

ALASKA CONSTITUTIONAL CONVENTION

January 12, 1956

FIFTY-FIRST DAY

PRESIDENT EGAN: The Convention will come to order. Reverend Armstrong, would you give our daily invocation?

REVEREND ARMSTRONG: Our loving Father, we ask Thee to use us in this day, we pray, that in the service of our future state that we might mark well those sign posts of life and liberty and pursuit of happiness for those yet to come. Keep us vigilant, keep us peaceful, and make us progressive in our thinking, for this we pray in Jesus' name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: One absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Are there any communications from outside the Convention? Are there reports of standing committees? Reports of select committees? Are there any proposals to be introduced at this time? The Chair would like to state that General Dean will make his speech in the college gymnasium this afternoon at 1 o'clock. Following that speech over there he will come here and we don't know the exact time, so we will just have to hold that in abeyance, but General Dean will be here this afternoon to make a few brief remarks. We invited him to do so. Mr. Smith.

SMITH: Would it be in order to make a committee announcement at this time?

PRESIDENT EGAN: If there is no objection, Mr. Smith, you may make a committee announcement.

SMITH: I want to announce that the Committee on Resources will meet Sunday at 2:00 p.m. at Apartment 504 in the Polaris Building. I would like to announce also that the Committee on Resources will meet tomorrow at 12:50 during the noon recess in one of the committee rooms upstairs.

PRESIDENT EGAN: The Committee on Resources will meet Sunday at 2:00 p.m. at Apartment 504 in the Polaris Building and at 12:50 p.m. tomorrow in one of the committee rooms. Are there other committee announcements? Mr. Coghill.

COGHILL: Mr. President, it has been brought to the attention of the Committee on Administration as to whether the delegates wish to meet this evening. It seems there is some feeling among

the fair sex of the delegates that they would like to have this evening off for purposes of getting their hair fixed and what not.

PRESIDENT EGAN: What was the motion made on Sunday that was generally agreed to? That we go through the week or through Friday, what is it? What is the feeling of the delegates as to the evening meeting? We should let the committee chairman know so he can notify the lunch room upstairs. Is there objection to meeting this evening? If there is no objection we will proceed on the assumption that the Convention will meet this evening at 7 o'clock.

COGHILL: I will notify the food center.

PRESIDENT EGAN: If there is no objection, that is the procedure we will follow. We have before us Committee Proposal No. 14. It is not open for amendment at this time, and we will proceed with the discussion that we began last night. Mr. Barr.

BARR: I have a few simple questions which I would like to have answered. I won't ask them of Mr. Gray, I am afraid I will be confused by figures. I would rather ask Mr. Hellenenthal, our able defender of principle. I agree with the Committee's report on all the detailed work they have done. I will have to make a little statement first to give you an idea of what I am getting at. I agree to their formula for proportionment of the general boundaries. I think they have done a good job on boundaries. I am acquainted with the people and the topography. The doubt in my mind has to do with your basic approach to the thing. For instance, the number of members in the legislature. It seems to me that rather than having the Apportionment Committee decide the number, the Legislative Committee should decide the number, taking into recognition the procedure in the legislature, what kind of men you want there, and terms of office and all that. Once the number was decided, that should have been turned over to your Committee and then they should be apportioned. The other thing is the number of election districts. Of course, we must have everyone represented, the different areas and small villages. I am strongly for that, but I don't see why one of these representatives could not represent a little larger area. Can you tell me how it was decided that we should have that number of election districts and that number of representatives?

HELLENTHAL: I will try, Mr. Barr. Your first question was aimed to determine why the number of legislators should not have been fixed first and then the apportionment made. Well, the Committee felt it was like the question of the chicken and the egg, and that the two could not be separated, and that an analysis of the necessary election districts must precede the fixing of the figure, and the Committee firmly so believed. Now for the moment let me pass any further discussion of that

first question and get into your second, because it is kind of co-related. Now on the second question, as to why was the number of election districts fixed at 24 and not some smaller number -- well, I don't want to repeat any matters that we went into last evening, but it was felt, first broadly, that to give adequate representation to Alaska with its many facets and many little distinct areas, that "24" was a necessary figure. Perhaps to approach it from the legislature, the legislature made the analysis and felt that "17" was a necessary figure coupled with certain representation from areas at large as represented by the judicial division at large and further representation from the Territory at large. I think there were seven chosen at large from the Territory in this body. So looking at it from that analysis, the legislature felt that was the way to do it. The Committee felt there were 24 separate socio-economic units with sufficient population at the present time to merit a representation based on present population figures.

BARR: Do you say with sufficient population? Now I notice from your figures here in the less densely populated sections, at least, your lowest figures, one representative should represent about 5,000 people. Now, where do you get that figure and how many states use that figure? It seems to me that in Illinois, the city of Chicago would be represented by 1,200 people in the legislature.

HELLENTHAL: We do not have that figure, one for 5,000. That was not the approach used.

BARR: I saw that figure somewhere.

HELLENTHAL: No, I don't know where.

PRESIDENT EGAN: Mr. Hellenthal, if the Chair may, is it not true that as the population increased that figure would automatically increase?

HELLENTHAL: That is correct.

BARR: I understand that. Well it seems to me, as I said, I approve of your boundary lines, but I disagree with the number of districts and the number of representatives for the reason I don't think they are necessary at the present time, and as long as you have provisions to increase the number of representatives with the increase in population that would be sufficient. And our first cost during the first years of statehood concerns me on the salaries -- we show concern here about the high salaries paid the members of the legislature -- well, they increase in number as well as increase in costs. The large number of election districts might have an indirect bearing on cost also. I have a feeling that future political subdivisions will take their cue from that. There might be more of

them smaller, and I mean such as boroughs and what not where we might have more courts and all. What was the representation you figure on population?

HELLENTHAL: It was not approached in that manner, but working back on it I would say, subject to correction by any of the mathematicians here, that excluding the two very large cities of Fairbanks and Anchorage, that the average election district contained approximately 3,500 people.

BARR: Just one other question, sort of important to this division, I just question your boundary in one place. As the boundary goes north from Fairbanks here, takes a jog around Livengood -- now I can see if you wanted to throw one village into another area, that would be okay with me. Livengood is connected to Fairbanks by a road; it is connected by scheduled airline. They get all supplies and mail from Fairbanks. Now I can see you followed the height of land there more or less, but Livengood is just in the edge of the hills, and you would not necessarily have to abandon that principle if you just came down off the summit down to the foothills there.

COGHILL: Mr. Chairman, Mr. Hellenthal, would you like me to try to answer that?

HELLENTHAL: You certainly know all about it, and I know nothing.

COGHILL: Mr. Barr, we used the watershed principle in drawing these lines. The water from the Livengood area flows into the Tolovana River, and the Tolovana River flows into the Tanana River at the community called Tolovana. It is on the south side of that range. The watershed flows this way. There will be no question in anybody's mind if these boundaries are preserved as to what election district they are in because on one side of the line all the water flows to the Yukon on the north side of the range and all the water flows south into the Tanana and into the Yukon on the other side.

BARR: I understand that perfectly. And you used that method in utter disregard of the social or economic aspects of the case?

COGHILL: I don't believe so, Mr. Barr. I believe it would be just as contiguous to Fairbanks as Manley Hot Springs or Rampart.

BARR: No, there is no road to Manley Hot Springs. There is no comparison at all. I think you have abandoned your principle of boundaries in that decision there.

HELLENTHAL: Livengood was never mentioned as such in committee discussions, and you may very well have a point there. That is one of the aspects of this plan. That is where your

redistricting would be an adequate subject for redistricting that, and I imagine there will be other similar cases. Whittier was a dandy. I ask you to focus your attention on the problem of Whittier which was on the other side of the watershed where the mountain was pierced by a tunnel, thus eliminating the barrier. Your point would be Livengood and similar points. If an error has been made, that is a beautiful job for the redistricting boards, and a good illustration of flexibility. In that connection I do point out, although this is of minor importance, that according to the 1950 census, Livengood had a population of 40 people and in 1939 had 153. From what I have heard I imagine the curve is declining somewhat there.

BARR: It has declined but I don't believe it will any further. You say this is a good job for the board. It is also a good job for your Committee right now, because I imagine when the election comes up the referendum on this constitution, the people of Livengood will object.

COGHILL: I would like to point out to Mr. Barr also that although we have maybe violated the socio-economic concept there and provided for the watershed, if you will go further down onto the Yukon River basin or the Kuskokwim basin you will find that the district between 22 and 21, we have provided for the socio-economic area, and we have violated the concept of watershed. You have to take and weigh one against the other in every instance.

BARR: The watershed will not complain but the people of Livengood will.

COGHILL: I don't think so.

MARSTON: With your permission, and the chairman of our Committee, I would like to elucidate just a little further on Mr. Barr's first question. We took for making these districts the patterns laid out by the legislature that made possible this Convention. It was a beautiful program they gave us, but we merely corrected that by adding to Cape Prince of Wales Island, the Kuskokwim River, the Bristol Bay, and the great Barrow district and took their plan and corrected the errors and gave representation to all of Alaska. Now to make these larger -- that Barrow district up there, that one voting district is larger now than half of all the states of the United States individually, so they are big pieces of ground we are throwing around, and I think they are plenty big enough right now. I merely add that to what Mr. Hellenthal said.

PRESIDENT EGAN: Mr. Davis.

DAVIS: May I ask Mr. Hellenthal a question? Mr. Hellenthal, in the report of your Committee and in your explanation you have several times mentioned the term "socio-economic". Now I

think that I know what you mean, but I am wondering if that is a term, a political science term, or something with any definite meaning; if it is a term that is used someplace else so that when somebody looks at this they can tell what we are talking about?

HELLENTHAL: It cannot be defined with mathematical precision, but it is a definite term, and is susceptible of a definite interpretation. What it means is an economic unit inhabited by people. In other words, the stress is placed on the canton idea, a group of people living within a geographical unit, socio-economic, following if possible, similar economic pursuits. It has, as I say, not mathematically precise definition, but it has a definite meaning.

DAVIS: I agree, but I still want to know whether or not it is a term that is used. Is it a political science term, so that when somebody uses it they will know what we are talking about?

HELLENTHAL: Yes, definitely. It is in common use among political scientists.

SUNDBORG: A few minutes ago when Mr. Barr addressed a question to you, Mr. Hellenthal, I heard him say, and I did not hear you say otherwise, that you had made provision here for an increase in the future for a number of representatives. Is that correct?

HELLENTHAL: No, that is not correct.

SUNDBORG: Mr. Barr stated there is no provision in this proposal for an increase in either the number of representatives or senators. There would always be 40 representatives and always be 20 senators?

HELLENTHAL: Correct.

JOHNSON: Mr. President, may I address a question to Mr. Hellenthal?

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

JOHNSON: In connection with this word "socio-economic", I had a question also as to whether or not it has ever been defined on a legal basis. In other words, do you know of any court that has ever had occasion to define it in an opinion?

HELLENTHAL: I do not.

JOHNSON: I can see where this might come into play if this particular section gets into a state supreme court, and I just wondered if there were any legal precedents for this type.

HELLENTHAL: I think it is a political and economic term rather than a legal term.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Mr. President, I would like to ask Mr. Hellenenthal a question. In your Committee's thinking did you give any consideration to the possibility of holding back out of your 40 members of your established house, holding back a proportion or some few of that 40 pending the 1960 decennial census? In other words, we are about midway, currently, of the decennial period and my thought was that if a certain reserve, three, four, five, or six of these 40 might be held back pending that actual population figure establishment at that time -- did you give any thought to that?

GRAY: Mr. Hellenenthal, I think there has been a little confusion on that. By a matter of equal proportions, after the first group is set up, in this case it is 24, from then on all additional senators are on a priority list. With this same list you can pick the top 40, top 41, 86; if the basic in this is 24 we can pick out the 25th and from there on to infinity so that as long as you have a system you pick the top 40, why the first 40 on the priority list; that is it and the 40th man will always go to the most deserving district as the factor is there. Does that make it clear to you?

HELLENTHAL: In other words it would destroy the method of equal proportions and it would throw the remaining representatives and their distribution completely out of harmony.

MCNEES: I fail to see in my thinking your last statement where it would throw it out of harmony. It would seem to me you could hold your 24 currently or any figure beyond that as your house and add to it only as population warranted it in the future. In other words, say you take on three or four more added at the end of 1960, maybe another couple at 1970, and maybe the last one in 1980, and make it available then. You feel it should absorb the full amount now? That is the Committee thinking?

HELLENTHAL: Yes.

GRAY: It does not make any difference, Mr. McNees, and in the redistricting you have another group. I do have one of these schedules made out. I will have it mimeographed, and I think you will follow the importance of this priority list. I think it will explain the question. The individuals or the districts that deserve its 40 now might as well have them because there is no further claim. After another district is made, why there will be a district that will deserve the 40 representatives and you save nothing by holding back.

HELLENTHAL: Might I suggest, Mr. Gray, that the delegates contact you and see the list rather than wait until it is mimeographed because I anticipate only a relatively few specialists will want to analyze it. It is available and has

been as announced for several days, so be sure to see Mr. Gray about it.

COGHILL: This might clarify a point that in order to find out what the fair representation is, Mr. McNees, you have to have a common divider. The common divider is the total amount of representatives. There are 40. If you divide the population by 40 the figure you get is what each representative is truly representing in our population by numbers, and therefore, if you only give 35 representatives and you are using the 40 figure, there are five quotients that are unrepresented in Alaska. Does that explain your point?

MCNEES: Yes. The only reason the question came in my mind at all, I appreciate the Committee's thinking on this, but in the Legislative Committee we came up with a maximum figure of 40 for the house, where you established it as a fixed figure. That was the only question in my mind. I like the work you have done in this. I think it is splendid and the only question in my mind was where we established it as a maximum figure you took it as a fixed figure and I just wanted a little bit more of the Committee's thinking on it. I have it clear now I think. Thank you.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, I would like to point out to Mr. McNees and anyone else who might be thinking in terms of reducing the number of house seats at this time, that following the method of equal proportions as you decrease the number of house seats allocated at this time, the quotient increases and if you knock it down to 37 the immediate result would be that Yukon Flats, Arctic Slope, and Cordova would lose the representative to which they would be authorized immediately under this plan.

PRESIDENT EGAN: Are there other questions? Mr. Doogan.

DOOGAN: Mr. President, I may have missed something along the way, but I would like to ask somebody on the Committee if they had considered reapportionment, but not redistricting. Now as I understand it, if a district loses or goes below the major fraction or quotient, they lose their representative and they are bound to the next smallest district. In the case of the senate actually being a district, it does not lose its identity because they still maintain their senate representation, and I am wondering if they had given some thought to setting these 24 districts as permanent districts and considering reapportionment in the future on that basis.

COGHILL: I think Mr. Gray could probably answer that question, but I would like to interject the point, Mr. Doogan, it would violate the concept of equal proportion from the standpoint that if a district does not come up to the standard or the amount of

40 divided into the total population, why then they would not be eligible and a representative would not be representing an equal amount of people.

ROBERTSON: I would like to address a question.

PRESIDENT EGAN: You may, Mr. Robertson.

ROBERTSON: In my Proposal No. 6 I proposed that the senate consist of 16 senators and that the present judicial divisions should be made into legislative districts. Now, first, I would like to ask, have you not in your proposal entirely ignored the theory of having representation at large as our federal government has in senatorial representation? Also, have you not entirely ignored the experience we have had since 1913 in having senators at large from each division?

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: I think that we went into these matters last night, but I will repeat them briefly again. The Committee has not ignored the principle of representation at large. In fact eight of the recommended 20 are chosen at large. Furthermore the remaining 12 are chosen at large perhaps from a smaller area than historically chosen in Alaska, but they are nevertheless at large. Now, the figure of "20" was chosen with the thought in mind of wieldiness, wieldy or unwieldy. After the analysis of other similar states with particular emphasis on western states with mountainous terrain and with scattered population, such as Alaska, and the principle being kept in mind that the Committee felt strongly that emphasis should be placed on giving representation in both the house and the senate to a degree to representatives from nonurban areas; I use the word "representatives" in the comprehensive sense, to include both senators and legislators in the house, and with those principles in mind, the rigid plan, the historical plan which you followed in your proposal and which was carefully considered by the Committee, it was in those respects that I have outlined, and for the reasons stated, the broad reasons, departed from.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. Hellenenthal, I believe that Mr. Fischer misunderstood me a bit. I did not propose to reduce the number of representatives without reducing the number of election districts. I would like to ask, suppose we cut the number of election districts in half or reduce them greatly and the Yukon Flats area was combined with another district, then they would be represented, would they not?

HELLENTHAL: Oh yes. I am sure you had that in mind. I cannot conceive of anyone in this group who would want to leave any portion of the state of Alaska unrepresented.

V. RIVERS: I would like to ask a question or two to clear up my own thinking. In connection with the election districts, as I understand it, under the redistricting clause -- the governor's board will have a chance to adjust not only the number to divide and subdivide them and add together, but also will have a chance to adjust somewhat the boundaries and area, is that correct?

HELLENTHAL: That is correct.

V. RIVERS: In connection with the senate districts inside of the over-all districts, that will also apply to those districts inside the senate districts?

HELLENTHAL: To a very very minor degree and subject to the five limiting factors set out in Section 2 and the additional limiting factor that the approximate perimeter must be preserved.

V. RIVERS: That's what I'm leading up to. Now on these main four districts, do you consider the boundaries of those four districts as fixed political subdivisions of the state?

HELLENTHAL: No. They are to be used only for the purpose of senatorial representation of a certain type; namely, the at large representation and that is primarily concerned with the eight recommended senators chosen at large from these senatorial districts.

V. RIVERS: In the over-all boundaries of the senatorial districts there is some slight flexibility?

HELLENTHAL: Yes, slight flexibility.

V. RIVERS: That could be made then to more or less fit into the boundaries of local government districts as they might be adopted later?

HELLENTHAL: Yes. Say there is a change on an election district on a perimeter of a senatorial district and the redistricting board feels that a change is in order. Take the Livengood matter. Assume Livengood is on the perimeter of a senatorial district, and it were determined that Livengood should be encompassed in the Fairbanks district; then that senatorial district to that very limited degree, its perimeter should be adjusted in keeping with the decision of the redistricting board.

V. RIVERS: Did you gear all other subdivisions of government to the boundaries of the election districts -- could we make them coincide with boundaries of adjacent local government districts in slight degree in this same area?

HELLENTHAL: We did not try to gear it with any other committee

or any other subject matter, but after reading the committee reports of those committees that pursue similar subjects, I was impressed, and the committee was impressed, with the similarity, almost the identity of the conclusions reached in that regard, so I think that they are, although not intentionally, I think they are geared completely.

V. RIVERS: You agree though that there is certain flexibility in the boundaries of these over-all four political subdivisions?

HELLENTHAL: To the degree outlined.

V. RIVERS: I, of course, note and I think everyone else does, that this representation plan is heavily weighted in proportion to people at least, not area, in the favor of the rural areas. I wondered if you thought how long it would be in the general trends of population before the urban areas and representation would catch up with the rural areas. Now, I don't state that as a criticism. I am merely asking you for information because I know that the general trend and tendency in a new area like this is to grow and to certain centralization. As my analysis shows it, 75 per cent of the present population and 75 per cent of the taxing power, you have approximately 18 representatives of the 40. Is that somewhere near your figures?

HELLENTHAL: I think so, Mr. Rivers.

V. RIVERS: Would it be 10 or 15 or 20 years before they might reasonably balance out?

HELLENTHAL: Frankly, I don't know, but you could say in a real sense that the urban areas will never become equalized with the hinterland areas and deliberately so. The committee deliberately made that concession to the hinterland areas feeling that the gain was well worth it.

V. RIVERS: I wanted to fix in mind where there was any coordination first with other local concepts of government boundaries and just how fixed and inflexible these boundaries might be.

HELLENTHAL: In that connection, representatives of other committees that are concerned with similar problems have worked closely with our group and observed its progress and apparently they are in accord and they find nothing contradictory with the conclusions that are recommended by this Committee.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: May I address a question to Mr. Hellenthal? I note that the senatorial districts follow somewhat the same as our old judicial divisions in numbering. We jump from one up to two and back to three and up to four. Would there be any objection to following some orderly procedure in setting up those

districts?

HELLENTHAL: No, the Committee made no recommendation as to the designation to be applied to the senatorial districts. You will notice that in the committee report they are referred to as "A, B, C, and D" in one place. In another place with the Roman designation "I, II, III, and IV", and in still another portion of the report they are referred to as "Southeastern Alaska, Southwestern Alaska, the great River section of Alaska, and the Arctic Slope of Alaska". This group could feel free to adopt designation it sought. Another designation might properly be "Southeastern, Southwestern, Central and Northern".

BOSWELL: Then that is to be taken care of when we start working on the article?

HELLENTHAL: Yes, indeed.

PRESIDENT EGAN: Are there other questions of the Committee? Mrs. Sweeney.

