in Homer. I know that Kenai is bigger than Homer right now, it is 90 miles away. Would it be more sensible for me to travel to Kenai, than to expect anyone in Kenai to travel to Homer?

SUNDBORG: All I can report is what the Attorney General told us and that question did not come up. I think it could be very readily decided.

KILCHER: I understand we have two days per diem to travel up.

It took us two days last trip up. It will take me two days to get home.

SUNDBORG: I am sure that what the Attorney General said was that per diem would be allowed for every day on which a delegate is travelling to and from his home to the Convention. Every delegate, even if it takes only a few hours, would be entitled to one day.

PRESIDENT EGAN: Mr. Johnson?

JOHNSON: May I address a question to Mr. Sundborg?

PRESIDENT EGAN: You may, Mr. Johnson, if there is no objection.

JOHNSON: It was my understanding from what you said that the Attorney General has ruled that anyone who has moved to Fairbanks and is living here during this Convention would be entitled to per diem during the recess. I don't see how that could apply to those of us who live here.

PRESIDENT EGAN: No, in the Attorney General's opinion, it does not.

JOHNSON: That wasn't clear.

HERMANN: It may have been stated, but has the length of the recess been determined?

PRESIDENT EGAN: That will have to be determined by the Convention. However, the committee chairmen and others who have mentioned it up to this time have felt that we should take the full 15 days. Whether that is the final decision remains with the Convention. Mr. Sundborg?

SUNDBORG: Maybe we should mention also for the guidance of the delegates that tentatively the dates which seem to be most agreeable to the committee chairmen are that the Convention would recess on the 19th of December at the end of the working day and that the recess would begin December 20 and extend through January 3 with the Convention resuming its plenary session on January 4. That is a 15-day recess. I think I also should say, as chairman of this select committee, that the committee has had some discussions about just what arrangements would be made with respect to pay, per diem, etc. We think it should be pointed out that the opinion of the Attorney General is on what is allowable and not necessarily on what we will recommend or what delegates will claim. It is up to the Convention as a matter of policy whether we will in fact claim and pay travel for each member to his home, and it is also up to the Convention as a matter of policy whether there will be either salary or per diem pay on days that hearings are held.

We can do it if the Convention so desires, according to the Attorney General.

LAWS: I would like to ask Mr. Sundborg -- he mentioned that married men would get the per diem for staying here, but how about the single fellows?

SUNDBORG: Even the single fellows will get it, Mr. Laws.

PRESIDENT EGAN: Are there other questions at this time? If not, Mr. Sundborg has asked unanimous consent that at the conclusion of our business we adjourn until 9 a.m. on Monday. If there is no other business, the Chair will put the question. Mrs. Hermann?

HERMANN: I was just going to suggest that the committees that are holding hearings today restate them so we will know when and where.

PRESIDENT EGAN: Would the committees who are holding hearings, please restate them. Mr. Victor Rivers?

V. RIVERS: Committee on Executive Branch hearing in the rear of the chamber here at 9:30.

PRESIDENT EGAN: The Committee on Executive Branch hearing in the rear of the gallery at 9:30. Mr. Smith?

SMITH: The Committee on Resources will hold hearings beginning at 3 o'clock this afternoon.

PRESIDENT EGAN: The Committee on Resources will hold their hearings at 3 o'clock this afternoon, in the rear of this chamber, too, Mr. Smith?

SMITH: I hadn't considered that. I suppose we would follow the pattern which had been established, by holding them here in this room.

COLLINS: In my announcement of Committee XIII on Amendments we have a hearing on schedule. I overspoke myself and we adjourned yesterday to meet Monday, so there will be no committee meeting on schedule today.

PRESIDENT EGAN: There will be no meeting of Committee No. XIII today but the Committee will meet Monday.

NERLAND: Committee No. XI, the Finance Committee, will hold a hearing at 2 p.m. this afternoon. The location will depend of course upon the attendance.

PRESIDENT EGAN: It will either be upstairs on the third floor

or down here, depending on the number of people to be heard. Mr. Sundborg?

SUNDBORG: Mr. President, I don't have a report, but I would like to ask permission to make a motion if I may at this time. Mr. President, I would like to move that the secretariat write a letter to the Director of Finance of the Territory and a letter to the Territorial Treasurer thanking them on behalf of the Convention for the very expeditious manner in which they have been handling the vouchers and per diem claims and pay checks of this Convention. I don't know whether the members realize it, but it is quite rare for Territorial checks to come through quite that promptly, and it has been done, I understand, because employees in those two offices have agreed to come down and work weekends and evenings and work unusual hours to make the mails and get the checks back to us so that we may have them very promptly. I do think that because of that, it would be proper if we would express our thanks to those two offices for the good work they are doing.

PRESIDENT EGAN: If there is no objection then the secretariat will write letters to the Territorial Treasurer and the Commissioner of Finance expressing the appreciation of the Convention for the expeditious manner in which they have handled matters pertaining to this Convention. Is there other business to come before the Convention? Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that we now adjourn until 9 o'clock Monday morning, and in line with the action already taken, that this adjournment be taken out of respect to the memory of the late Anthony J. Dimond.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Convention stand adjourned until 9 o'clock Monday morning and that the adjournment be taken out of respect to the memory of the late Anthony J. Dimond. Is there objection? Hearing no objection it is so ordered and the Convention stands adjourned until 9 a.m. on Monday.