SWEENEY: Mr. President, I would like to ask Mr. Hellenthal if on this map of the senatorial districts, say for instance, the "D" Section should all of a sudden take a great spurt and have a great increase in population, their senatorial representation does not increase, is that right?

HELLENTHAL: That is correct.

SWEENEY: If the First Division or a division down here had a drop we would never lose our five?

HELLENTHAL: That is correct.

SWEENEY: A few minutes ago you said that there was a possibility that the Livengood area, which is in Legislative District 23, might be joined to Legislative District 24, "or is Livengood in 22? I don't know, but anyway it is in that "C" section, and it might be joined to a "B" section, and then at another point, say Legislative District 16 be jointed to 17, you are losing two legislative districts out of the "C" section. Now would there not be some question on senatorial representation? You are losing districts to two senatorial districts.

HELLENTHAL: Very careful attention was devoted to that problem, and in a few minutes some clarifying language will be submitted by the Committee in connection with that very proposal, so the intent of which is to make it crystal clear that there will be no loss in senatorial representation.

SWEENEY: My point is that, I understand if the population increases they get increased representation, but there is none in the house?

HELLENTHAL: That is unless the population of every other district in Alaska likewise increased proportionately in which case there would be no increase. It is a relative increase for which the award of extra representation is made.

SWEENEY: But there is no increase in the senate?

HELLENTHAL: That is correct.

SWEENEY: I put in a proposal, you will recall, to keep the representation in the senate on an equal basis and I am wondering if it would be possible to leave your lines as A, B, C and D and not call them judicial divisions but keep your plan just as you have but instead of giving five in the Southeast and six in the Southwest and five in the Central and four in the Arctic Slope or the North Section, whatever you called it, make it equal?

HELLENTHAL: It would be possible but the Committee definitely recommends against it.

SWEENEY: I would like to recommend to the Committee that they consider this again; then if you want to have your 20 you can have them at large. I would like to see the senatorial representation equal.

V. RIVERS: Equal to what?

SWEENEY: To each other. On an area basis. On your A, B, C, and D districts you would have equal representation in the senate except for the four at large -- you might have unless you want to make them five in each district and use up the 20.

GRAY: May I help you on this? The Committee had two distinct plans. One on one extreme and one on the other extreme, and like everything else with our multiplication factors there are compromises. The one plan on the one side was the four areas with four senators from each area like you have stated. On the other side we had 24 districts and a senator to each district. So by taking half of one plan instead of taking one senator from each of the 24 districts, we took half of it, one for each two or twelve from the area spread. In the same way we took half of the other side instead of four from the major districts we took two. So what you have here is a compromise between your plan and a compromise from somebody else and their plan. I think Mr. Coghill's, but this is a compromise, half of your plan in this senate composition and half of the plan in the other extreme. It can be changed, but this is a compromise factor, and this is how they reached the two systems of senators, senatorial representatives encompassed in this one plan.

PRESIDENT EGAN: Mrs. Sweeney, do you relinquish the floor?

SWEENEY: Yes.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: May I inquire of the Committee along the line that Mrs. Sweeney has been approaching that if I understand her question correctly and if the plan that she was talking about were adopted, it probably would mean that five senators would be assigned to Division A, five to Division B, five to Division C, and five to Division D. I think that is what she means by this equal proportion, or equal division. But did you consider the possibility of that sort of an arrangement when you were discussing and preparing this plan?

HELENTHAL: Yes.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, I don't know if I can answer anything that has been presented here by our able Chairman, however, as a member of this Committee, I would like to say a few words on this work that has been presented here for your consideration. As has been related here already, we had proposals from practically all parts of Alaska before commencing our work into committee, and I assure you it was not an easy matter to come out with a report that we have here before you. Some of you will recall that at times we had to have some peacemakers in on our committee meetings. But the result was we came out with a compromise program that I feel can't be much improved on. As far as I am concerned, I happen to come from a small community, a small area, and I presented my view. Fortunately we had other problems similar to mine throughout Alaska, and we compromised there. Consequently, in the house, Prince of Wales Island, incidentally the largest island under the American flag, will have one representative, etc., all through the Territory of Alaska, where a similar condition exists they shall have a voice in the government in the future State of Alaska. That is the object your Committee had in mind. In forming this new state, we wanted all sections represented, and I think we were successful through compromising here and there to give that representation to all areas of the Territory as far as the house was concerned. Now we come to the senate and as you well know, the primary concern of all of us here was to keep our expense down. Your Committee was very much aware of that also, so it decided perhaps a 20-member senate would be sufficient to conduct our government. On that basis we went to work and arrived at this conclusion that is now before you. Personally, I can't keep away from referring to my own area because I am most familiar with it. In my particular area I am joined up with Ketchikan and Hyder. We will be entitled to one senator and we go up the line, Petersburg, Wrangell, and Sitka would be in the same situation -- Juneau, Haines, Skagway, etc. Now we were confronted at the time before

making decision here whether we should have representation elected at large from the entire Territory; some of you requested it and a few of us from the hinterlands you might call it, felt that this would be unfair. We realized that perhaps once out of 20 or 30 years perhaps we would have a timber that would be competent to participate in the state senate, but we did not rule out the fact that such a condition would be possible. Again we were asked, how would you guarantee that. My answer to that is I don't care where you come from, how small a community, if you participate in your own party, take an active part, your voice will be heard, and if you are a good man you will be recognized. I am willing to gamble on that. I am sure that these little so-called hinterlands will participate in the future State of Alaska on these grounds. I therefore support this issue. I have no fear of it being abused in one way or another. You put your checks and balances in there by redistricting and reapportionment in the proper time as provided herein, but I do think that your Committee labored in earnest here and considered all of your problems and we came out with something that I am sure will be acceptable to everyone throughout the Territory.

PRESIDENT EGAN: Are there other questions? Mr. Metcalf.

METCALF: Mr. Chairman, if I could ask Mr. Hellenenthal, I think I like the plan. Just take the Seward and the Kenai area, the Kenai Peninsula, east and west side. Suppose some unfortunate circumstance would happen. The railroad has pulled out of Seward for instance and the population on the east side of the Peninsula should drop to less than a thousand, would our district collapse and join with the sister district, the Homer district, is that right?

HELLENTHAL: District No. 10, the Kenai-Cook Inlet District.

METCALF: And then the east side would become a dormant house representative district is that right?

HELLENTHAL: Dormant in the sense that if its population reasserted itself and other facts remained constant, the redistricting board would probably create it again.

METCALF: Supposing in 1960 when this reapportionment comes up, the Seward side of the Peninsula is still dormant, what would the reapportionment board use as a divisor? Instead of "24" would they use "23"?

HELLENTHAL: Forty divided into the total population. That is the fixed number.

METCALF: But it would only be 23 districts then, house districts?

HELLENTHAL: There would be only 23 house districts.

METCALF: Then the senatorial districts of Roman numeral VI, the boundaries would still remain fixed in the same and never lose its identity as a senatorial district?

HELLENTHAL: That is correct.

METCALF: Then supposing you find some oil over on the Seward side and 10,000 people moved back into the district; then redistricting again, would Seward come to life again and be an active house?

HELLENTHAL: Correct.

METCALF: It sounds very good to me.

WHITE: I just want to get something clear in my mind. If I follow Mr. Metcalf correctly, in the case of the Seward district collapsing it is contiguous to districts 8, 10, 11 and 12, and under the current plan, it would be joined to the contiguous district where it is the smallest?

HELLENTHAL: To a senatorial pair -- that might be good language to use. I think I anticipate your question. At the meeting which unfortunately delayed us this morning and for which the Committee apologizes, clarifying language to make it "the senatorial pair" in that case has been made up and will be handed to you on this slip sheet following whatever recess may be taken this morning.

PRESIDENT EGAN: Mr. Marston.

MARSTON: One little thing I might like to suggest here that we do not continue to use that word "collapse". There is going to be no part of Alaska collapsing. Alaska is not going to collapse. I don't like the word already on tape for so long. Areas increase and decrease and this plan will take care of it. There is going to be no collapsing of Alaska.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I just wanted to ask Mr. Hellenthal a couple of questions. One of them is along the same lines as Mr. Marston just spoke of, about a collapsing or a particular area losing its identity as election district number so and so. I feel that it would be wrong for any particular part of the Territory which has been districted to lose its identity as a district. I think that possibly we could refer to it as suspended representation in the event that a census would show that they were below the number that they must have for their representation, but that area should still remain area No. 22 or 23 or whatever representative district it is, but the representation in there is suspended.

Then because on the next 10-year decennial census, then if the census indicated in that particular area that the population had recovered its former status so that it was eligible for representation in the legislature, then the commission would then certify that they were and would retain them. I think there should be a very serious objection to any geographical area in Alaska losing its identity.

HELLENTHAL: Perhaps we were not too clear on that point. The answer to the question is that they will not lose their identity for representative purposes in the house. It would be suspended but for the senate it would be continued, and that appears very clearly in the Committee's opinion.

TAYLOR: As I see it, they would still have senatorial representation because they are a part of a senatorial district.

HELLENTHAL: Suspended animation you might call it.

TAYLOR: This thought here of collapsing or as I would say, suspending representation.

PRESIDENT EGAN: Mr. Gray.

GRAY: Maybe I can attempt to answer your question.

TAYLOR: You don't have to answer it because I know the answer to it now, but anyway they talk about eliminating an election district; now that could only be, that change could be made only once in every 10 years, is it not?

HELLENTHAL: Correct.

TAYLOR: There is no method in the interim between the decennial census that you could do it?

HELLENTHAL: No.

TAYLOR: So any area is assured of a 10-year representation until the regular census shows otherwise.

HELLENTHAL: That is correct.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I think this has gotten through my head that the senatorial districts remain fixed. On looking into the future, it was stated here that the area representation was taken into consideration with senatorial districts. I question that area played any great part at all in the Committee's thinking, and I state that merely in preface to my question, and I am not afraid to continue to call these at least for the time being, to call the four districts of Alaska "divisions". The Fourth

Division of Alaska, this area from all of this district down through here (pointing to map), to which has been added to what we have always called the Bristol Bay Area, is now as far as area is concerned, you can take all of the rest of Alaska and put it inside of the Fourth Division and possibly have nothing more than the St. Lawrence Island left over, and then for this whole area of the Fourth Division it is a matter of five senators. Then in this very small area here in the First Division is entitled to five senators which could be placed -- the whole First Division could be placed in representative districts of 15 and 16 of the Fourth Division. Now the only query that I have in mind is this, and possibly looking too much into the future, but at Rampart, for example, we will say that the hydroelectric plant was built and the population of the area in here gets to possibly 100,000 people, then regardless of the fact that the Fourth Division as a whole, still calling it that, was as large as the rest of Alaska put together and regardless of the fact that its population increased so that the population was twice as large as the rest of Alaska, then still the senatorial districts would remain the same.

HELLENTHAL: That is correct.

MCNEALY: And there would be a great possibility that they would never change?

HELLENTHAL: I would not attempt to say that.

MCNEALY: I guess that is a political matter.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: It appears to me that the matter here has been belabored long enough. I don't see that we are developing anything new, and I would like to move to proceed to the consideration of the bill for amendment.

SWEENEY: I object.

TAYLOR: I second the motion.

PRESIDENT EGAN: Mr. McCutcheon moves, Mr. Taylor seconds the motion that we now proceed to the consideration of the proposal and allow the offering of amendments. Mr. Kilcher.

KILCHER: Is a motion to a recess in order?

PRESIDENT EGAN: A motion to recess is in order.

KILCHER: I might move our 15-minute recess at this time.

PRESIDENT EGAN: Is there a second?

1886

BUCKALEW: I second the motion.

PRESIDENT EGAN: The question is, "Shall the Convention stand at recess for 15 minutes?" All those in favor of recessing for 15 minutes will signify by saying "aye", all opposed "no". The "ayes" have it, and the Convention stands at recess for 15 minutes.

RECESS

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

KNIGHT: I respectfully ask unanimous consent that the journal of the 46th Convention day be approved with no corrections.

PRESIDENT EGAN: If there is no objection the journal of the 46th day will be ordered approved. Is there objection? Hearing no objection it is so ordered. We have before us Mr. McCutcheon's motion that we proceed to the amendment of Committee Proposal No. 14.

SWEENEY: I withdraw my objection.

PRESIDENT EGAN: Is there objection to the unanimous consent request that we proceed to the amendment of Committee Proposal No. 14? Mr. Nolan.

NOLAN: I object temporarily. I have a couple of questions to ask. It won't take very long.

PRESIDENT EGAN: Mr. McCutcheon, do you have objection to that?

MCCUTCHEON: No.

NOLAN: This graph of 25 people, or over, is projected on 1955 figures isn't it? You know the table that we have, I think?

HELLENTHAL: Populations of all cities and towns and villages, 1950 and 1939.

NOLAN: That is right. I think part of that is 1955, is it not?

HELLENTHAL: No, it is all 1950 or 1939, according to my understanding. It was prepared by Mr. Rogers.

NOLAN: Some of the figures I wrote up did not quite jive. The second point is that the cost as I understand by Mr. Peratrovich, the cost of this increase from 40 to 60 was considered by the Committee.

HELLENTHAL: Yes, that is from what materials we had available at the time. A more approximate cost estimate can be made now. I am sure.

NOLAN: The third question is, I think it was answered in response to a question by Mr. McNealy, that the senatorial

districts are fixed permanently without a constitutional amendment?

HELLENTHAL: That is correct, subject to the minor modification that we discussed last night and this morning, and which will be handed to you on this slip sheet this morning in a few minutes.

NOLAN: And that in arriving at the combination for the senatorial districts is a combination of area and population?

HELLENTHAL: Yes. While I am on my feet, Mr. President, the Committee has prepared a slip sheet containing changes in the committee proposal. One way of handling this would be to ask that the report be withdrawn from second reading, returned to the Committee for insertion of the slip sheet and resubmission with the slip sheet contained, and that is one method. I can conceive of others.

NOLAN: I don't think that is necessary. We are not in second reading yet.

PRESIDENT EGAN: We are not in second reading for purposes of amendment yet. No.

HELLENTHAL: We would want to make that a part of the committee report before the consideration begins through some parliamentary device or unanimous consent procedure.

PRESIDENT EGAN: Mr. Marston.

MARSTON: It is not necessary to amend and not mandatory to amend. If you are going to proceed to amendment here, that is the order of business. He who does not amend also serves well here, and it is not mandatory that we amend, is it? (Applause)

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: I think this question has been answered, but there seems to be a little confusion in a few minds, and I would like to ask the Chairman a question if I may. When a district loses its present population and is joined to another, then in order to resume its representation, that is, apart from the combined district, it must gain the full quotient? It does not get preferential treatment when new districts are established?

HELLENTHAL: In reasserting does it get preferential treatment, Mr. Gray?

GRAY: Under my understanding it does not. It must come up, because the idea of the major fraction gives a little leeway, drops down. The major fraction is a holding thing. Once you lose it you would have to go back and get full quotient for

recognition next time.

NORDALE: Otherwise it would upset the whole thing.

GRAY: Because it immediately puts the whole program on an 80-member house. The major fraction is just a protection for that particular district which loses its identity over a short figure. If they lose half, then they have lost, but up until then it gives them a little time to recover because otherwise, with a drop of one person it might lose its representation.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I would like to ask Mr. Hellenthal a question. Mr. Hellenthal, I have looked at your boundaries as close as I can and I am pleased to say I think you did a fabulous job. There is only one glaring error, and I think it is an error which might upset your whole plan if this matter is ever litigated. I mean this doctrine you have set up of socio-economic units, and I direct your attention to Election District No. 20, and I invite you to inspect Election District No. 20. You call that the Arctic Slope Election District. The boundary runs along the Arctic Slope and then you cut it off and the balance of the Arctic Slope area is penetrated by Election District No. 23

Now Election District No. 23 is drained by the Yukon and Porcupine Rivers. Now of course those rivers don't cross the Brooks Range and you have violated both of your principles of the natural mountain boundary, you have violated the principle of watershed, and I don't see any logical reason for it, and the thing that frightens me about it is that I think the courts would look at Election District 20 and 23 the first thing when they went to determine this socio-economic.

HELLENTHAL: I want to turn that over to Mr. Cooper; that matter was discussed at length, and Mr. Cooper and Mr. Coghill were the ones who were fully informed.

COOPER: I definitely want to hear from Mr. Coghill.

COGHILL: Mr. President, in bringing that line up and along the river, I forget the name of the river boundary we followed there, the river that we brought this boundary right up to divide from 23. Above the Brooks Range on the other side is more closely related, the southern part of that is more closely related to the Fort Yukon-Porcupine area than it is to the Khotol River area. It is just another one of the exceptions of the watershed. This in turn leans from the watershed to the socio-economic area. We have Barter Island; we have several communities up there where they all transport their goods from Fort Yukon or commute over the Range. Does that answer your question, Mr. Buckalew?

BUCKALEW: Unfortunately it does not.

HELLENTHAL: Was not your recollection that the census showed 20 people were concerned in that area?

COGHILL: Yes.

BUCKALEW: You are making an awful concession for a few people. It just is not logical. I can't see it. In looking at the map and knowing how many people are up there, the only socio-economic unit up there would be between that little area you have got and part of Yukon because I think a bunch of caribou move back and forth up there; that is the only socio-economic unit, and it is confined to caribou.

COGHILL: We had the line across the top to begin with and we felt that by increasing the population in the 23rd district, bringing this over, that the people on the northern side of that slope who are more closely related to the Fort Yukon people in the socio-economic concept.

BUCKALEW: I can see that a lot of the people on the Arctic Slope have now migrated toward Barrow, but you have got to cross the mountain range and if there are so few people involved, just looking at it on the map, it does not make sense.

MCLAUGHLIN: I think perhaps Mrs. Wien is acquainted with the area; perhaps she could express her viewpoint.

PRESIDENT EGAN: Mrs. Wien.

WIEN: I don't know what the thinking in the Committee was, but that area of the Arctic Slope and that side is served from the Fort Yukon area by air and your only connection with the other Arctic Slope area would be by dog team or your once-a-year, mostly undependable boat transportation by the Bering Sea and along the Arctic Coast, so that area is definitely served first by air from Fairbanks to Fort Yukon and then from Fort Yukon and on out.

COOPER: In addition to that, in the Committee it was discussed and brought out that last winter for the first time, certainly, a new type of method or a try was used and accomplished in your over-all winter routes by the Alaska Freight Lines up through that region, and it was definitely tied into the Fort Yukon trading center, that entire area there. The line now, as it is on the map, is where it has been in the past, but it was not changed due to the fact that Fort Yukon is the center of that entire area.

HILSCHER: Mr. President, the 64-dollar question is, "How do you pronounce the name of that river?" I have taken it off the map and I think we had better call it the "Joe Blow" River because of the way it is spelled. Would you pronounce that, Mr. President?

BARR: Does the boundary go along that river? It seems to me it goes along the Sagavanirktok.

HILSCHER: That is it.

GRAY: I believe in resolving a question like this, Mr. Buckalew has an absolute valid question there, but I think it should be resolved in, which is the fairest to the people concerned, and I think the fairest to the people concerned, as Delegate Wien has pointed out, is the Fort Yukon district. You are going to run into several of these where there is a conflict of ideas. The eventual solution of this is to represent the people and which method is the fairest concerned to those people involved, and I think that will settle most of the arguments.

BUCKALEW: At least I have accomplished one thing; the thinking of the Committee on this particular problem will be available.

HELLENTHAL: Might I add this? I think this is a very good illustration of the fact that the factors that the redistricting board are to use in redistricting that no priority is assigned to any one factor. They are to weigh it and there are the four or five principles to be weighed out to accomplish the result -- again representative government. It is fortunate that there are illustrations and this is not the only one of where a watershed boundary was deemed less important than another principle of districting, and that would guide the court, and it would show the court forcefully that it was not the intent to assign priorities to the methods, but to balance.

PRESIDENT EGAN: Mr. Barr.

BARR: In looking over this area, I see that Barter Island is included and that is evidently the largest, most heavily populated area entered at the present time. There is an army project going on there and that is served from Fairbanks, and I believe that this whole area has far greater communications facilities with Fairbanks than any other. It is true that they go along the coast by boat in summer, but that is only for two, or three or four weeks, and they can go by dog sled in the winter, but the vast expanse of tundra is just as much a barrier as the mountains, especially if you go over the mountains in an airplane.

MARSTON: I have worked that area for 10 years and only once did I go from Barrow over to that district of Barter Island, and it was John Cross who flew me over, and I waited one week for him to get the weather just right before he would take off, and there were only two families between Barrow and Barter Island. It belongs where it is as far as I can see, and John Cross knows that.

PRESIDENT EGAN: We have the motion before us. The unanimous

consent is asked that we now proceed in second reading with the amendment of Committee Proposal No. 14. Is there objection?

HINCKEL: I don't object. I would like for the purpose of information to ask, are we going to consider this slip sheet as an amendment?

HELLENTHAL: As I understand it a moment ago, that when action is taken on this motion, then this matter will be taken up and we hope it will be considered as a supplement or amendment to the committee proposal.

PRESIDENT EGAN: This matter will be taken up at that time as to whether or not this amendment will be offered as an amendment or whether or not the Convention will allow the Committee to withdraw its report and bring back its report with this proposed amendment included as part of the report.

HINCKEL: I have several other amendments to the same section, and it will make a difference as to how I will write my proposal.

HELLENTHAL: We don't mean to foreclose other amendments by this action, but we wanted to use it as a device to show the Committee was unanimous with regard to these problems, and wanted to supplement its report accordingly.

V. RIVERS: Is your slip sheet ready now?

HELLENTHAL: I believe it is before you or should be.

V. RIVERS: I would like to ask unanimous consent then that we consider the slip sheet as a part, for the record, as a part of the committee proposal at this time and adopt it as such and then go on and amend from there.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that this slip sheet -- we have a motion on the floor at the present time asking unanimous consent that we proceed on to Committee Proposal No. 14 for purposes of amendment. Is there objection to that? Mr. McNees.

MCNEES: Mr. President, I was just going to suggest, why don't we act on Mr. McCutcheon's proposal and then immediately before we go into the other business, act on Mr. Victor Rivers' proposal?

PRESIDENT EGAN: Is there objection to proceeding with Committee Proposal No. 14 for purposes of amendment? If there is no objection then Committee Proposal No. 14 is before us at this time for amendment. Mr. Victor Rivers do you renew your motion?

V. RIVERS: I will ask unanimous consent, and although I personally

have something to say about the matter they are instituting, I still would ask unanimous consent.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that this proposed amendment be included as a part of the proposal.

HERMANN: I will object for the moment, just by way of asking for some information. The only one I have is amendments of Proposal No. 9, and that is the finance proposal, and I just want it cleared up a little bit.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for one or two minutes. The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. On this proposed amendment, if there is no objection, the Chair will order that where it says "No. 9" that it read "No. 14". Is there objection? Hearing no objection that is so ordered. Unanimous consent is asked that this particular amendment become a part of Committee Proposal No. 14 at this time. Is there objection to that request? If there is no objection it is so ordered, and the amendment has become a part of Committee Proposal No. 14. Mr. Harris.

HARRIS: Mr. President, we pretty thoroughly discussed this. I for one can see nothing wrong with the committee proposal as it now stands. I think if we start fooling around and amending it we are going to have trouble and therefore, I am going to move that this proposal be turned over to the Committee on Engrossment and Enrollment.

MCCUTCHEON: I second the motion.

PRESIDENT EGAN: Mr. Harris moves and Mr. McCutcheon seconds that Committee Proposal No. 14 as it is now before us be referred to the Committee on Engrossment and Enrollment. Mrs. Sweeney.

SWEENEY: That takes a suspension of the rules.

PRESIDENT EGAN: The Chair does feel that it takes a suspension of the rules because it states in the rules that the proposal shall be open for amendment. It would take a roll call vote and 37 votes to suspend the rules. Mr. Rivers.

R. RIVERS: Mr. President, along the same line, it would take two readings.

PRESIDENT EGAN: It would take a suspension of the rules.

V. RIVERS: Is this matter open for discussion?

PRESIDENT EGAN: It is a suspension of the rules, Mr. Victor Rivers, and it is not debatable. Mr. McCutcheon.

MCCUTCHEON: Under the circumstances and seeing that it requires a suspension of the rules, I would withdraw my second.

HARRIS: I withdraw the original motion.

PRESIDENT EGAN: Is there objection? Hearing no objection it is so ordered and Committee Proposal No. 14 is before us and open for amendment. Are there amendments to Section 1? Mr. Sundborg.

SUNDBORG: Mr. President, I have a question on Section 1. I am bothered by that word "first" which appears in line 6. The sentence says, "Until the first and subsequent reapportionments, the election districts and the number of representatives to be elected from each at the first State election shall be..." Is it not the intention that in any state election which occurs, until the first and subsequent reapportionments, that the number of representatives and the election districts shall be as set forth in the schedule?

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: What this means is that the number of representatives at the first state election will be as set forth in the schedule. After that the process of reapportionment will have set in and we don't know what they will be.

SUNDBORG: Why would it have set in? It does not set in until after each census.

HELLENTHAL: "And after the first election." You can't have it until you have your state government constituted, and the only people that can constitute the state government is the first elected body, and that must be governed by the schedule. You can't reapportion until you have an election. You have to have your governor, your legislature set up. It must come first. Then following that comes reapportionment and everything else, but you have got to have a body constituted, a legislature constituted to get the ball rolling.

SUNDBORG: Won't it say everything you intend to say if you strike the words "at the first state election", so that it will say "Until the first and subsequent reapportionments the election districts and the numbers of representatives to be elected from each shall be as set forth in the schedule in article so and so"?

HELLENTHAL: No, I don't think so.

1894

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I am a little confused now. What happens if we don't get statehood until 1961?

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: If we don't get statehood until 1961 and, a further qualification, now it is possible in 1961 that the results of the decennial census will be available, but it is not probable.

WHITE: Say '62 then.

HELLENTHAL: In other words, you envision a situation after the results of the decennial census have been certified. All right, if we get statehood before that, the schedule and the number of representatives fixed in the schedule will be the composition of the legislature. If we get it after that it will still govern the first legislature. For the first meeting of the Territorial legislature, following the certification of the results of the decennial census, the schedule sets out the number of representatives. It has to. There is no other way you can do it.

PRESIDENT EGAN: Mr. Rivers.

R. RIVERS: Mr. President, I want to pursue the same thought. If we got to be a state in 1961 and we had a first state election, would there be an apportionment right after that before the next semiannual election took place?

HELLENTHAL: Yes, immediately following, and that is why this language was so carefully chosen with that precise problem in mind, and I will admit at first flush it looks clumsy, but when you see that explanation I think it clarifies it.

R. RIVERS: If we got to be a state in 1965 we would have a first election. Would there be a reapportionment immediately thereafter referring back to the 1960 census?

HELLENTHAL: Yes.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, I might answer that question. Mr. Rivers, in Section 2 it qualifies that, the first few lines of Section 2.

R. RIVERS: I was just wondering if Mr. Sundborg's language did not accomplish the purpose.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, I don't know how to go about this parliamentary-wise, I am sure in my own mind, that Mr. Sundborg has a perfectly legitimate point, and I think that the problem is more obvious if we say we become a state next year. Then is it your intention that the apportionment board would redistrict before the next election?

HELLENTHAL: No, it could not.

HURLEY: I think you have said two different things here. Does it mean they must necessarily apportion before the second state election even though it is before a census?

HELLENTHAL: If the second state election is following the release and certification of the official decennial census, then they must reapportion.

HURLEY: If the second state election is before 1962, then what happens?

HELLENTHAL: And following the release of the certification of the census?

HURLEY: If the second state election is before the release of the next census, I think that you are ambiguous because you have said that first state election here when you really mean any election held after we become a state and before the results of the census are known.

HELLENTHAL: We may be there. I did not understand Mr. Sundborg's remarks though, as directed at that point.

SUNDBORG: That was my point.

PRESIDENT EGAN: The Chair was wondering if it might be best to take a three- or four-minute recess and you people get together on that. If there is no objection, the Convention will stand at recess in order to let the chairmen get together.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there amendments to Section 1? If not, are there amendments to Section 2? Mr. Barr.

BARR: Mr. President, I have an amendment to Section No. 1, and I can assure you it has nothing to do with the number of representatives. I thought we would probably still be on this section until after recess. I would like during the noon recess to confer with the members of the Committee and the Chairman and make it more acceptable. When we go through this will we go back to Section 1 again?

PRESIDENT EGAN: We will, but we are still on Section 1.

BARR: Will we come back to Section 1 as we have been doing?

PRESIDENT EGAN: That is the manner in which we have proceeded, but a motion such as Mr. Harris has made, if it were adopted by a two-thirds vote, the Chair could not prevent that.

BARR: I move then that this section be held open until after the noon recess.

MCLAUGHLIN: May I inquire if the Committee is going to sit today where anyone with personal questions could speak to them during the noon hour, so they might eliminate a lot of questionable amendments that wouldn't be submitted if people understood.

PRESIDENT EGAN: The Chair was wondering if the Committee had such intention to sit say, now between 12:00 and 12:30.

HELLENTHAL: I think it would be better to sit between 1:00 and 1:30. I would like at this time to announce a meeting for the purposes requested for between 1:00 and 1:30.

PRESIDENT EGAN: If there is no objection, the time has almost arrived for the noon recess.

BARR: Then I will move that we recess until 1:30.

RILEY: Rules Committee in the rear of the gallery immediately.

PRESIDENT EGAN: The Rules Committee will meet immediately in the rear of the gallery. Are there other committee announcements? If not, hearing no objection, the Convention will stand at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. Would the Chief Clerk please read the communications we have before us.

(The Chief Clerk read a communication from Colonel Ray J. Will, Commander of Eielson Air Force Base, thanking the delegates for their contribution to the relief of the recent disaster victims.)

PRESIDENT EGAN: The communication will be filed. Are there other communications? Are there committee reports to come before us at this time? If not, we will proceed with Committee Proposal No. 14 in second reading. Do we have an amendment before us at this time, a proposed amendment?

CHIEF CLERK: No.

1897

PRESIDENT EGAN: Are there amendments to Section 1? Mr. Barr.

BARR: I have no amendment to Section 1 if we are able to amend the schedule later on, outlining the districts.

PRESIDENT EGAN: We will come to the schedule in second reading, Mr. Barr. Are there amendments to Section 2?

V. RIVERS: I have an amendment.

PRESIDENT EGAN: Mr. Victor Rivers, you may offer your amendment.

HELLENTHAL: Point of order. The Committee has met and recommends three amendments to Section 2 and the process might be expedited if the committee amendments were put before the body first.

PRESIDENT EGAN: If Mr. Victor Rivers would accede to that. Mr. Rivers was recognized, his amendment was accepted here.

V. RIVERS: I appeared before the Committee. They had already taken action on the matter. They did not cover what my amendment covers. After I got there, five minutes before their adjourning time, I was not permitted to discuss it. I think we would like to discuss it on the floor.

PRESIDENT EGAN: Would you wish it to come before the body at this time?

V. RIVERS: Yes.

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: Page 2, this is an amendment to the amended Section 2, this slip sheet.

PRESIDENT EGAN: You will recall we adopted that committee amendment this morning. This is an amendment to that. You all have copies of that original amendment before you.

CHIEF CLERK: "Section 2, page 2, after the first word 'districts', insert the following sentence: 'Boundaries of election districts and senatorial districts as herein instituted shall be adjusted insofar as practicable to coincide with boundaries of local government areas as redistricting is accomplished from time to time.'"

V. RIVERS: Mr. Chairman, I will move and ask unanimous consent for the adoption of this amendment.

HELLENTHAL: I object.

PRESIDENT EGAN: Is there a second to the motion?

KNIGHT: I second the motion.

PRESIDENT EGAN: Mr. Rivers.

V. RIVERS: Mr. Chairman, with considerable reservations and a number of things in mind that I would possibly see further discussion on, I have to go along in entirety with the substance of the committee report. My intent in this matter is merely to amplify upon the idea that they have set up their districts, and they are pretty much inflexible. There are certain minor adjustments that can be made along the boundaries. I have in mind those should not be conflicting with the boundaries of other local government agencies or districts, such as recording districts. They should coincide insofar as practicable. I have given broad leeway for minor adjustments in boundaries so they could reach and match up with other local government boundaries. As you will note, the intent is not to alter anything in the substance or the intent of the whole system of apportionment and representation which they have adopted, but it does flag the idea that they should try and not have a mass of boundaries that are more or less with the same general purpose in mind but have a separate purpose within each boundary, try to coincide the boundaries insofar as practicable. I know that there will be cases when that can't be done. It seems to me if we are going to have boundaries we should try to keep as few of those boundaries as possible. That authority should be specifically stated. The Committee adopted a line which I understand from Mr. Hellenthal which says "They may give consideration to coinciding so far as possible." This says, "They shall give consideration to coinciding insofar as possible." It is a minor amendment intended to amplify the understanding of the interpreters of this constitution. The boundaries of the election districts will be established once about every 10 years we expect. The other boundaries of local government will be established and carefully thought and studied out, and it seems to me at the end of the 10-year period of time the boundaries in the election districts should be more or less geared in the matter of minor adjustments to the boundaries of the local government areas. That is why I submit the amendment.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: The matter was presented by Mr. Rivers in the morning and we went over his amendment and we went over it carefully in the Committee. It is a matter of emphasis. The Committee felt and some few felt that there should be no language along this line at all, but the Committee felt that the principle should be expressed in Section 2 but that it should be deemphasized, and they were willing to adopt and recommend this language that "may give consideration to local government boundaries". Note, not to their coincidence but merely that

"may give consideration to local government boundaries". That language the Committee felt would be appropriate if it were necessary to include any such language, but that from an emphasis viewpoint the other language proposed might result in a situation where too much emphasis were given to the considerations of the local government boundaries and to whatever boundaries have been fixed.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, the way that I understand the amendment, the word says "shall" be adjusted. You have hamstrung the apportioning board as set up in this article whereby they "shall" adjust the future election and senatorial boundaries to the local government boundaries. I was one that was, that actually did not particularly care in Committee to see any mention of this. It should be in the Local Government Committee report but inasmuch as it was presented by a delegate, I thought it should at least be watered down. The seed has been planted. It should say "may be" not "shall be adjusted". I would like to amend with the permission of the delegate that submitted this amendment, amend the word from "shall be" to "may be". I so move.

PRESIDENT EGAN: Mr. Cooper moves that the proposed amendment be amended to change the word "shall" to "may". Is there a second to it?

GRAY: I second the motion.

V. RIVERS: I want to point out that Mr. Cooper took "shall be adjusted" out of context because the whole sentence reads "may be adjusted insofar as practicable." Both points cover the same substance. I object.

PRESIDENT EGAN: It has been moved and seconded that the proposed amendment to the amendment be adopted. Mr. Cooper.

COOPER: The reason I say "may be" is on line 17 and 18 of the committee report on page 2, it says, "shall contain as nearly as practicable relatively integrated socio-economic area", and it is literally covered in entirety right there. This amendment is that. That is why I move the adoption of "may" instead of "shall".

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I think Mr. Cooper has overlooked the fact that Mr. Rivers is not talking about the district lines as the Committee has done it but he is talking about future apportionment, reapportionment, redistricting, and I think it is imperative that any redistricting or reapportionment of lines in the future give very noticeable cognizance of the boundaries which by then have been established as local government boundaries. I would be

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very much upset if somebody tried to change the local government boundaries of the area in which I was operating and attempting to be mayor or something else.

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

GRAY: The way I see this is that it does not seem to me it would be practicable to divide a subpolitical district like a borough with a major election district or a senate district. I don't really believe that any such condition will ever come up or ever exist. I believe the word "may" preferable to "shall" because we are protecting ourselves with the unknown and in case there may be some good reason and it is practicable, I think the districting board has all the authority under "may" as they have "shall" and "shall be" is a restricted clause. The only answer to any redistricting is what is the fairest to the people concerned. That is what we are trying to do. We are trying to bring fairness to the people and the only way they are going to have fairness is to have the board of apportionment with a little flexibility. That is the reason I prefer the word "may".

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for a few minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us the proposed amendment to the amendment as offered by Mr. Cooper. Is there further discussion? If not the question is, "Shall the proposed amendment to the amendment be adopted by the Convention?" All those in favor of the adoption of the proposed amendment to the amendment will signify by saying "aye", all opposed "no". The "ayes" have it and the proposed amendment to the amendment is ordered adopted.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: I will now withdraw my amendment.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that his proposed amendment be withdrawn. Is there objection? Hearing no objection it is so ordered. Mr. Hellenenthal.

HELLENTHAL: Mr. President, I want to first go over them all together and then singly but there were three amendments to Section 2 that the Committee met with and recommends. One is that in Section 2, at page 2, line 18, following the comma and after the word "areas" add: "may give consideration to local government boundaries."

PRESIDENT EGAN: You ask that that be taken up as an individual

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amendment?

HELLENTHAL: I thought I would give all three first and then we can take up them individually. The second amendment is lines 5 and 6, page 2, strike the words "adjoining it having the least civilian population" and insert "within its senate district". The "shall" is misplaced but I will trust Style and Drafting to that limited extent.

DAVIS: It does not make sense.

HELLENTHAL: I think it does.

PRESIDENT EGAN: The Convention will come to order. What is your pleasure, Mr. Hellenthal?

HELLENTHAL: I think you will find it does make sense. Now the third amendment will be on line 3, page 2, Section 2, after the word "quotient", add "but only then" to "such election districts shall be attached". I am sure Style and Drafting will come out with "only then shall such election districts be attached." But we will overlook that for the moment, but add the words "but only then". Those are the three amendments that are proposed by the Committee following its hearing this noon.

PRESIDENT EGAN: What is your pleasure, Mr. Hellenthal?

TAYLOR: Just for a point of information, Mr. Hellenthal, would it not be better in that second amendment that the line 4 on page 2, so that it would read "such election districts shall be attached to another election district within its senate district." So that it would be attached to another election district within its senate district. That is just an idea, but I thought it might be worthwhile.

HELLENTHAL: How would it go?

TAYLOR: "Shall be attached to another election district within its senate."

HELLENTHAL: I think it would accomplish the same purpose.

TAYLOR: Another election district within the senate district.

HELLENTHAL: I think it would accomplish the same purpose and if no Committee members object, I would agree to it.

PRESIDENT EGAN: Do you move the adoption of the proposed amendment?

HELLENTHAL: Yes, as with Mr. Taylor's suggestion. In other words, that "the" in line 4 be stricken and the word "another"

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inserted in its place.

PRESIDENT EGAN: Is there objection to the proposed change?

WHITE: May I ask a direct question? Mr. Hellenthal, this did not occur to me when we discussed this earlier. In view of the fact that an election district sometime in the future might be subdivided, and that you would therefore have three election districts within a senate district, is there any merit in retaining the words "having the least civilian population"?

HELLENTHAL: That has been omitted.

WHITE: I understand that. I am asking if there would be any merit in retaining those words?

HELLENTHAL: I don't think so.

WHITE: When you subdivide an election district in the future you would then arrive at a situation where you had three election districts within a senate district and if one of those election districts ceased to exist and you wanted to attach it, you would then have an option of two election districts within the senate district to attach it to.

HELLENTHAL: No, on the theory that was advanced for purposes of senatorial representation, the election district maintains its identity, you remember in response to Mr. Taylor's questioning. I don't think there is any problem.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, I would like to clear that up a little bit. Before there could be three election districts within a senatorial district the third election district in being redistricted would have to have the quotient; therefore, you would not have your minimum population in any one of the three before it could be redistricted. Do I make myself clear?

COGHILL: Maybe I can help. Mr. Hellenthal, I think the point Mr. White is bringing out there is that supposing a senate area which we have now, having two election districts in it, should have another election district added, making three. Well, then supposing something happens to the economy and another one of the districts should decline. Well, his point of asking, adjoining to the least civilian population is within that senatorial district, where is that third or that one with the minority amount of population? Which district is it going to join to get its representative area?

GRAY: I believe this case we are projecting ourselves too far to the future. We are projecting ourselves beyond three or four, beyond 30 or 40 years. We have an apportionment board to take

care of those things, and I believe that the apportioning board is in a better position to handle this situation. It may be better for them 30 years from now; there may be a reason why it should go to one district or the other. Let's leave that to the apportioning board of the future.

PRESIDENT EGAN: We actually have nothing before us. Mr. Hellenthal, do you ask unanimous consent that your proposed amendment be adopted with the wording changed as suggested by Mr. Taylor?

HELLENTHAL: I was going to move on behalf of the Committee that each amendment be considered by the body in turn, and I would then go back to the first amendment and I think it was the one involving lines 5 and 6, at line 3 of page 2, after the word "quotient" insert the words "but only then", and I move, Mr. President, on behalf of the Committee that in line 3, page 2, of Section 2, after the word "quotient", the words "but only then" be inserted.

PRESIDENT EGAN: You ask unanimous consent?

HELLENTHAL: No, I do not.

PRESIDENT EGAN: Mr. Hellenthal moves. Is there a second to it?

KNIGHT: I second the motion.

GRAY: I did not agree with the rest of the Committee on this particular item. This particular item is more important in the three words that are there, but only then. What we have used here from a mathematical basis is a quotient that represents one representative district. In order to allow a little leeway so that if you drop one behind the quotient you are not out. They fall and they can fall down to 50 per cent before they are depopulated sufficiently to lose their identity. In order to create a new district, or in this case re-create, before you are authorized or qualified to receive a representative, you must have the full quotient. In this particular one here, as soon as you get back to your half quotient you get a full representative. Now you must remember that when you give a representative to a half quotient you take it away from someone else. They necessarily don't earn it. They necessarily don't earn it until they have a full quotient, and you are taking, in respect, away from some more deserving area. In other words, if you create a new district, they have to qualify with a full quotient. When one of these districts falls below the 50 per cent, it loses. To re-qualify it must be a full quotient. Another thing you are going to get to the point, a family moves into town, they have no representative. A family moves out of town, they lose it. You have an absolute ratio of one person who makes a difference whether you lose your representative or

gain it. I don't believe that is the proper way to look at it. They maintain their election district and you give them 49 per cent leeway until they lose it, but when they start to regain it, they must come up with a full quotient to regain their adequate and full representation.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I don't quite understand why the addition of these words would in any way strengthen this particular sentence. It seems to me that the words, "Should the total civilian population within any election district fall below one-half of the quotient" is just as direct as adding the words "but only then". I don't see the addition of the words in any way clarifies the section or makes it any stronger or less strong than it is. I may misunderstand what the Committee had in mind. I would like to ask Mr. Hellenthal or someone on the Committee.

HINCKEL: I asked that the three words be put in so I will try to explain it as I did in the Committee. I just wanted to be sure, I don't care how it is done, I thought the three words would do it. But I wanted to be sure that it was fully understood that only when a district population of the district dropped below the one-half of the quotient could they lose their individual representative. I did not want some strong governor in the future to decide that he would abolish a district for some political reason and that was my reason for asking it. It was not the reason Mr. Gray gave, and I don't agree with him that it would have that effect, although it might, but if it did, I would still agree with it because I tried to get that put in in another place but it failed. In any event, I don't care how you accomplish it. Style and Drafting can change the wording around as long as they accomplish the purpose I had in mind. That is, once you have your district established as they are established now, that nobody can take that representation away from you at all. You have got to qualify for losing it by having the population of your district drop below the minimum figure that we set up which is half of a quotient.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I agree with Mr. Johnson that the section already said exactly that. The condition, the only condition under which the governor or the reapportionment board could hesitate to use the term "collapse an election district" would be should the total civilian population, etc., fall below one-half of the quotient. Adding "but only then" adds nothing to it in my view. I wonder if the Committee does not have the same view, so we could dispose of this without having to put it in.

PRESIDENT EGAN: Mr. Gray.

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GRAY: That protection is already restated before. What is coming out of this thing is the implication on re-creating new districts on the 51 per cent. That is the way I read it.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Is it not a little dangerous to put that in? It seems to me it implies that the provisions of the article will all have to be strengthened by some kind of a phrase like that, while as it reads now, I can't see there could be any other circumstances to cause a district to lose its representation except that it falls below the quotient.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I think the section or the article could be construed to mean, with or without that phrase, I think it is emphasizing, attempting to emphasize the fact that is the only way, the only circumstances under which the representative of an election district can be merged in with another, is that when it falls below one-half of its quotient. It is just an emphasis you might say upon something that is already in there.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I think here again we are working ourselves into a pretty funny position that we have done several times before. We read a section, go over it and a member thinks that it is not clear enough and everybody is agreed on what the intent is. A delegate gets up, and proposes a few words to clarify it. We argue a long time. We vote them down and by voting them down we then create a doubt as to what we meant all along. Why not let them go in and let Style and Drafting take care of it. I think once the matter is brought up, if we are all agreed on what the intent is, why not let the wording stay in there if there is no danger.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I think for the purpose of the record, we need to clean up right now what we mean here with respect to what Mr. Gray said. Mr. Gray said if we put in "but only then", we are saying that once a district has been collapsed, because it falls below one-half of the quotient, that when it gets back to one-half of the quotient, it shall be restored. I don't read it that way at all but that is what Mr. Gray said was the purpose of the amendment. I think we should have a clear agreement here that is not the purpose of it.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I feel the way that Mr. Sundborg does that this in no way infers that a district, once it goes below the 50

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per cent of the quotient and then rises again, has any chance of coming back into existence until it has reached the full quotient. That is the feeling I got in the Committee and is the intent all the way through.

GRAY: If that is true, I withdraw my objection. That is the only point I wished to make.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I differ from what Mr. White said. It seems to me if we adopt these words, Style and Drafting will not be able to take them out, or at least will not be able to take out words of some similar importance. If we don't want them in there we had better not vote them in. If they don't add anything or subtract anything, then we probably should not put them in in the first place.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Hellenthal be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption. Are there other amendments?

HELLENTHAL: I would like a one-minute recess to confer with Mr. Taylor with regard to this amendment.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair notes in the gallery the Eighth Grade class from the Parochial School, and we are happy to have you here with us this afternoon. The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Section 2, page 2, lines 5 and 6, the following words be stricken 'adjoining it having the least civilian population' and insert the following: 'within its senate district'."

PRESIDENT EGAN: What is your pleasure, Mr. Hellenthal?

HELLENTHAL: On behalf of the Committee, I move the adoption of the amendment.

COGHILL: I second the motion.

SUNDBORG: I ask unanimous consent.

HURLEY: I object.

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TAYLOR: Question.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: May we hear the amendment again?

CHIEF CLERK: "Section 2, lines 5 and 6, strike the following: 'adjoining it having the least civilian population' and insert 'within its senate district'."

KILCHER: Point of information, Mr. President. I am frankly confused about senate district and senatorial district, and I think from observation some other delegates are also confused. I wonder if we could not possibly use two less equal sounding terms? Will the Chairman please explain the exact meaning of the senate or senatorial districts or areas?

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a few minutes. I think our guest has arrived. The Convention will be at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. We are extremely fortunate this afternoon to have as our honored guest a great American, a great soldier. He represents everything that we hold so dear in freedom, in loyalty, in courage and devotion to duty. He has suffered and represents all of those who have suffered so much for each of us. A grateful people, in humble recognition, have bestowed upon him our nation's highest tribute, the Congressional Medal of Honor. It is a great privilege to present to you Major General William F. Dean.
(Applause)

GENERAL DEAN: Thank you, Mr. Egan. Friends, you make me feel very inadequate in this generous tribute. Would that I felt that I merited it. I deem it a great honor to have this opportunity to meet you and to address you here today. I know that you have a full schedule and that time is of the essence, so I won't talk too long. Since my visit here to the Fairbanks area I have been keenly interested in the work you are doing; in the thoughtful consideration that you are giving this problem of devising a constitution. I had a similar experience as military governor of South Korea. It fell to my lot to advise, I say I did not do the advising, I had experts employed by the United States government, doctors of philosophy in government and in political science, specialists who had had experience in the building of constitutions of newly freed states, but we were in an advisory capacity. We were trying to devise what we thought best for the Korean people, but we were only advisors. You have an advantage here. What you arrive at you can decide upon and put before your people by referendum to be accepted or to be denied. The way you are going at it I know you are going to come out, I am convinced you will come out with a

sound constitution, and I hope you every success in your request for statehood. You are right up here, the closest United States Territory to our most likely enemy. You are the looking glass of the United States. What you do is not only being watched in the United States, it is being watched across this narrow strait up here to the northwest. What you do here is important and what pleases me is that you yourselves are impressed with its importance. That is why I know you are going to do so well. I congratulate you. Thank you.

PRESIDENT EGAN: Thank you, General Dean. (Standing Ovation) The Convention will be at ease. The Convention will come to order. We have before us Mr. Hellenthal's proposed amendment. Mr. Robertson.

ROBERTSON: Mr. President, while the language is very simple, frankly it seemed to me, particularly in view of the fact that as I understand by the schedule there are four senatorial districts established, each of which has more than one legislative district, it seems to me that you would not know without that qualification adjoining it having the least civilian population. I can't see how you still would arrive at which one it is going to be joined to.

PRESIDENT EGAN: Mr. Gray.

GRAY: Mr. Chairman, I have wondered if the Chairman of our Committee, to avoid this confusion, we used the word "senatorial" district and "senate" district to differentiate between the two. Is that what you had in mind?

HELLENTHAL: I don't recall the Committee ever making that distinction.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: A thought occurs to me on the matter of distinguishing between the four large senatorial districts and what I have called subdistricts. I wonder if the phraseology could be changed. I think what they intended to include here or what they mean is within its senate subdistricts, smaller area. Now if the word "sub" could be inserted in front of "district" or some other nomenclature that would indicate a smaller district, I think that would make sense.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: We are all agreed on the intent within this subdistrict where it formally existed; we all know what we mean. We have had difficulty with the choice of the proper word, and I would accede for the time being until we can place this problem with Style and Drafting and our advisors, I would on behalf of the Committee consent to such temporary use of the word,

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"subdistrict" so there will be no confusion here in this group.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I was the one that objected and I recognize that my objection to this is not exactly proper in that it has been stated before and may be stated in the article, I don't think it is in so many words, that these senate subdistricts are inviolate. They will always remain except for very minor changes. So with that in mind I can't very well object to this and still be consistent. I would like to point out that with the situation as it stands here where a legislative district having lost its quotient, half quotient in this case, having lost its half quotient will be consumed by the contiguous district in its same senate subdistrict. There are only three legislative districts in the Territory that are apt then to lose both their legislative representative and their senate representative. Now, admittedly they don't lose their senate representative, per se, but by reason of the fact they are swallowed up by an extremely large population they will in fact quite probably lose their senate representation. Those three are the ones that are along side of Fairbanks, Anchorage, and probably Juneau. As I say, I can't object to this, but it is, I make this statement, I think it is an imposition on our area which I will accept because for the better good of the Territory. I withdraw my objection.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Hellenenthal be adopted by the Convention?" Mr. Johnson.

JOHNSON: Point of inquiry. Is the word "sub" to be inserted in front of "districts"?

HELLENTHAL: If it has not been inserted I ask that it be inserted.

PRESIDENT EGAN: What word is that?

HELLENTHAL: The amendment will read "within its senate subdistrict".

PRESIDENT EGAN: If there is no objection it has been added to the amendment.

METCALF: Roll call please.

COOPER: I ask unanimous consent.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Point of inquiry. Has the Committee given any thought to work out a system whereby the districts involved would have

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a choice, a referendum choice as to where they would be attached to? According to our theory of a fairly strong local government and local independence, I think it should be given some thought.

PRESIDENT EGAN: Mr. Cooper.

COOPER: I thought of it. The people do have a chance. They elect the governor that appoints the reapportionment board that will take care of this problem.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: If I can be convinced of that I will rest assured. I think this amendment here makes it mandatory that the annexation will have to be within that district, so according to Mr. Hurley's idea the Talkeetna - Palmer area would have no choice, and I don't even see that the governor would have a choice, Mr. Cooper, or any apportionment board would have a choice unless by constitutional amendment. If I am wrong I am glad to stand corrected.

PRESIDENT EGAN: Unanimous consent is asked. Is there objection to the unanimous consent request for the adoption of this proposed amendment? Hearing no objection the proposed amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: I should like a half-minute recess.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for 30 seconds.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Hellenthal.

HELLENTHAL: The Secretary has another committee amendment.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "Section 2, page 2, line 18, following the comma after the word 'areas' add: 'may give consideration to local government boundaries'."

HELLENTHAL: On behalf of the Committee I move and ask unanimous consent that the amendment be adopted.

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the amendment be adopted. Is there objection? Hearing no objection the proposed amendment is ordered adopted. Mrs. Hermann.

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HERMANN: Mr. President, I move and ask unanimous consent that the introduction of the President and the remarks of General Dean be spread upon the record of this day's proceedings.

MARSTON: I second the motion.

TAYLOR: I ask unanimous consent.

PRESIDENT EGAN: If there is no objection it is so ordered. Are there other amendments? Mr. Kilcher.

KILCHER: I move that on line 4, Section 2, page 2, that the word "temporary" be inserted after the word "be".

PRESIDENT EGAN: On line 4, page 2, Mr. Kilcher? The word "temporary" be inserted between the words "be" and "attached".

HINCKEL: I second the motion.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Kilcher be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption. Are there other amendments? Mr. Hinckel.

HINCKEL: There is only one word -- on line 7 delete the words "new district" and substitute the words "combined district".

PRESIDENT EGAN: Delete the words "new district" and insert the words "combined district". You have heard the proposed amendment.

HINCKEL: I so move.

PRESIDENT EGAN: Is there a second to the motion?

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: My reason for this is the same as some of the reasons I have given before on some of the things I have spoken on, that I do not conceive that it is the intent of this article that the districts we have on the map here be abolished. Now apparently it is the intent of some people here that just as soon as a district population drops below a certain point that that district be abolished, just wiped off the map, and I don't think that is the intent of the majority. I have tried to bring it out in several different ways, and I don't seem to be getting any place, but I am trying it again in this manner to

get it into the record that we have established districts here that are from now on to remain and have an entity. They may lose their right to individual representation but at some future time when they regain their population they will again regain the right to individual representation. Now, by inserting this change I have just asked for, it does not in any way state they will regain their individual representation as soon as they get the half of the quotient again but they can by going along for possibly 50 years which is apparently what Mr. Gray wishes, that they can eventually at some time get their individual representation back. I ask that you change these two words from "new district" to "combined district" so it will be known to the people in the future that it was our intent that they have this right to regain their individual representation when the time comes that they have the population. That is all I care to say on that subject, but if you will permit me the privilege of saying a few more words I would like to say that I can't understand why when a population drops below, say five or ten persons below the minimum required, which would cause them to lose their individual representation, you are going to make them wait possibly 50 years to get individual representation back. I don't understand why it is necessary to do that. I think when the population of the individual districts get back up to the point where they have the half again they should have it. I don't think on the other hand new districts which somebody might conceive someplace should be stuck in hit or miss all over. That would ruin the whole proposition. I have never been able to find out from anybody why it is those individual districts we have established now cannot regain their right to representation when they again have the minimum requirements that the other districts do. But anyway, forget that for the minute, if you will put that "combined" back in so the intent will be known, which I think is obviously our intent. I will soon find out whether I am right or not.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I certainly sympathize of course with Mr. Hinckel, but I think that maybe I have an idea that might do just the opposite. I am thinking now, and forgive the terminology again, that our legislative district is collapsed and then when the next census comes up we still do not have enough people in the old district to make the full quotient, but we can still, or the board can, by observing the four precepts that we have set here, set those district boundaries up differently so as to give us enough to make a district again. So I am not particularly concerned with the abolishment of that district because it may be to my advantage that the next time we come about, call it gerrymandering if you want, but gerrymandering within these limits, and I can show you our own election district where we certainly have not followed these four out now, we can gain enough population to have a new one; whereas, if we had to keep our old district lines we would not get a new one. I

am inclined to think on that basis I am better off by leaving it as it is than if I would be if I put in a restriction here which tended to keep the old concept that we have drawn on that map.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Hinckel be adopted by the Convention?" The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Line 7, delete the words 'new district' and substitute the words 'combined district'."

PRESIDENT EGAN: All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposed amendment has failed of adoption. Are there other amendments to Section 2? Mr. Hurley.

HURLEY: I would like to make a parliamentary inquiry. What does the shouted word "question" mean?

PRESIDENT EGAN: The only thing it could mean, Mr. Hurley, is they are calling for the vote at that time. Are there other amendments to Section 2? Mr. Gray.

GRAY: I believe I would like the personal privilege of the floor for a minute on account of my proposition.

PRESIDENT EGAN: If there is no objection, Mr. Gray you are granted the personal privilege of the floor.

(Mr. Gray spoke at this time under personal privilege.)

PRESIDENT EGAN: Are there other amendments to Section 2? If not, are there amendments to Section 3? Mr. Robertson.

ROBERTSON: I have an amendment.

PRESIDENT EGAN: You may submit your amendment.

CHIEF CLERK: "Page 2, delete all of Section 3 and insert the following: 'The Senate shall be composed of sixteen senators four from each of the present four judicial divisions which are hereby created into Senatorial Districts. Senators shall be elected by the qualified electors of the respective Senatorial district wherein they reside.'"

ROBERTSON: I move that the amendment be adopted.

H. FISCHER: I object.

KNIGHT: I second the motion.

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PRESIDENT EGAN: Mr. Cooper.

COOPER: I don't know whether I am in exact procedure or not, but I move that the motion be laid on the table.

H. FISCHER: I second the motion.

PRESIDENT EGAN: The question is, "Shall Mr. Robertson's proposed amendment be laid on the table?" The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Page 2, delete all of Section 3 and insert the following: 'The Senate shall be composed of sixteen senators, four from each of the present four judicial divisions which are hereby created into Senatorial Districts. Senators shall be elected by the qualified electors of the respective Senatorial district wherein they reside.'"

PRESIDENT EGAN: The question is undebatable.

HELLENTHAL: I move that we have a one-minute recess.

PRESIDENT EGAN: If there is no objection -- Mr. White.

WHITE: Parliamentary inquiry. Under our rules when can you move to take from the table?

PRESIDENT EGAN: You can move to take from the table -- whether you could do it today --

WHITE: I mean the outer limit, for how long a time?

PRESIDENT EGAN: You could take something from the table at any time before we adjourn sine die.

WHITE: Actually a motion to lay on the table, if it should pass, it would leave the matter open for further consideration until the day of final adjournment?

PRESIDENT EGAN: Unless it never was taken up again. The Convention will stand at recess for a minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Cooper.

COOPER: Mr. President, with the consent of my second, I withdraw my motion to lay anything on the table.

PRESIDENT EGAN: Mr. Cooper asks unanimous consent that his motion to lay on the table be withdrawn.

ROBERTSON: I ask for a roll call on my motion.

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PRESIDENT EGAN: Mr. Armstrong.

ARMSTRONG: I believe it might be in order to hear a communication read, and if it is the will of the assembly I would like to have Mrs. Sweeney offer Mr. Shattuck's letter.

PRESIDENT EGAN: If there is no objection the communication can be read at this time.

MCNEES: I object.

ARMSTRONG: I so move.

JOHNSON: I second the motion.

PRESIDENT EGAN: The question is, "Shall the proposed communication from Mr. Curtis Shattuck be read to the Convention?" All those in favor of reading the communication at this time will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

JOHNSON: May I have the floor on the question of personal privilege?

PRESIDENT EGAN: If there is no objection, Mr. Johnson, you may speak under the point of personal privilege.

(Mr. Johnson spoke under personal privilege at this time.)

PRESIDENT EGAN: Miss Awes.

AWES: I don't know how to vote. Does voting "yes" or "no" mean --

PRESIDENT EGAN: Voting "yes" would mean that we have the communication read. Mr. McNees.

MCNEES: Inasmuch as I made the objection, may I answer Mr. Johnson's question? The communication was passed around the floor yesterday. I read it and the two gentlemen on the other side read it. It was passed down and I assume it has been pretty much around the floor. That is my reason for objection.

SWEENEY: Mr. President, may I speak on the privilege of the floor.

PRESIDENT EGAN: You may.

(Mrs. Sweeney spoke under the question of personal privilege.)

PRESIDENT EGAN: The question is, "Shall the communication presently before us be read to the Convention?" Mr. Marston.

MARSTON: Mr. Chairman, Mildred Hermann had a very hard time getting some very fine letters read here onetime. I worked against her. I said then I wanted all the letters read or none of them. I think we open the way to a lot of propaganda here from various organizations.

MCCUTCHEON: Point of order. The matter of reading a paper is not debatable, Mr. President, according to the rules.

PRESIDENT EGAN: If that is what the rules say, Mr. McCutcheon, the Chair would stand corrected. The Chair did not have any idea that the matter of reading papers was not debatable.

MARSTON: I am going to vote for the reading of this letter.

PRESIDENT EGAN: Mr. Marston, the Chair will uphold the delegate who has read from the rules and we have before us the matter of reading this communication. All those in favor of having the communication read will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the Chief Clerk may read the communication.

SUNDBORG: May I have the floor on a matter of personal privilege?

PRESIDENT EGAN: If there is no objection, Mr. Sundborg, you may.

(Mr. Sundborg spoke under the question of personal privilege.)

SWEENEY: I think the statement was hardly necessary. This is nothing more than a statement by a member of the audience or a gallery attending our hearing in Juneau.

PRESIDENT EGAN: The Chief Clerk may proceed with the reading of the proposed letter.

(At this time the Chief Clerk read the complete text of the Shattuck letter.)

PRESIDENT EGAN: The communication will be filed. Mr. Robertson.

ROBERTSON: Mr. President, speaking in support of my motion, I would like to say that I think that this attempt to base the senatorial representation whereby population is involved in the method of arriving at the senatorial representation almost avoids my necessity or desire to have a bicameral system. I can't see any particular value if you are going to elect both senators and members of the house based entirely upon population. Now, while it is true this purports to be based partly on geography, I think one house should be based entirely upon geographical representation and be elected at large. As Mr.

Shattuck's letter has said, the smaller communities have been well represented in the senate. We not only have Doris Barnes from Wrangell and James Nolan from Wrangell, we at the present time have Marcus Jensen from the small community of Douglas, and I feel it has worked out very well that they do represent the entire division, and that is only the right way to do it. Furthermore, it seems to me we are losing sight of the value of the experience of the Territory of Alaska since 1913 in so electing, at least our senate, and I believe that we should not ignore that experience; furthermore, this constitution as necessary will be permanent, at least until it is amended, and under this principle one division gets six senators, two get five senators and or one gets four senators. Now based upon population alone can justify that differential; and furthermore, the proponents of the proposal conceded this morning that no matter how the population of the Fourth Division might increase, it is perfectly imaginable that in less than 10 years the population of the Fourth Division can be twice that of the Third or First Divisions. The Second Division one time, some 50 years ago, was the big populated division of the Territory of Alaska, no matter how small it is now. Juneau, of the First Division with pulp mills coming in, it is entirely foreseeable that within the next 10 years we will have 50,000 more permanent people there with their homes, and I submit that the permanency of it is in error. It is a mistake to make this permanent so we are going to have a different senatorial representation. The senators ought to be elected on the basis of representing their particular senatorial district and also representing the Territory, and we should not do it at large. We should confine it to the geographical situation. The judicial divisions have worked out satisfactorily in this Territory since 1909, and there is no reason under this Section 2 if they don't work out satisfactorily why this apportionment board cannot correct them. It seems to me that every delegate from the Second, the Fourth, and the First Divisions ought to be behind this amendment, and there is nothing wrong about it. It is meritorious and supports the bicameral system of legislation. Also, based upon our past experience it gives us all equal representation in the senate.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Robertson be adopted by the Convention?" The Chief Clerk will call the roll.

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

Yeas: 4 - Barr, Nolan, Robertson, Sweeney.

Nays: 50 - Armstrong, Awes, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg,

McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich Poulsen, Reader, Riley, R. Rivers, V. Rivers, ' Rosswog, Smith, Stewart, Sundborg, Taylor, Walsh, White, Wien, Mr. President.

Absent: 1 - VanderLeest.)

CHIEF CLERK: 4 yeas, 50 nays, and 1 absent.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has failed of adoption. Mr. Kilcher.

KILCHER: May I explain my vote?

PRESIDENT EGAN: If there is no objection, Mr. Kilcher, you may explain your vote.

KILCHER: Mr. Robertson, I would have voted in favor of this amendment of yours but I recognize it is only one-half of a very good proposal that you had in the beginning of the session, a proposal that on the other hand had in mind a larger house. I don't want to say a lower house, a larger house that gave considerable recognition to the principle of area, but since that part of the proposal is not existing anymore I naturally had to vote against your present amendment.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, I see In the gallery that we have a senior senator from the Fourth Division, Senator Butrovich, and I would move and ask unanimous consent that he be granted the privilege of the floor and be greeted by the Convention.

PRESIDENT EGAN: The Chair also notes that we have in the gallery the Territorial Commissioner of Health, Dr. Albrecht. We are happy to have you here with us. (Applause) Are there other amendments to Section 3? Mr. Hinckel.

HINCKEL: I have an amendment prepared but if you will permit me to ask another question or two, perhaps I can save some time on voting.

PRESIDENT EGAN: If there is no objection, Mr. Hinckel.

HINCKEL: On line 15 of page 1 It says, "Reapportionment shall be by the method known as the method of equal proportions except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative." The word "reapportionment" to me means that not the apportionment that has been done by our Committee but the reapportionment that will take place in the future. Two or three times already I have tried to get

this thing clarified and each time I am voted down. To me it does not make any sense whatsoever. In one sentence we say we are going to have 50 per cent of this quotient that will entitle an area to representation, and then they get up on the floor and say it does not, so I have prepared a proposal that says we shall strike on line 16 the word "except" and then strike all of line 17, 18 and line 1 on the following page. Then the thing is in line with common sense; whether or not it expresses the intent of the Committee I don't know, but it was not my Intent, but since they tell me that it is not possible for area to have representation on 50 Per cent of the quotient, I don't see why it should be in the article. If somebody will explain to me that I am wrong, I will not submit this; otherwise, I will submit this proposal.

PRESIDENT EGAN: Mr. Gray, could you explain it?

GRAY: I would like to explain it. Mathematically you need a full quotient. Now we had these areas selected out, there were just a couple of votes behind, and they had a major fraction, this other group had a major fraction, and from a moral standpoint, as explained last night, it is a deviation from exact true representation, but the moral factor comes in, the fact that we will allow these people of this first representation. Now, when you are creating new representation, that is a different problem. That is where the difference comes in. In creating new representation, if we had created on the created districts, on the half quotient basis, we would have a house of 80. We created on a basis of the full quotient, with these isolated areas as we saw giving representation on the major fraction. It filled out our representation. That was a modification of the present plan, but with your previous suggestion, you create a membership of a major fraction which is not the purpose of creation.

HINCKEL: I have never at any time, sir, asked that any new areas that are created be created on the major fraction basis. I have never suggested that, I merely stated that those areas which we have created in this plan of apportionment, if they lose their major fraction and then regain it, that they be permitted to regain. I will grant you voted all that down, still cannot reconcile this statement that I am now forced to ask be stricken with the fact, with the statement you just made prior, that in reapportionment you are going to use the method of equal proportions, with exceptions.

KILCHER: May I ask for a minute recess.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for 15 minutes.

RECESS

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PRESIDENT EGAN: The Convention will come to order. Are there amendments?
Mr. Robertson.

ROBERTSON: Mr. President, I would like to ask what is the article of "blank" that is referred to in the last line of Section 3. Are we buying a "pig in the poke" or what are we getting on this?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I believe the article which you are referring to, sir, is the definition of the boundaries of the map of the districts that we have set forth in the maps.

PRESIDENT EGAN: Section 25, is that the one it refers to?

ROBERTSON: The documents are attached to the back. One is No. 2 and No. 3. Is that what we are buying if we adopt Section 3?

PRESIDENT EGAN: Mr. Hellenenthal, can you explain?

HELLENTHAL: The matters attached are the schedules referred to. For example, in Section 1 we refer to the schedule set forth in article "blank". Then article "blank" is the schedule referring to the house which is cross referenced as provided in Section 1, article "blank", etc., and the same principle applies with regard to Section 3 and the next schedule which is referring to the senate. They are a part of the constitution, but they are set out in the back of the printed constitution. We are following the Hawaiian pattern here.

PRESIDENT EGAN: Mr. Barr.

BARR: May I ask a question? Then in referring to the boundaries of the election district you would refer to Section 1 of the back schedule, is that correct? Section 2 deals with the senate.

HELLENTHAL: Section 3.

BARR: If you want to refer to the boundaries of the election district you refer to Section 1 of the attached schedule?

HELLENTHAL: You refer to Section 1 for the boundaries and Section 2 for the names and composition.

PRESIDENT EGAN: Are there amendments to Section 3? Mrs. Sweeney.

SWEENEY: I have an amendment if we could be at ease for a minute.

PRESIDENT EGAN: If there is no objection, we will be at ease.

If there is no objection, the Convention is in session and Mr. McNees may proceed with his question.

MCNEES: In speaking of the four or five, and I am using these two numbers, the four or five districts as laid out currently in the house plan, as Mr. Hellenthal suggested this morning, you referred to those four or five when you spoke of them as Isolated areas. I would like to know your definition of that term as used there.

PRESIDENT EGAN: Mr. Gray.

GRAY: I do not understand your question.

MCNEES: You mentioned these four or five that would be low, possibly in reapportionment, as isolated areas. I see one in what would be Southcentral, possibly two in what would be Northcentral, one in Northwestern and possibly one in Southern. I wonder what you meant they are isolated from?

GRAY: This was trying to explain a portion of the group. Now there is one thing that should be apparent to everyone. They do not lose their representation. They lose the opportunity of selecting their representatives from their immediate surroundings. No one loses his personal or her personal representation. They just lose the privilege of selecting the representative from their own immediate geographic group. What I had in relation to was in trying to explain that reapportionment shall be by the method known by equal proportions, with the proviso that except that each election district and the major fraction shall be represented. That word should be "existing". Now when the reapportionment comes up in 1961 It may so happen that some of the remote areas or low populated areas may drop below this major fraction and they will be combined. There are other sections that will drop below the full quotient but remain above the major fraction and so they will keep their representation. That was what I was trying to explain at the time I mentioned this.

MCNEES: In conjunction with that answer then Mr. President, I have here in this hand manual, American State Legislature, which is the thinking behind the model constitution, two or three very short excerpts that I would like to read to the group, because I think it is appropriate. "in any consideration of reapportionment of the state legislature, the allocation of seats, which it means primarily, the question arises, what should be the basis of representation? Should it be all the people or only the citizens, or would it be better to consider only qualified voters, or only those who bother to vote? The state constitution makers are not in total agreement regarding the solution of this problem, but population and area are the most commonly accepted criteria." The second excerpt, "Population is also the principal basis for representation in the

lower chambers, although many state constitutions contain provisions and make reapportionment very difficult. Twenty-one state constitutions specify population as the basis of apportionment and various other states use various other means." Third excerpt, and this will sound very strange coming from a person very much interested in unicameralism three weeks ago, but as I promised you at that time, that if we went in favor of a bicameral legislature I would give it my entire weight; therefore, I have to present this argument in order to be fair. "If bicameralism is retained by our states, and if it is to have any vital significance, the two chambers should have fundamentally different representative basis or they serve no useful purpose as a check on each other. The democratic ideal of equal representation and our traditional acceptance of bicameralism are in conflict. It may be necessary to abandon the second if the first is accepted. If we are to retain and invigorate bicameralism there may have to be a modification or rethinking on the theory of popular representation." Then what are the possibilities for a different basis of representation for a second chamber, speaking now of the house or the upper chamber, I prefer to use the word "senate". "A number of diverse bases have been suggested. Among these are land, property, political or governmental units, political parties upon some type of proportional representation, occupational or functional representation and suffrage and voting performances and behavior rather than the relatively inert basis of population. No one seriously desires to represent land, called 'lands', and the present contention that acreage is favored in many of our state legislatures at the expense of the people served but to highlight difficulties" – I beg your pardon, "does not tend to serve, but to highlight difficulties inherent in popular representation and its realization. The day is passed and properly so when any purely property or tax-paying basis could be rendered acceptable or effective for the upper chamber in order to make it different from the popular lower chamber. Hence it might be safely concluded that land and property should be eliminated as a feasible alternative basis of representation." And therefore, in this Committee proposal, the only possible flaw that I can see in it is that we have tried to introduce a unicameral legislature based now upon 60 people in it in a bicameral legislative program, and I can't see that it will work. Any time you interpose your senate districts over the top of your house districts you are using the same factors in representing both houses. I throw that out only for the information that it is worth. I do not intend to submit an amendment. I have told the Committee that I would support them, at least for time being, but I do want you to stop and think about that.

SWEENEY: Mr. President, I have an amendment.

PRESIDENT EGAN: You may submit your amendment, Mrs. Sweeney.

The Chief Clerk may read the proposed amendment.

1923

CHIEF CLERK: "Page 2 of the Schedule, after the first paragraph delete the schedule and insert --

SWEENEY: That is the schedule that is attached to the back, the first paragraph of Section 3 which states that there will be 20. I don't think it needs any change on this. This would be the schedule that is attached.

PRESIDENT EGAN: The schedule referred to in Section 3?

SWEENEY: Yes, and then it is marked "page 2, Section 2", near the end of the article. I believe that is the correct place to put it; if not I will change it.

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment. It refers to that schedule in Section 3, and Mrs. Sweeney is offering a proposal for that schedule.

CHIEF CLERK: "Delete and Insert the following:

1	senator	from Senate	sub-district	I		
1	senator	from Senate	sub-district	II		
1	senator	from Senate	sub-district	III		
1	at large	from Senatorial	District A		Total	4
1	senator	from Senate	sub-district	IV		
1	senator	from Senate	sub-district	V		
1	senator	from Senate	sub-district	VI		
1	senator	from Senate	sub-district	VII	Total	4
1	senator	from Senate	sub-district	VIII		
1	senator	from Senate	sub-district	XI		
1	senator	from Senate	sub-district	XII		
1	at large	from Senatorial	District	C	Total	4
1	senator	from Senate	sub-district	IX		
1	senator	from Senate	sub-district	X		
2	at large	' from Senatorial	District	D	Total	4
4	senators	i from State	at large		<u>4</u>	
						Grand total 20"

SWEENEY: I move and ask unanimous consent for the adoption of the amendment.

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent for the adoption of the proposed amendment.

COGHILL: I object.

KNIGHT: I second the motion.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, in the same manner, this is the same plan I discussed during the time I had the privilege of the floor. I was a little hot under the collar then, but I have cooled off a little, and the only change now in this plan is that I have raised the total to 20 by giving you four senators from the state at large. This will give us equal senatorial representation from each of these senatorial districts as pro-posed by the Committee on Apportionment. I believe that this plan takes care of everyone, those in the city and those in the outlying areas. Mr. Peratrovich's objection I believe is taken care of in here. It was not really an objection really, but that is what he spoke on this morning. I don't believe anyone is hurt, and I am sure the plan is a little better than the one proposed in the proposal.

PRESIDENT EGAN: Mrs. Sweeney, would you agree to a recess to see just how -- what is the wish of the body? That is quite a long amendment.

GRAY: I make a motion that we recess for two minutes.

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

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Mrs. Sweeney's proposed amendment. Mrs. Sweeney.

SWEENEY: I don't know that there is anything more to offer on it except, Mr. President, I do want to emphasize that I am not picking any brick out of the foundation of the proposal that the Apportionment Committee has put out. The only thing is I have arranged the senators under the schedule. Each senatorial district will start out even, and who gets the four from the state at large is anybody's guess. You all have an equal chance for that.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I think after I say these few words I am going to paraphrase Mr. Ralph Rivers the other day and "let the tail go with the hide" as far as the balance of the bill is concerned, but had I known at the time that Mr. McNees advanced the matter of a unicameral legislature that the idea for senators would be proposed and apparently accepted by this body, as it is in this committee proposal here, then I should have, regardless of what I thought about the unicameral legislature otherwise, I would have gone for the unicameral legislature. The point is, as I see it here, that where two of these election districts are made into the senatorial district and you

have a senator who is responsible only to his senatorial district. When he goes to the capital and the legislature, then his first interest is going to be right in his own particular little area because that is the part he has to please in order to be reelected. He is not answerable to any other part of the Territory. If we are going to have a bicameral system that the senate and I have not had many kind words to say about the senate during my talk here, but I do firmly believe that we should have one group, if we are going to have a bicameral legislature, there should be one group elected from a larger area which represents a larger number of people because you are going to have your special interest group there in the form of the house of representatives. One more point and I will close and promise to speak no more upon this bill, but when it comes to a matter of saying the people here who are from the outlying areas, and the outlying area is the place that has elected me to this Convention, and to the legislature, and they are the ones I support the greatest, but we are overdoing the outlying areas here forgetting the point that these delegates here, and I am going to speak to you and could call you by name, who have political ambitions and who are in the outlying areas and want to carve out for yourself a little district. That is fine, but I want to call attention to this: when you say that by electing a senator from a division at large or from the Territory at large, you say he is going to be elected because he is from Fairbanks or Anchorage or the bigger city. How about the delegate here, and I will mention the one where we have no delegate present -- we will say here in District 16 of our division here in Bethel. Now Bethel controls the vote in that particular area. How about the little fellow from up here in Akiak, he wants to file he does not stand a chance to be elected as representative in that district because he does not come from Bethel. That is the big city, and all things being equal the resident of Bethel is going to be elected. I submit there is no unfairness on the part if a senator happens to be elected from Fairbanks or Anchorage, you have the same system. In closing I will say it is just one of those deals where "big fleas have little fleas upon their backs to bite them", etc.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: My name has been mentioned as to objecting to a certain program here. I want to make my position clear. I was elected at large from the First Division, and we have some delegates here that were elected from precincts and then you have some elected at large from the entire Territory, and we have been in session now for over 40 days, if I am correct, and I have not seen any distinction whatsoever. No one has asked you if you have been elected from the precinct. We have all participated here for the good of Alaska. I think that is what will prevail in our future state. I for one have no ambitions to be a senator from Klawock, but I do want to feel that when I go back that I can tell the people, "You are going to be

represented if you can produce the timber. It is up to you to get down and dig." I can't foresee anyone there now that can participate and do a good job. Maybe you have the same condition up here, but do not try to confine it to the First Division. I have no feeling here that I can use what I accomplish here, if I can, to my own advantage. My interest here is trying to equalize representation in our government. The thing can work both ways. Mr. McNealy says we are paying too much attention to the outlying districts. That may be true. Can he guarantee there will be a senator from these little areas it was just an accident that I was elected. I will go back to what I said this morning. I think the reason I was elected was because I participated in my party to the fullest extent. If you are active, I don't care what organization you belong to, you are going to be recognized. I think they should have that opportunity. I am not guaranteeing there is going to be a senator from these little areas, but I think they should have that opportunity.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, at one time I might have had political ambitions, but I could not get the Cooper homestead made into an election district so I have given it up. The \$1,750, roughly, that I have earned to date, to the greatest extent I have earned because of the time that I spent on the Apportionment Committee trying to redistrict, reapportion Alaska as of the 1955 Act under which we are here. The Apportionment Committee has had literally everyone of the delegates in and out of its Committee meetings presenting their views, some at first selfish and later they understood that for all the people to get representation, two concessions had to be made. The election districts that were established would primarily represent the representation for the house of representatives, that would be based on population. Secondly, when it came to districting for the senate, the primary consideration would have to be given then to geographical area. We came up with a plan, 24 election districts for the house of representatives, and 12 senatorial districts for the senate. There was such high feeling in this body for having senators elected at large that your Committee in grouping the election districts together allowed that feeling a very great amount of consideration and came out with the proposal that within the former old judicial division lines, if I might refer to them as such, as nearly as possible on our new schedule, there would be two senators elected at large, that in a way was an appeasement, but it also in my estimation and in the Committee's estimation served the purpose that the voice of the people would be heard but not heard to the extent that the senators, the representation in the outlying areas would be taken away from the people. There was a reference made to, I think it was Akiak versus Bethel, that a man in Akiak could never be elected a senator. I would like to give to you another condition. I will call it Valdez versus Anchorage.

The man now In the Chair presiding at this meeting was not elected from Valdez. He was elected from that area by the people, a greater number of people in another area. The Committee's proposal takes that into consideration in that you have two senators running at large and if a man is capable of being elected from without the highly populated area; he will be elected. The people in a highly populated center, I would like to use the Fourth Division right now, as it now exists, in Bethel certainly haven't a prayer for ever getting representation if the districting continues to exist as it is now. In the last legislature your four senators from the Fourth Judicial Division and the five representatives from the Fourth Judicial Division came from within the city limits of Fairbanks. Is that any kind of representation to go back and offer these people? This amendment that is before us, in juggling the number of senate districts where there were not enough, we just add one at large which made four. In one instance there happened to be enough election districts so they were not allowed one at large but they still had four senators, but it was dispersed out geographically. In another instance there was not enough election districts to have more than two, so we merely doubled the ones by allowing two at large. Those two at large in this particular case on the senate plan, which would be in "D", I can very easily see where three senators undoubtedly would come from Sub-Senate District No. 9. Is that allowing the proper representation to Sub-Senate District No. 10 or to the people disbursed throughout Senate District No. 10? It is not. To even pile on to that higher, then you elect four additional senators at large from within the state. There again you are piling population control higher and higher and higher, as you go. The plan that the Committee has submitted to you is the result of four weeks of solid, steady work. It is the best plan, so I urge all of you to defeat any amendment whatsoever that comes on the floor for this senatorial plan as submitted to you now.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Mr. President, I want to say again that I appreciate the work that the Apportionment Committee has put into this proposal, and I am not disrupting it in any way. Mr. McNealy says that those who are elected from the outlying districts because of the vote that comes in from the outlying district, it seems to give the impression that you are representing just that little area, and the same with Bethel. He says there might be a man in Bethel who wants to be elected or a man in Akiak might want to be elected, but he can't because Bethel is bigger. Does he mean to imply that the man in Bethel is not going to represent Akiak? There is not a delegate here, I don't care where he is elected from, who is representing any small area, he is representing what is going to be the State of Alaska. I don't care where you come from, you are not localized in your attention to Territorial affairs. Now Mr. Cooper mentioned

the President being elected from Valdez but he was not elected from Valdez; his vote came from another district. That does not make any difference with the plan I have. He will come from District No. 4 If he were to run again. His district would be smaller and there is absolutely no reason why he could not be elected again. His district is smaller and he does not have to have quite the vote he had, but they will get a senator out of that district. Now, as to Plan "D", he says you will get one from District 9 and one from District 10 and that the two would probably come from Nome and maybe he is going to put them in Kotzebue. Anyway, he says there is a possibility you will have three from one of those places, but I want you to remember that is the plan in the proposal. I have not changed that. In the proposal they still get one from District 9J one from District 10 and one at large. I have given District D the opportunity, if they have qualified men, to place in nomination men for the state at large, senators from the state at large. If they have men in that D division or section who are well enough known throughout the Territory, they can run, and there is nothing that we can say or do here that will say they cannot be elected. I am not changing the committee proposal as far as Section D is concerned. I just want in closing to say this, that we have men from isolated areas, and I think that if you would just look around, you will find they are the finest representatives we have from those isolated areas. You can't look at them and say they are considering just one place or another and those people who appeared before the Committee concerned about their particular area did not go in there with an idea of pulling their weight through trying to get representation for their district. They wanted to know the plan as it was building up. They helped the Committee with all the questions in their minds, and I am sure the Committee approved their coming in there and giving suggestions, I don't believe anybody went in there with an axe to grind or with an Idea of forcing the Committee to subdivide the Territory In any way that any particular place would have a representative that they weren't entitled to. I hope you will all vote for this senatorial plan. It does not disrupt the proposal that you have before you except as to the shuffling of the senators.

ROBERTSON: Roll call please.

PRESIDENT EGAN: The question is "Shall the proposed amendment as offered by Mrs. Sweeney be adopted by the Convention?" The Chief Clerk will call the roll.

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

Yeas: 9 - Armstrong, Barr, Hermann, Johnson, Lee, Nolan,
Robertson, Sundborg, Sweeney.

Nays: 45 - Awes, Boswell, Buckalew, Coghill, Collins, Cooper,
Cross, Davis, Doogan, Emberg, H. Fischer,

V. Fischer, Gray, Harris, Hellenenthal, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Taylor, Walsh, White, Wien, Mr. President.

Absent: 1 - VanderLeest.)

CHIEF CLERK: 9 yeas, 45 nays, and 1 absent.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has failed of adoption.

BOSWELL: I have an amendment on the Clerk's desk.

PRESIDENT EGAN: Would the Chief Clerk please read the amendment as proposed by Mr. Boswell.

CHIEF CLERK: "That the schedule referred to in Section 3 be amended as follows: Strike 'No. of District' and insert in lieu thereof: 'Name of District'. Change Roman numerals to names as follows: I - Southeastern, III - South Central, IV Central, II Northwestern. Renumber election districts on page 1 to follow above in numerical order."

PRESIDENT EGAN: Do you move the adoption of your amendment?

BOSWELL: I move the adoption.

HELLENTHAL: I second the motion. Mr. President, this amendment has the support of the Committee.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: My purpose in proposing this amendment is to get away from some of the confusion that we have already had in discussing the amendment. We have had Roman numerals, letters and the proposal that mentions names, and it seems that perhaps to get away from the confusion with the old judicial division numbers that it would probably be best to use names entirely. And I have always felt that our judicial division numbers were rather disorderly due to the fact of the way they were formed, and now that we have a chance to straighten this out, I feel we should.

KILCHER: May I ask a question of Mr. Boswell?

PRESIDENT EGAN: If there is no objection.

KILCHER: This is factually unimportant, yet geographically important matter, I would like to let you hear my wish about this. I have given the similar thought about it, and I am

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wondering if you could possibly be acceptable to an amendment for the second of your areas there. Southeastern, Southcentral, Northwestern. You had suggested "Southcentral". It is considered the Aleutians and the whole coast area between the Aleutians and Southeastern. It is mainly Southeastern Alaska, if you consider Cook Inlet penetrating way in, it is still coastal area largely and only lightly touches into the central area. In this area we do not have Bristol Bay any more, which originally belonged to the Third Division. So to make it simpler, Just call it "Southern" or "Southeastern" would be sufficient and in one instance simpler to have a "Central", and the others would be "Southeast" and "Northwestern". I wonder if you would object to that?

BOSWELL: I have no particular objection to changing these names, and I think if the body would like to change any one of those names that perhaps we could do that very simply. Since this is written out I would suggest that we go ahead and act on it. If it does not pass, fine; If It does, then we can change those names. I talked with several and we talked about Southwestern Alaska, which If you look down the Aleutian Chain, it is southwestern, and then you have that large area up around Prince William Sound, that is Southern Alaska. It seemed like "Southcentral" might describe it better, but I have no particular objection.

PRESIDENT EGAN: Mr. Marston.

MARSTON: I wonder if Delegate Boswell would come over and show us those areas so we can make up our minds, on the map.

PRESIDENT EGAN: If there is no objection, Mr. Boswell, would you care to do so? Mr. Fischer.

V. FISCHER: I would like to request the Chief Clerk to read the last part of the amendment.

CHIEF CLERK: "Renumber election districts on page 1 to follow above in numerical order."

BOSWELL: In referring to the map, this would be Southeastern, Southcentral and Northwestern, and due to the fact that Central follows in here, we would start that numbering 15, 16, 17, 18, 19, and 20, and then 21, 22 and 23 and 24, so we would have numbers running in sequence along with it.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: I think if we gave the matter a minute or two thought, I would like to hear somebody else from the Southcentral area because in the geography books it will be applied, and it will be well known, so if we call one "Southcentral" here, there we might call the other "Northcentral"; we might give it some thought

before we establish it as definitely historic.

HILSCHER: I think "Southcentral" for the Anchorage-Kodiak area is a good name. I would not favor "Southwestern" because it would give you the impression of being farther away. I see no reason why "Southern" or "Southcentral" would not be all right. I think Mr. Boswell has a good idea.

HELLENTHAL: "Westward" Alaska, to observe the tradition.

HILSCHER: I am sorry I have no stock in the Westward Hotel.

SUNDBORG: I suggest that we vote on Mr. Boswell's proposed amendment and then if it is adopted, if any delegate wants to change any one of these names, it would be subject to change.

MCCUTCHEON: The question is Mr. Boswell's amendment without any other amendment, is that true?

PRESIDENT EGAN: That is right. The question is, "Shall Mr. Boswell's proposed amendment be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Are there other amendments? Mr. Barr.

BARR: Mr. President, I have an amendment to the schedule. It speaks of District No. 24. I guess we have changed that, and I don't know what it is going to be, but I suppose we could refer to "24" for this purpose.

PRESIDENT EGAN: Would the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "Section 1 of the schedule be amended: 'that the boundaries of Election District 24 be changed to include the Village of Livengood and immediate vicinity, and the Livengood road and adjacent area'."

BARR: Mr. President, I move the adoption of the amendment.

PRESIDENT EGAN: Is there a second to the motion?

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Barr.

BARR: Did Mr. Sundborg have a question?

SUNDBORG: Point of order. It doesn't belong in Section 1, Mr. Barr. There is no reference to any boundaries and we are not incorporating this map by reference. I understand that there is to be a subsequent article or section proposed by the

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Committee which will be the section which will outline the boundaries, and I think that is the place where we should make the amendment, which you propose, if we desire to make it,

PRESIDENT EGAN: Mr. Hellenthal,

HELLENTHAL: I think Mr. Barr has accomplished his purpose with sufficient clarity, so if the amendment were to pass it could be included in the schedule and I see no reason for not considering it at this time.

SUNDBORG: I withdraw my point of order.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: I was just going to suggest that Mr. Barr add to his amendment the name "Fairbanks" since we have changed the numbers in a previous amendment and that will designate it as the name of the district; it would be the Fairbanks district regardless of what the number is.

BARR: Is that the Fairbanks election district or senatorial district?

BOSWELL: It is the election district.

ROSSWOG: I would like to ask for a couple of minutes' recess.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Barr.

BARR: Mr. Chairman, I ask unanimous consent that the figure "24" be changed to the word "Fairbanks" and make it read the "Fairbanks Election District".

PRESIDENT EGAN: Don't we have the original motion before us at this time? Did you not make another motion prior to this time? You are asking unanimous consent that this particular amendment be amended? Is there objection? Hearing no objection it is so ordered. The amendment to the amendment. Mr. Barr.

BARR: I would like to talk on this. It is pretty hard for anyone who does not know that country to visualize it or to understand the socio-economic conditions, etc. I would like to go up to the map and explain it, but I would rather have someone else talk or ask questions first so I can answer those questions while I am up there.

COGHILL: Mr. Chairman, I feel that being born and raised in this area that I could probably talk on it just as intelligently as Mr. Barr, and I am opposed to his amendment from the standpoint that the Election District No. 22 is an accumulation of small villages and small towns in the central part of the Territory and needless to say we are going to need every one of those communities we can possibly have in there in order to obtain our equal right to obtain one representative out of that area. I see no reason at all why it should be engulfed into the Fairbanks large metropolitan area. The people of Livengood are mining people. If you will notice by your map, the valley follows down and the Tolovana River is a separating point between the Tolovana valley and the Yukon on the Rampart side. There are mining developments at Eureka, American Creek, Manley Hot Springs and Livengood and several smaller creeks between Livengood and Eureka. There is quite a lot of prospecting going in there. They have a survey of a road from Livengood to Eureka which is already connected with Manley Hot Springs. This area is a compact unit, it is served by airplane from Fairbanks, and so is all the rest of the Fourth Division served by airplane from Fairbanks. I believe that you are violating the Committee's thought of watershed here. The people who are living in the Livengood area will not have to go to a map and look to see where this superficial line is. They will know by our concept that all the waters that are flowing into the Tolovana River are a part of a No. 22 Election District. Everything that is flowing on to the Yukon side from Livengood is in the 23rd Election District. I believe that the point is opening an issue where that anyone of you delegates from your area can say that this little town does not belong there because we of the big city, we of another community are serving it and therefore it belongs to our socio-economic unit. I think that could apply to any place. I beg you not to vote for the amendment.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I would like to ask Mr. Coghill a question. You have this legislative districting map in front of you. What is the southwestern boundary of that legislative district? Is that geographic, socio-economic or what is it? The bottom part of 22, it wanders across the countryside there, between 21 and 22,

COGHILL: Yes, that is the watershed of the upper Kuskokwim River to the lower part, that is all of the watershed. In fact, it encompasses Lake Minchumina which also I might say is serviced by Fairbanks. It follows down, and it takes in on the northwestern side, takes in the watershed of the Innoko River and cuts across at a divide of the Yukon just above Kaltag. It is a definite watershed boundary.

SUNDBORG: Can anybody on the Committee tell me whether, if we adopt Mr. Barr's amendment, it will make any change in the

number of members that would be assigned to either the Fairbanks or the Nenana Election District, based on the 1950 census?

HELLENTHAL: No change.

SUNDBORG: I would have great difficulty in trying to decide which way to vote on this because I feel I have no information. I think it is a local problem. I wonder if we could not suggest that the members of the Convention here from the Fourth Division decide what they like and I will go for whatever that is.

BARR: You will notice that the names of three people from the Fourth Division are on this amendment, and I have not contacted them all. Mr. Collins said he was going to vote for it. I imagine they all will; of course, I can understand Mr. Coghill's not voting for it.

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess for a few minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us the proposed amendment by Mr, Barr and Mrs. Wien and Mr. Johnson. Mr. Sundborg.

SUNDBORG: May I have the floor briefly on a question of personal privilege?

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

(Mr. Sundborg spoke on a matter of personal privilege.)

BARR: After I get through talking he may have something to base his decision on. May I be allowed to go up to the map to talk?

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

BARR: Now you wonder why I am concerned about Livengood and why I consider myself competent to talk on it. I will tell you. I was asked if I knew anybody in Livengood. I do. I know everyone there. I have carried the mail to Livengood by air for the last 10 years, and I think that I know pretty well the way they think and what they want. I also know quite a bit about the economy there and the terrain. I know every tree between here and Livengood. I maintain that the Committee inadvertently overlooked their socio-economic theory, or at least they leaned to one side in putting the line where they did. Their method was to follow the height of land or some stream or some prominent feature of the terrain like that or to group

the peoples In a certain economic area, and if one overbalanced the other then they went by that. In this case the height of land is not very definite. There is no great mountain range along there. You are crossing over ridges, low hills and what not. There are two or three single mountains that stand out but the economic situation is definite. It is linked to Fairbanks. The only way you can get out of Livengood, really outside of by air, is by road and you have to go to Fairbanks if you go on the road. If you go by any scheduled airline you probably go to Fairbanks also, and if you send any mail out it will go to Fairbanks by scheduled airline. The population is very small. It is around 20 permanent population, and during the summer, it may reach 50. It did not this summer, so by cutting that off of Election District No. 22, Mr. Coghill's district, you are not cutting off many people, and John here said it would not change the representative situation, and it would not gain a great deal for the Fairbanks district either in the number of people, but I am speaking here because I know what the Livengood people would like. Now there are only, as I say, about 20 people, and the money invested in Livengood is Fairbanks money and always has been. A great many of the people that live there also have homes In Fairbanks. Sometimes some of them spend the winter in Fairbanks. They are connected in every way with Fairbanks and they are not connected with anything else. Mr. Coghill states that there has been a road surveyed from Livengood to the Eureka mining area and that is true. Some people have plans that some day there will be a road through there; so far that is only a dream. That has been surveyed for quite awhile, just like the Chena Hot Springs road. If that is ever put through, it does not change the situation. It connects Livengood with the Eureka mining district which is a group of small mining camps and then it goes on to Manley Hot Springs which is a small village, but it is still connected with Fairbanks by road and Fairbanks is still their main source of supply. Now, the idea was advanced to me that this Fairbanks district, which is a fairly long district, an irregular outline extending northwest and southeast, if it were extended to the northwest a little more, narrowed down, it would look like we were gerrymandering, reaching out to get a few more votes. You would not get more than 20 votes and I submit to you that now is in this angle up in here, and to include Livengood in this corner they have taken it in and it is not connected with anything. If you want to get out of there now and get into this area, you have to walk through swamps and tundra, so there is no case of gerrymandering there. In fact, I think It Is just the opposite. We are just putting them back where they belong in the first place. By the way, we had a little talk over here, most of the members of the Fourth Division are for it. Mr. Taylor advanced the idea, well, give it to the 23rd because more villages need a few more votes. He does not care to have it particularly, but I say that the people in Livengood care, and that is who I am speaking for here. Now, the argument was brought up on the floor too that I would say or that the feeling

here was that it was connected to Fairbanks by air, and that was no argument for its inclusion. I am not using that argument. It is connected by air, it is served by air, like the other small villages around here, but it is also served by road, and that makes a big difference and Fairbanks is a source of supply. It does not make any difference whether it is by air or road or any other means. Another argument against this Idea is that if this is done it might open it up here so that other members here would want to cut off a certain bit here and add it over there. I don't think anybody will vote for that unless it is a good argument, and this Committee has done a very good Job in outlining these boundaries, going by the socio-economic theory and by the terrain, and I submit to you that they did not adhere strictly to that in this particular situation, and I can understand why, because there isn't any prominent mountains or what not through here. They just went across the hills, and you can go across the hills in the same manner about five miles over here and still be in the foot hills and take in Livengood and the Fairbanks voting district and the highway. There is no great problem there at all. I don't see that would open it up. Also, to representation, would the people in Livengood, would they want to be represented by people in Fairbanks or by people elected from Livengood or Fort Yukon in case they were put in that district? All I can say to that is that some of the people in Livengood live here part of the time in Fairbanks; they know everyone in Fairbanks. Since their economy is linked with Fairbanks and a lot of Fairbanks money is invested there, Fairbanks is going to represent them better than anyone else.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Just before you leave the map, would you indicate where you suggest that boundary should go.

BARR: Livengood is a little bit above the junction here as it is shown on the map. In my amendment I say that the boundary of the Fairbanks district should be changed. In other words, it would continue on both sides up here a little bit and then come together like that, just to take in the road and the immediate area around Livengood. I don't want to take in a very great area. You can do that and still adhere to your method of outlining boundaries. I want the Committee to do it. I don't want to do it.

PRESIDENT EGAN: Mr. Collins.

COLLINS: I want to say at this time, fundamentally, I wish to support the report of the Committee in all matters that come before this Convention. I say that the Committee in this respect has done a wonderful job, and I am going to support it other than this amendment, and I am doing that because I think that I have the knowledge of this situation. The Livengood district was discovered by Fairbanks people; it was developed

by Fairbanks money. The people, 90 per cent of the people who live there are Fairbanks people, and when they cease their operations, the first place they come is to Fairbanks. We consider the Livengood section as a suburb of Fairbanks. There is no reason in my mind why they should not yield in this small respect, the Committee, to allow the Barr amendment to pass. I am for the Barr amendment.

PRESIDENT EGAN: Mr. White.

WHITE: May I ask a question of the Chairman of the Apportionment Committee?

PRESIDENT EGAN: You may, Mr. White.

WHITE: In your opinion, Mr. Hellenthal, within which district would the people of Livengood have the best chance of electing one of their own to the legislature?

HELLENTHAL: I don't know enough about it to answer that question.

PRESIDENT EGAN: Mr. Coghill, could you answer that question?

COGHILL: Why certainly, I will answer that. Election District 22, Election District 22, the district it is in now. There is no large centralized block of votes in an urban area in this district. We are all small communities and the people are elected at face value. It takes an awful lot of money to get elected from the hinterlands. I don't want to take up 15 minutes of the Convention's time arguing this plan. You know how I feel about it. It should be in 22.

PRESIDENT EGAN: Mr. White.

WHITE: If I recall my position on the next roll call, I am in a bit of a spot, and I would like to take a second to explain how I am going to vote on this. I think if I recall correctly, we heard three members of the Committee testify this morning that they had taken into consideration all of the factors that have been brought out here and still drew the line where they drew it. I am from Southcentral Alaska and don't know enough about Livengood. It is removed from my own sphere of activities. I am impressed by the argument that a number of slight alterations should perhaps be made in the boundaries as drawn by the Committee, but I suspect when we get into one, we will get into many more. I am inclined to feel that the proper place for those adjustments would be before the first reapportionment committee, therefore I am going to vote against the amendment.

V. RIVERS: Some years ago in the town of Livengood there was a member elected to the senate from the Fourth Division. His

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name was Senator LaBoyteaux. He is now dead. Some years ago I was engaged on a survey of a route from interior Alaska to the Nome and Seward peninsula area for a location of a road or railroad. We took off from Dunbar, skirted the toe of those hills and crossed over the Yukon slightly beyond Rampart. That is the line Delegate Barr has shown as the logical geographical division of that area. It is, I believe, the logical socio-economic boundary of the area and for that reason I will support the amendment.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Barr be adopted by the Convention?"

COGHILL: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

METCALF: I wish to abstain from voting.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: I would like to point out to the delegates here who desire to abstain from voting that their voting counts as a no vote.

PRESIDENT EGAN: There is nothing in the rules that says their vote is counted as a "no" vote. Mr. Sundborg.

SUNDBORG: If there is any doubt about it, I hope the record does show that I have also announced that I will abstain from voting.

PRESIDENT EGAN: The President feels the same way. The President is not convinced that this boundary should be changed, neither is he convinced that it should not be changed, so how can I vote on it? Mr. Coghill.

COGHILL: About the only way this Convention could be convinced one way or the other is to get somebody from Livengood into the Convention and I don't think that is proper because the fact is we would have the same situation happen some place else, and we can't get people in here from the areas, it is up to the reapportionment board. If the Livengood area feels they should be in the Fairbanks area, there is a reapportioning coming up, it can be taken care of at that time, but for the present time it should be in 22 because they can be and should be elected from that area.

PRESIDENT EGAN: Mr. Marston.

MARSTON: If I lived in Livengood, I would want to stay in 22 where I would have some effect on the elections. If they are in this district here they will be political oblivion. There

they are a small group of people, and I would like to stay in there. The methods are in this document, if there is some glaring error, it can be corrected in this document itself.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Mr. President, this half-hour discussion about a small matter has shown how hard it will be in the future apportioning board to make minor changes when we here in a large body, well acquainted with facts, can hardly reach a decision. Since this place of Livengood is so well represented here with the people who know the place and are lucky enough to have a friend who speaks in their favor, I am strongly in favor of this small amendment. It is too bad that others, if there are others in the same situation, have no advocates here; they will have a bad time in the future to get adjustments, but here we have a fortunate case where it is comparatively easy to reach adjustment, and those people who know the case most intimately seem to be in favor of it, so I strongly urge that the amendment be adopted.

COGHILL: I think that I could just as truthfully say that the people of Livengood want to say in the 22nd District as Mr. Barr can say that they want to be in the Fairbanks District.

HELLENTHAL: This is a good illustration of some of the problems that, as Mr. Kilcher says, can be settled in an apportioning committee or board. I will tell you, the Committee voted to hold with their original analysis, and I will be perfectly frank, as we have always been among ourselves in the Committee, I will tell you why I voted that way. Mr. Rosswog told me that he had a similar problem down in Chitina. I know similar problems were presented from time to time to our Committee. I voted to leave it to the redistricting board, confident that the omission would be cured there rather than open the door to a series of such amendments. Now, I would like to know, are there any other amendments that are being considered if this amendment, which I think is very worthy, if it is adopted? If it is adopted are we going to be deluged with similar requests? I would like to ask John Rosswog that question. I have great respect for him and I wonder just how immediate his concern is.

ROSSWOG: I do think we have a little problem in the Valdez and the other area there. I have discussed it with the member from Valdez and he is very willing to go along that we make a slight change, a little jog in the river there. Because it was in a recording district it was put in the Valdez side where I thought it should be on the Cordova side, but I of course would like to have it changed at this time but I will withhold it.

HELLENTHAL: I wonder if there are any other similar requests. I think an intelligent decision will hinge largely on whether there are or are not.

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PRESIDENT EGAN: Mr. Hellenthal, before this would come up, I certainly would want to talk to Mr. Rosswog again. I would like to consider that particular question before it ever came up on the floor, that I speak to it.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: Mr. President, In view of the fact that there seems to be quite a little doubt raised by this one particular question, I would move that we would recess until 7 o'clock.

BARR: I object.

LAWS: I second the motion.

PRESIDENT EGAN: The question is, "Shall the Convention stand at recess until 7:00 p.m.?" All those in favor of standing at recess until 7:00 p.m. will signify by saying "aye", all opposed by saying "no". The "noes" have it and the Convention is still in session. Mr. Riley.

RILEY: I want to call attention to committee announcements when we do recess.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I hoped I was not going to have to speak upon this matter, although I am conversant with the conditions that exist at Livengood and I also know the conditions that exist in other parts of District No. 22. Now this might be the start, if we adopt this amendment, of another little chopping here and a little chopping there and finally with a couple of more choppings on District 22 they will not have a major fraction of the population necessary to function as an election district. Now that is a district that has few settlements and they are all very small. I doubt at the present time if they will barely qualify as an election district. Now Mr. Barr says there are about 20 people residing there. Maybe somebody down there in that jagged line in the south boundary of the area of No. 22, perhaps will think that maybe one of those villages along the Kuskokwim should be down to give the Bethel area a little more voting power. Maybe they take 30 votes off of that. That is 50 gone out of poor old 22. So we will finally wind up that the reapportionment commission is going to find that 22 is not populous enough, so we are going to join that either on to 21 or 24 or possibly on to 23, which is the large sparsely populated area north of the Yukon River and bordering on the Canadian border. I think we would be doing the voting District No. 22 an injustice if we took those 20 or more people out of their present location and put them in 24. And I think that people of Livengood would certainly be having a feeling of importance if they knew the furor they are causing on the floor of the Convention today. I think they would be very difficult

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to get along with from now on, If they knew that they were the topic of conversation here and used up a couple of thousand dollars worth of the Convention time.

PRESIDENT EGAN: Mr. Barr.

BARR: I would like to close. I can't understand the concern over poor old District No. 22 there. According to these figures the 1950 census was 2,677. Now if we did want to put that in some area that needed 20 more votes, you could put it in the Yukon Plats area, which is adjacent. They only have 1,419 votes, but I say those people want to belong to the Fairbanks area because they know the Fairbanks people and the Fairbanks people know them and are connected with them in every way. I don't think they are worried about representation. It was pointed out that there was a Territorial senator elected from Livengood at one time. There is probably no one there who would want to run and if they had somebody else to represent them, I am sure they would like to have some of the friends in Fairbanks do it. I would like to state for Mr. Metcalf's benefit, that when I was at the map, I said that Mr. Taylor did not favor bringing in a Fairbanks election district but the majority of the people from this area are in favor of it; he was worried about the majority. He may not take it at face value, but I will say it.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Barr be adopted by the Convention? The Chief Clerk will call the roll.

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

Yeas: 16 - Armstrong, Barr, Collins, Doogan, Johnson, Kilcher, Laws, McNealy, Nerland, Nolan, Reader, R. Rivers, V. Rivers, Robertson, Sweeney, Wien.

Nays: 35 - Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal-, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Taylor, Walsh, White, Mr, President.

Absent: 1 - VanderLeest.

Abstain: 3 - Harris, Metcalf, Sundborg.)

CHIEF CLERK: 16 yeas, 35 nays and 1 absent and 3 abstaining.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has not been adopted. Mr. Johnson.

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JOHNSON: I move that the Convention stand at recess until 7:05 p.m.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the Convention stand at recess until 7:05 p.m. Mr. Riley.

RILEY: Do you wish announcements?

PRESIDENT EGAN: Yes, Mr. Riley.

RILEY: The Rules Committee will meet immediately in the gallery.

PRESIDENT EGAN: The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there amendments to Section 4? Section 5? The Chief Clerk will read the proposed amendment to Section 5.

CHIEF CLERK: This is an amendment by Committee VI on Apportionment. "Section 5, line 21, page 4, following the comma after the word 'redistricting' add: 'giving explanation for all changes from the Board's plan,'.

PRESIDENT EGAN: What is your pleasure, Mr. Hellenthal?

HELLENTHAL: I move the adoption of the amendment.

COGHILL: I'll second the motion.

PRESIDENT EGAN: Mr. Hellenthal moves the adoption of the amendment, seconded by Mr. Coghill. The motion is open for discussion. Is there discussion of the proposed amendment? The question is, "Shall the proposed amendment as offered by the Committee be adopted by the Convention?" All those in favor of adopting the amendment will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Mr. Hellenthal.

HELLENTHAL: Mr. President, the Committee offers another amendment to line 6, page 4, Section 5, and the amendment is to add the words 'with at least one chosen from each of the four senate districts', following the word "general public".

CHIEF CLERK: You didn't have "chosen" in here, but do you want it in?

HELLENTHAL: No, I was relying on my memory. It should be "With at least one from each of the four senate districts". I move the adoption of the amendment.

COGHILL: I'll second the motion.

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PRESIDENT EGAN: Mr. Hellenenthal moves the adoption of the proposed amendment, Mr. Coghill seconds the motion. Mr. Metcalf.

METCALF: Do you mean "senate" districts or "senatorial" districts?

HELLENTHAL: I use the language "senate" districts, Each of the four senate districts and the grammar and consistency, I think, is a proper matter for the Style and Drafting, if we have offended in that regard.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by the Committee be adopted by the Convention?". Mr. Hurley.

HURLEY: Was that just an insertion after "public" -- the rest of it stays the same?

HELLENTHAL: Yes.

PRESIDENT EGAN: All those in favor of adopting the proposed amendment will signify by saying "aye". All those opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Mr. Fischer.

V. FISCHER: I have a few questions to ask, primarily about the intent of the Committee. This board of reapportionment is appointed by the governor and is to act in advisory capacity to him. Is it your intent that it be a standing board or just be appointed for purposes whenever necessary for each decennial census?

HELLENTHAL: It was the intent that it be a standing board.

V. FISCHER: Another question I have, in the executive article, in Section 16, it proposes that members of regulatory and quasi-judicial bodies shall be nominated and appointed by the governor with the advice and consent of the senate. This was not included as a regulatory or quasi-judicial body.

HELLENTHAL: That is correct, and it was not our intention to so include it.

V. FISCHER: Thank you.

PRESIDENT EGAN: Are there other amendments to Section 5? Will the Chief Clerk please read the proposed amendment that's on her desk?

CHIEF CLERK: It's from Mr. Taylor. "Line 2, page 5, change word 'Supreme' to 'Superior'. Page 5, Section 5, add a new paragraph as follows: 'Appeal may be made to the supreme court of the state, by the applicant, In the event of an adverse

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decision by the superior court. The supreme court shall review the said cause upon the law and the evidence and make and file its findings of facts in conclusion of law and decree based upon the same.

PRESIDENT EGAN: What is your pleasure, Mr. Taylor?

TAYLOR: I move the adoption of the first amendment which will change the word "Supreme" to "Superior".

PRESIDENT EGAN: Mr. Taylor moves the adoption of the first amendment changing the word "Supreme" to "Superior." Is there a second to the motion?

KNIGHT: I second the motion.

TAYLOR: I would like to explain the reason for that change. In the event that there was a dispute as to whether redistricting, any redistricting act of the reapportionment act of the commission was contrary to the thoughts of residents in any one of the districts affected, that they would have the right to take the matter to the superior court in the area in which they resided. Now, in the original text here it was said that the supreme court would have original jurisdiction, but in thinking it over, I felt it was better to have the one judge or the nearest available judge of the superior court have jurisdiction, and then if there was an adverse decision against the petitioner, that he could appeal it to the supreme court so that a person would have the right of appeal if the decision went against him and that way they could have the full use of the court procedures, and I think it would be better because to give the supreme court the original jurisdiction all suits affecting any reapportionment would have to be filed in Juneau, and whereas in the superior court the petitioner could file it in the nearest superior court. I feel the change should be made. And then the other paragraph is to the paragraph inserted that after the original matter here was merely to give the supreme court the right to entertain the appeals from the superior court and decide the matter upon not only the law, but it could also take the facts into consideration. They could try it upon the record to see if the superior court had abused its discretion and had found against the petitioner when he possibly should have found for it. Now on that paragraph that I put in, I think Mr. McLaughlin showed me a draft in which that can be cut down considerably and I'd like to have --

MCLAUGHLIN: You haven't moved that one yet.

TAYLOR: Well, I would move the adoption of it.

PRESIDENT EGAN: Well, we have this one before the house, Mr.

Taylor, the first one is before the house now. Is there further discussion? Mr. Hellenthal.

HELLENTHAL: In connection with this amendment, I might say that the language that we employed came from the Territory of Hawaii's provision on this subject. There the whole matter is taken care of in the one court, the supreme court. The Committee Is Indifferent as to whether It Is more consistent that the first go to the superior court, then the same problem all over again to the supreme court, and we will abide by the decision of the body towards -- Its just a dual review and that they have no feelings on that subject. However, as Mr. Taylor indicated, if it is the intention to accomplish this result,

I think that it is done much briefer as Mr. Taylor suggested in Mr. McLaughlin's rewrite of the matter.

PRESIDENT EGAN: But this particular amendment would not be affected.

HELLENTHAL: Yes it would. I think Mr. Taylor and Mr. McLaughlin have gotten together and wish to simplify it somewhat.

PRESIDENT EGAN: We have Mr. Taylor's amendment before us at this time. Mr. Ralph Rivers, your point of order.

R. RIVERS: As I understood Mr. Taylor divided his question and moved that we change the word "supreme" to the word "superior". That's all, but he's also submitted the rest of the stuff too.

PRESIDENT EGAN: It's here, but it is not before us.

R. RIVERS: In that case all that is before us now is changing the word "supreme" to the word "superior"?

PRESIDENT EGAN: That is correct. Mr. Ralph Rivers.

R. RIVERS: In that case I would like to be heard for a moment and that is that mandamus or other comparable remedies are generally proceedings for a court of general jurisdiction. The judge sitting there is the man that issues the writs of mandamus and that sort of thing. The supreme court is primarily an appeal court, so I certainly favor the amendment that we are approaching now if we change the word "Supreme" to the word "Superior". Then I want to hear Mr. McLaughlin's draft on the appeal powers of the supreme court in case any party appeals. I would like to ask one question. Mr. Taylor, is it your intention to only let the petitioner appeal in case he loses, or could either party appeal?

TAYLOR: Either party could appeal.

R. RIVERS: I think we should so state it.

MCLAUGHLIN: In my proposed amendment to his proposed amendment, I have stricken any comment about adverse decision.

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R. RIVERS: Very well, then, I support --

TAYLOR: If we adopt my first amendment here, we will necessarily have to adopt the next one.

R. RIVERS: Yes.

PRESIDENT EGAN: Mr. Marston.

MARSTON: Mr. Chairman, I want to hear this amendment before I vote on this one right here.

PRESIDENT EGAN: Mr. Marston has the floor. For informational purposes you would like to hear the proposed amendment that is proposed by Mr. Taylor.

COGHILL: Mr. President, for informational purposes I would like to hear from the Chairman of our Committee as to this. He is an attorney and this is a legal matter and I will abide by your decision on this as to the ramifications of the law.

PRESIDENT EGAN: Mr. Hellenthal, if there is no objection.

HELLENTHAL: I would say that as a matter of indifference, but I do think that Mr. Taylor's amendment, as modified by Mr. McLaughlin's condensation of it is certainly good.

PRESIDENT EGAN: Mr. McLaughlin, would you care, for informational purposes, to read the amendment that will be proposed later if this amendment carries.

MCLAUGHLIN: Taking the printed amendment as submitted by Mr. Taylor, I would delete: "Appeal may be made to the supreme court of the state by the applicant in the event of an adverse decision by the superior court." I would delete that entire sentence. The following sentence would be: "The supreme court, on appeal, shall review the said cause upon the law and the facts." Then anybody can appeal it and the remainder I would strike, "and make and file its finding of facts and conclusions of law in decree based upon the same", on the grounds that It is mere verbiage.

DAVIS: Would you give it to us again?

MCLAUGHLIN: I would strike, on Mr. Taylor's amendment, "appeal may be made..."

DAVIS: I've got that, just start with "the supreme court".

MCLAUGHLIN: After the words "supreme court", insert the words "on appeal, shall review the said cause upon the law". I have stricken "evidence" and substituted the word "facts", inserted a period after the words "facts" and stricken the remainder

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of the sentence.

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

PRESIDENT EGAN: If there is no objection, you may.

JOHNSON: Wouldn't the object of your appeal, or rather your proposed amendment, be substantially accomplished by simply putting a period after the word "state" in the second line, and striking the entire balance of the paragraph so that it would read: Appeal may be made to the supreme court of the state"? Wouldn't that cover it?

PRESIDENT EGAN: We don't have anything before us on this right at the time. Mr. McLaughlin?

MCLAUGHLIN: I believe, Mr. Johnson, in answer to you, there was one addition that Mr. Taylor desired. He desired not only a review on the law, but he wanted to make sure that the supreme court could review all the facts as presented in the superior court. He wanted in substance a trial de novo without any other evidence than the evidence presented in the superior court. That's why he insisted that the law and facts appear there.

PRESIDENT EGAN: Miss Awes.

AWES: I just want to ask Mr. McLaughlin why we needed a sentence about appeal - most things are appealable. Is it just because it is a trial de novo that we have to have it in there?

MCLAUGHLIN: I believe that that was Mr. Taylor's intent.

TAYLOR: The reason I put it that way is the fact that ordinarily on appeal to the supreme court you go up upon the transcript and the law part, and they will review the law part, they will review this way if the lower court has abused its discretion, why they say that they hold that to be that he made an erroneous reflection or opinion, but in this, it preserves the right so that the record can go up and the appellate court can review both the facts and the law.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, since we are continually going into the whole matter, I wonder if we couldn't get Mr. Taylor to withdraw his motion, and present the whole matter to us so we can properly consider it. Actually, we only have before us one very small phase of it.

PRESIDENT EGAN: That is correct, Mr. Davis, but the Chair felt that actually, as you say, the amendment that's going to be offered will affect the decision of the body as to what they

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will do on this, so it would probably be more -- Mr. McLaughlin.

MCLAUGHLIN: Could we have a two-minute recess?

PRESIDENT EGAN: If there is no objection, the Convention will stand at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Did you ask that your original amendment be withdrawn, Mr. Taylor?

TAYLOR: I ask unanimous consent.

PRESIDENT EGAN: Mr. Taylor asks unanimous consent that his original amendment be withdrawn. The Chief Clerk may read the proposed amendment.

CHIEF CLERK: "Line 2, page 5, change word 'Supreme' to 'Superior'. Page 5J Section add new paragraph as follows: 'The supreme court, on appeal, shall review the said cause upon the law and the facts. '"

TAYLOR: I move for the adoption of the amendment, Mr. President.

PRESIDENT EGAN: Mr. Taylor moves the adoption of the amendment. Is there a second to the motion?

R. RIVERS: I second.

PRESIDENT EGAN: Mr. Ralph Rivers seconds the motion. The amendment is open for discussion. Mr. Hurley.

HURLEY: Fools rush in where angels fear to tread, but I'm going to take a chance at it. It occurs to me that by doing this we are virtually assuring what amounts to a double trial, if I understand Mr. McLaughlin's Latin right. I see no reason why the supreme court should not have original jurisdiction in a matter of apportionment which will affect the whole State of Alaska. Hence, I am reasonably certain that if anyone brings an action in the superior court of the district in which he is concerned with and judgment is against him, that he will appeal the thing. We must recognize that if we change any of these boundaries, we are liable to change the whole apportionment on the whole state, and I think it is a reasonable place to have the original jurisdiction. Now, the judicial article hasn't provided, but at least it hasn't avoided placing some original jurisdiction in the supreme court, and I think this is a pretty good place to put it. I have no objection to the other thing, but it looks better to me to be there in the first place.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: I can see, in effect, that you're putting it in the superior court and that it's closer to everyone's home. However, I agree with Mr. Hurley that actually what you are doing is duplicating the process because either the applicant or the state, the governor, will have to appeal the decision. Now, another thing that concerns me is that a very definite time factor may be involved in all this. I can easily imagine where the apportioning board may receive its information during, say, 1972. They may meet all the deadlines, the governor may issue its proclamation as required in this article in time for the 1972 fall elections, and then by a process of tying the apportionment up in the courts through the superior court and then appeal to the supreme court, we may be introducing a lag in there which may deprive the state of the benefit of a reapportionment for a period of two years, and since there will be a repetition of the presentation and consideration of facts, I certainly go along with Mr. Hurley's stand on it.

PRESIDENT EGAN: Mr. Doogan.

DOOGAN: I'd like to ask a question, Mr. President. It appears to me, from what little I know of supreme courts, that it is their right to either accept or reject a hearing of a case. I'd like to ask one of the attorneys in this body if the supreme court has to hear the appeal if they don't choose to.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: No one has said anything that isn't true. Including Mr. Hurley. The supreme court under this would be compelled, it is a direct constitutional mandate, it would have to hear the cause on appeal, just as it would have to hear the cause on mandamus as provided in the Committee's proposal. I agree with Mr. Hurley that there's nothing in the judiciary article that prohibits the supreme court from having original jurisdiction. That is, it isn't precluded from exercising original jurisdiction, and I agree with Mr. Fischer that there is a possibility of delay - that is, bringing it into the superior court and taking it up to the supreme court might encounter some delay. I would agree with Mr. Taylor when Mr. Taylor says that if you are going to have it tried, you ought to have it tried in the superior court so at least the problems can be threshed out and the supreme court will have the benefit of all the argument that took place in the lower court. But definitely anything you put in the constitution requiring any court to do anything, they're compelled to do it because they are the creatures of the constitution.

HURLEY: Mr. President, I would like to ask Mr. McLaughlin just one other question to carry that thing forward. If the original jurisdiction is in the supreme court, can't they hear the arguments in the first place?

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MCLAUGHLIN: They definitely can. No problem at all.

PRESIDENT EGAN: Mr. Kilcher has been trying to get the floor over there.

KILCHER: The one angle we shouldn't forget in this consideration is that the cost accruing to the people, possibly a small group in outlying impoverished areas, might accrue to the people if they have to try the case twice, which is almost automatically the case here. Who pays then if they lose - if they win I assume that the state might, under the law, in the future pay the cost if they win a case. If they lose, they are burdened with heavy costs, which is an added obstacle in the way of reapportionment. I would like to have this on the record and explained.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Something tells me that if they win, there will be no provision ever made for them being reimbursed. It would be a matter of statutory law and I am sure if they win there will never be any provision for securing costs against the state or against the person, the government that they mandamus. Whether they win or they lose, it is based on law of averages and experience. I think that every attorney in the place would agree that they will pay all their costs whether they win or they lose.

HELLENTHAL: I want to clear up perhaps a misunderstanding here that I may have created in Mr. Kilcher's mind. I told him that under present Territorial law, the prevailing party in this suit, even though the defendant happens to be the state, is entitled to be reimbursed for his costs and a reasonable attorney's fee and I told him that since that law was now on the books of Alaska, that presumably it would be continued over in the new state, so I don't quite agree with Mr. McLaughlin's conclusion or maybe I am wrong. I might say maybe we have a more serious problem here than I had thought.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: The reason I brought it up is if nobody deems it important enough to make, not an amendment, but an addition of some form or shape to guarantee this situation in one way or the other, I would like to have at least brought this thing up as a matter of record. I would certainly think that it should be given some small thought. It puts the burden possibly on the people who can hardly bear it and that obstacle in the way of getting just correction of the boundary.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, I am indifferent. I can see

advantages In both but I might point out to Mr. Kilcher that Mr. Taylor in moving to put it into the superior court, is moving the action to your home community and literally when you produce your witnesses it is less expensive under Mr. Taylor's system than it is going to the capital, wherever it may be, and flying all your witnesses to the capital from your own community so literally, putting it into your local court, generally you may assume it is going to be cheaper. Where the expense might be added on is the expense of appeal to the supreme court.

KILCHER: I concede a point from a sense Mr. McLaughlin, but on the other hand, the areas involved will be outlying areas, the inhabitants of which as a rule do not care to fly another 200 miles and chances in this instance would be greatly for the probability that two trials would be involved. I think I would vote against the amendment.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, I think I have the right to make the closing argument on this. It seems like all the speakers against this amendment have lost sight of one fact, that in our judiciary act, we set up a court of original jurisdiction of which we'll have the judges in various divisions and when Mr. Kilcher can say that you can fly a witness down to Juneau, or four or five witnesses down to Juneau cheaper than you can fly 15 or 20 minutes into Fairbanks or into Nome or some other place where a judge is sitting, we certainly will have changed the methods of charging for plane fare. Now another thing you have lost sight of is the fact that if we had these courts of original jurisdiction with seats, headquarters in various places, why, for the convenience of the people who are engaging in litigation and they have their trial in their home locality, because it is going to save them money, and another thing, these courts of original jurisdiction, which we will call the superior courts are the courts that are supposed to try things like that. Now if you try one in the supreme court, you have got to go back and amend your judiciary articles and say that the superior courts will have original jurisdiction in all matters except in cases involving reapportionment or redistricting and if you want to do that, it is just as easy to start this down in the superior court where it is more convenient for litigants, where it is going to be cheaper and where if you get beat in there, you do have the chance to go up to the supreme court on the record. You don't take any witnesses up there, you only take the record and why deprive a person of his right of appeal. He has a right of appeal in every other case that he is going to try in a district court in the Territory of Alaska but he is denied the right of appeal in a reapportionment appeal. I think the amendment should pass.

PRESIDENT EGAN: Mr. Londborg.

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LONDBORG: In case you go overlapping from between two court districts like the Northwestern and the Central one, then which are the two courts to go to if it is a boundary line between? It is a point I would like to find out.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I would like to answer that. Mr. Londborg, every superior court in the state will have concurrent jurisdiction of any part of Alaska. You can try it, if something might happen here, if you want to you can file it in Nome if you wish, because we have concurrent jurisdiction.

MCLAUGHLIN: Question.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Taylor be adopted by the Convention?" All those in favor of the adoption of the proposed amendment, signify by saying "aye", all those opposed by saying "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: 27 - Armstrong, Barr, Boswell, Buckalew, Coghill, Doogan, Emberg, Gray, Hermann, Hinckel, Kilcher, King, Knight, McLaughlin, McNealy, McNees, Metcalf, Nerland, Reader, Riley, R. Rivers, Rosswog, Smith, Stewart, Taylor, Walsh, Wien.

Nays: 21 - Awes, Cooper, Cross, Davis, V. Fischer, Harris, Hellenthal, Hurley, Johnson, Laws, Lee, Londborg, McCutcheon, Marston, Nolan, Nordale, Peratrovich, V. Rivers, Sundborg, Sweeney, Mr. President.

Absent: 7 - Collins, H. Fischer, Hilscher, Poulsen, Robertson, VanderLeest, White.)

LONDBORG: I would like to change my vote to "no".

PRESIDENT EGAN: Mr. Londborg asked that his vote be changed to "no". The Convention will come to order.

CHIEF CLERK: 27 yeas, 21 nays and 7 absent.

PRESIDENT EGAN: The "yeas" have it and the proposed amendment is ordered adopted. Mr. Hurley.

HURLEY: Mr. President, I would like to ask Mr. Hellenthal a question.

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PRESIDENT EGAN: With no objection, Mr. Hurley, you may ask the question.

HURLEY: Mr. Hellenenthal, on page 4 of the proposal, Section 5, line 6, you refer to "public employees and officials". What did you have in mind when you spoke of public employees or officials? Any particular group of them?

HELLENTHAL: No.

HURLEY: You just don't like or didn't want public employees in general, is that right?

HELLENTHAL: That is correct.

HURLEY: I would like to offer an amendment,

PRESIDENT EGAN: Mr. Hurley, you may offer your amendment. The Chief Clerk may read the proposed amendment.

CHIEF CLERK: "Section 5, page 4, line 6, strike words 'but not public employees or officials.'"

PRESIDENT EGAN: Mr. Hurley, what is your pleasure?

HURLEY: I move for the adoption of the amendment.

PRESIDENT EGAN: Mr. Hurley moves for the adoption of the amendment. Is there a second?

LEE: I will second it.

PRESIDENT EGAN: Mr. Lee seconds the motion. The amendment is open for discussion. Mr. Hurley.

HURLEY: Mr. Chairman, this is not a matter of substance but a matter of principle. I realize that there may be certain officials of the Territorial government which would not be properly on a reapportionment board but I also realize that there will be probably a few thousand other public officials working throughout the state who are public utility districts and local, state, and city governments or various other things who are perfectly conscientious citizens of the State of Alaska, and the situation at present you will find throughout the Territory a number of city councils who have public employees on them who are in my mind doing a very good job and, I think it relegates all public employees to second-class citizens and I don't think the statement is warranted in there and I therefore think it should come out.

PRESIDENT EGAN: Is there any further discussion? Mr. Cooper.

COOPER: Mr. President, I can only say that I believe that the

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reason that the statement is in here is because the Committee was very much afraid of the legislature getting their hands on reapportioning and if this phrase is stricken from this report, the reapportionment of Alaska at some future date will end up in the hands of the legislature and the election districts will undoubtedly be unmercifully gerrymandered.

GRAY: Mr. President, may I ask a few questions of Mr. Hurley?

HURLEY: I would like to answer his question first. I would be quite happy to offer an amendment stating "legislators",

GRAY: I was wondering if you have any objection to the word "state" instead of "public", the introductory word "state employees" which was the intent of the Committee.

HURLEY: It would certainly be a lot more restrictive.

GRAY: I believe it was the intent of the Committee to use the word "public" but I think they meant the state employees which are directly under the governor and to keep it out of the governor's control.

HURLEY: Mr. Gray, that would be better. If the amendment fails, that would be better. However, if you are talking about legislators, why not say legislators? Now if you are talking about somebody else, then make it "state employees".

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: It was simply to mean any public official or employee, it wasn't the intention of the Committee to keep it on the state level but it meant just what it said.

PRESIDENT. EGAN: Mr. McNees.

MCNEES: Mr. President, I would like to ask Mr. Hurley and Mr. Hellenthal Jointly. This phrase has bothered me also and right now I am inclined to support Mr. Hurley. However, I think with some modification that we could probably all get together here and provide that certain state public employees or officials might be exempted by law. Certainly we should exempt those members of city councils, those members of road boards and one thing and another that will be serving throughout the whole Territory. Those are the interested men of the Territory in the government. They will be the interested men in the state government. I think there should be a proviso put in here at least I want you to think about this for just a minute, Mr. Hellenthal. There should be a proviso in here at least .that would not make this so all-inclusive.

PRESIDENT EGAN: Mr. McNees, are you asking that perhaps we have a few minutes recess and you can all get together?

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MCNEES: That might be very wise.

PRESIDENT EGAN: The Convention will come to order. If there is no objection the Convention will be at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Hurley.

HURLEY: It looks like a lot of people don't want to vote on this question. Mr. President, I would like to withdraw my amendment and substitute one therefor.

PRESIDENT EGAN: With no objection, the amendment as proposed by Mr. Hurley is ordered withdrawn. Mr. Hurley.

HURLEY: Mr. President, I would like to then strike the same words and substitute therefore, "but not state officials".

PRESIDENT EGAN: What is your pleasure Mr. Hurley?

HURLEY: I move for the adoption of the amendment.

PRESIDENT EGAN: Mr. Hurley moves the adoption of the proposed amendment. Is there a second to the motion?

MCNEES: I will second it.

PRESIDENT EGAN: Mr. McNees seconded the motion. Mr. Hellenthal.

HELLENTHAL: I recollect the Committee thinking on this quite well and the thinking is this. Now you may or may not agree with it. The object of this board was to get as objective a board as was possible and as nonpolitical a board as was possible and to achieve this end, extremes were taken. It was felt that a public official was too politically inclined, lived in too much of a, political atmosphere to fit the test and that his employees and his service likewise would be subject to political pressures. Now I will be one of the first to say you can't erase politics from anyone's life nor should you, but the whole purpose of this was to take any emphasis away from politics. Now the board felt that there are many, many people in the Territory who would fit the bill, many many people who were not members of city councils, who were not city managers and who didn't work for them as secretaries or clerk-typists, who were not in the political arena and that those people should be chosen for this board, this objective, studious board, this board that was supposed to be divorced from pressures and that was the reason and maybe they went a bit too far in seeking that objective but frankly, I don't think so.

PRESIDENT EGAN: Mr. Hurley.

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HURLEY: Mr. President, obviously Mr. Hellenthal's acquaintanceship with public employees is quite limited. The very thing that you are doing here and as I say, this is not substance but there is a matter of principle, is the reason that you are relegating those people that are interested in serving on these boards and are interested in being good citizens and are not connected with politics, from feeling inferior and of second-class when the constitution of the State of Alaska comes out and expressly prohibits them from holding a position on a board.

HELLENTHAL: Now Mr. Hurley, I am excluded from any type of jury service. So is my wife but we do not feel that we are second-rate, we do not feel that we are being discriminated against. We feel that it was a very wise move on the part of the legislature of Alaska to make that exclusion and many other states do the same thing so I don't think you should feel hurt.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I would like to make one point. This would prohibit, as I see it and, if I am wrong, Mr. Hellenthal, correct me. This would prohibit a man who served on the Board of Regents for the University of Alaska from serving, am I not correct?

HELLENTHAL: Sure. I think it should.

MCNEES: You think it should?

HELLENTHAL: Yes sir.

MCNEES: Why? There is a man who is territory-wide and will be state-wide in his thinking.

PRESIDENT EGAN: The session will come to order. Mr. McNees has the floor. Mr. McNees.

MCNEES: There is a man who would be state-wide in his thinking and you could not call him a sectionalist necessarily, any more than you could call a man who perhaps mines in the Kougarak north of Nome, lives during the winter in Anchorage, prefers to spend the great bulk of the winter in Washington State, a sectionalist. No, I feel that this is just too broad and therefore I will have to vote against it.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, as long as the matter isn't closed I would like to offer this comment, that this is the same type of a thing that the Committee on the Legislative Branch feared about politics in government. This is a little different type of thing but it is related. Now we have in our Territorial and I assume we will have even more in our state level of society,

we will have many of these REA cooperatives, a great hierarchy of officials working for these cooperatives who are going to have special interests in seeing whether these things are formed in one fashion or whether formed in another as far as apportionment is concerned. We are going to have many police working for the state. We are going to have many school teachers who may be concerned with how the apportionment is going. We may have a number of Territorial board members who seem to be Innocuous enough but nevertheless they all have their little principles that they are going to be working on. We have many of the city officials who may choose to join with another area because they are convinced that by so joining up they are going to gain an advantage in some fashion or another or defeat another area in their purpose. There are a good number of these types of things and I think that in the citizenry of the new State of Alaska we are going to find ample people. It is not a case of making a second-class citizen out of anyone. Mr. Hellenthal has just recited that he is a second-class citizen but he does not feel ashamed of it. The Hatch Act makes second-class citizens out of a great strata of people in the Territory but I do not think many of them are ashamed of the fact that they are working for the government. I can't see where we have to defeat the intent of the Committee here in making this thing tight. I think it is a good thing. It is one small board that sits once every 10 years and certainly we should be able to find five or six people out of the whole of Alaska that would qualify for this thing and who will be objective in their consideration.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Hurley be adopted by the Convention?" The Chief Clerk will call the roll.

UNIDENTIFIED DELEGATE: May we have the amendment read again?

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment as offered by Mr. Hurley.

(The Chief Clerk read the proposed amendment again.)

PRESIDENT EGAN: The Chief Clerk may call the roll on the adoption of the amendment.

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

Yeas: 13 - Armstrong, Barr, V. Fischer, Harris, Hermann, Hurley, Kilcher, Lee, McNees, Reader, Rosswog, Smith, Sweeney.

Nays: 36 - Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, Gray, Hellenthal, Hilscher, Hinckel, Johnson, King, Knight, Laws, Londborg, McCutcheon, McLaughlin, McNealy,

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Marston, Metcalf, Nerland, Nolan, Nordale,
Peratrovich, Riley, R. Rivers, V. Rivers, Stewart,
Taylor, Walsh, White, Wien, Mr. President.

Absent: 6 - H. Fischer, Collins, Poulsen, Robertson, Sundborg,
VanderLeest.)

CHIEF CLERK: 13 yeas, 36 nays and 6 absent.

PRESIDENT EGAN: The "nays" have it and the proposed amendment has failed to be adopted. Mr. Victor Rivers,

V. RIVERS: I would like to ask a question. I would like to discuss the word "nonpartisan" for a moment. We have now eliminated all Democrats, all Republicans, and all public officials from holding any of these offices. I would just like to have an explanation of the Committee's thinking in connection with the use of the word "nonpartisan".

PRESIDENT EGAN: Mr. Hellenthal.

PIELLENTHAL: The word was chosen deliberately. Now an alternative and perhaps the one that the delegate has in mind would be chosen from each of the major parties. That alternative was specifically rejected because it felt it placed emphasis upon political considerations on this board which as has been pointed out, it is hoped to keep as objective as possible. Now it is true and the Committee realizes that "nonpartisan" doesn't mean that you cannot belong to a political party. Some of the finest men that I have the privilege of knowing are nonpartisan although they belong to a political party and that I think is very, very clear, but the contrary to use the political language would emphasize politics and it is the whole purpose of this article to de-emphasize politics.

V. FISCHER: Mr. President, may I ask Mr. Hellenthal a question?

PRESIDENT EGAN: Mr. V. Fischer. You may ask a question.

V. FISCHER: Your intent then actually is the appointment of a board without regard to political affiliations? That is really what you have in mind?

HELLENTHAL: I think we have accomplished that by the use of the word "nonpartisan" and the board so felt.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I would like to ask Mr. Hellenthal a question. On line 8 and 9 on page 4, it says, "Members of the board shall be compensated". Is there any thinking in the minds of the Committee that the fact that they are compensated, that they either

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are or are not public employees?

HELLENTHAL: Frankly, at the time that language was placed in there, it was the current feeling around here that such language had to be in a board article to remove a constitutional hurdle to compensation but that could be stricken in its entirety because since then it has been determined that it is not necessary and that is a legislative problem and I know that the reason for it was to overcome a technical hurdle which no longer exists.

AWES: May I ask Mr. Hellenthal a question?

PRESIDENT EGAN: You may ask a question, Miss Awes.

AWES: Going back to this word "nonpartisan" again, when I read that, I was a little puzzled and I am still puzzled. You are going to have your board appointed by a governor who is certainly going to belong to one of your major parties and he is going to appoint all these members. He obviously is in a position where he knows the parties of the type of person that he would choose for this and it seems to me that it is going to be impossible to get a board that would be called nonpartisan. It seems to me that it's something that would be challenged in court with every apportionment board you have.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I believe that possibly some of the members that are raising perhaps a specious voice towards the word "nonpartisan" forget the fact that the legislature provided for a nonpartisan election to delegates to the Convention where we are sitting now and I don't think anybody raised any question as to what was nonpartisan then. They are sitting here and drawing their \$35 per day and they knew that it was nonpartisan and then they quibble about a nonpartisan board of five people.

PRESIDENT EGAN: Miss Awes.

AWES: I am well aware of that and I thought of that at the time I read this word, but that was an election. We determined ourselves that we wanted to run, we were on a ballot where no parties were mentioned and I think that is an entirely different matter than the matter of appointment.

HELLENTHAL: But I think that should forever bury the argument that a member of a political party cannot be nonpartisan.

PRESIDENT EGAN: We have nothing before us at this time. Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, another question?

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PRESIDENT EGAN: You may ask a question.

V. RIVERS: Along that same line couldn't you readily visualize that if we had a Republican governor we would have a nonpartisan board of all Republicans or a Democratic governor and a nonpartisan board of all Democrats?

HELLENTHAL: That is entirely possible.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, if I may have the Convention's ear for a moment, it is my understanding based upon reports that I have heard as to what the Style and Drafting Committee is doing to the judicial article. We had happily provided for nonpartisan board and they struck the word "nonpartisan" as being somewhat superfluous under the circumstances.

HELLENTHAL: Perhaps debates like this will teach the facts of life to the --

PRESIDENT EGAN: The Convention will come to order. Are there other amendments to Section 5?

TAYLOR: I move that this Article 14 be forwarded to the Committee on Engrossment and Enrollment.

MCCUTCHEON: I second the motion.

PRESIDENT EGAN: If there are no other amendments to Committee Proposal No. 14, the proposal is ordered referred. Mr. McNees.

MCNEES: It has been general procedure, has it not, to go through these articles on a second reading?

PRESIDENT EGAN: That is right.

MCNEES: I assumed as much anyway.

PRESIDENT EGAN: A motion has been made and seconded that it be referred to the Committee on Engrossment and Enrollment at this time. The motion is one that would suspend the rules. It is a suspension of the rules because it has to be open for amendment until all members say that they have no more amendments to offer. Are there amendments to Committee Proposal No. 14? Mr. McNees.

MCNEES: Mr. President, I have an amendment.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment.

CHIEF CLERK: "Amend Section 2 of the schedule." Do you mean to strike it and then put this in? Is that what the amendment

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is? To strike what we have, is that what you mean?

MCNEES: In general the substance, yes. It would be up to Style and Drafting to make any further adjustments.

PRESIDENT EGAN: What does the amendment say?

CHIEF CLERK: It just says "Section 2, I move that Proposal No. 14 be amended as follows: Section 2 of schedule." It does not say to strike or add or what.

PRESIDENT EGAN: State whether it is to -

CHIEF CLERK: "Strike the schedule in Section 2 and substitute the following: Section 2 of schedule:

Southeastern	5 senators
Southcentral	5 senators
Central	5 senators
Northwestern	5 senators

To be elected as follows: One senator to be elected from each of the Senate Districts as established. The balance to be elected at large within each of the established geographical areas."

PRESIDENT EGAN: Is it your intention Mr. McNees to strike Section 2 and Insert in lieu thereof, this?

MCNEES: No, this is just the schedule in question, Mr. President. It is a suggested method for determination of a senate of 20 members as suggested by the Committee.

TAYLOR: I move to a point of order that this matter was already acted upon today and defeated.

PRESIDENT EGAN: Was this matter acted upon?

TAYLOR: It was passed as a motion for equal number of senators, five from each of the areas, A, B, C and D.

PRESIDENT EGAN: Mr. McNees what is your pleasure relative to this?

MCNEES: I would like to move the adoption of this amendment.

BARR: I second the motion.

PRESIDENT EGAN: How was it to be stated in Section 2?

MCNEES: In Section 2 of your schedule it has a proviso at the beginning as provided in Section 3* Article blank. "The senatorial districts and the number of senators to be elected from each

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shall be as follows...", and this is the material to follow.

PRESIDENT EGAN: Do you move the adoption of the proposal?

MCNEES: I do and Mr. Barr seconded.

PRESIDENT EGAN: Mr. Barr seconded the motion. Mr. Davis.

DAVIS: Mr. President, I am in doubt and I would like to ask Mr. McNees as to what he means by "senate districts". Are you talking about what we talked about a while ago as being subdistricts or the entire district which combines the various subdistricts?

MCNEES: If I may, I would like to explain my position on this.

PRESIDENT EGAN: Mr. McNees.

MCNEES: We have here established by the Committee all senatorial districts based upon the 24 house districts. My thinking on this is pretty much as has been outlined by numerous members on the floor today in debate. We have house districts as outlined on the map on the other wall, superimposed upon top of those house districts connecting any two contiguous house districts merely for the sake of convenience, we have superimposed lines that we now call senate districts. My thinking is this, that based upon population alone, taking into consideration perhaps other factors -- watershed, ethnological factors, socio-economic factors, but still the prime basis for the determination of your senatorial districts was that of population. I would like to comment here very briefly a little bit about the history of Alaska and what has occasioned these population shifts that we have now determined our apportionment article is on. Alaska was acquired in the purchase from Russia in 1867. At that time there were very, very few people anywhere in this whole interior section of Alaska, very, very few people. Most of them were on the coast but I submit that there was a good sprinkling of people all the way along the coast of the entire section of Alaska. There were some people in interior Alaska but most of them were the aborigines who had been here before. Some movement had already taken place up the rivers but water was your prime means of entrance and exit. Times have changed. In 1900 we saw the first census that was taken in the Territory, the first real indication of that change. The 1900 census was the first in which any place in Alaska had a population of 2,500 or more people. The two places of this size, mind you, in 1900 were Nome and Skagway. They had a combined population of 15,605 people or 24.5/5 of the total population of Alaska. In 1910, the two places of 2,500 or more were Nome and Fairbanks. In 1922, only Juneau had more than 2,500 people and the proportion of the total population living in places of this size had dropped to 5.6%, the lowest percentage during the period of 1900 to 1950.

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In 1929, Ketchikan obtained a population of 2,500 for the first time. In 1939, and again I point to the times, a large mass of military moved into this area, creating many jobs that otherwise would not be in existence. In 1939, Anchorage qualified for the first time and Fairbanks again obtained a population of 2,500 or more. The four places of 2,500 or more in 1939 had a combined population of 17,374, which is only 2,000 more than existed in the entire Territory of Alaska in 1900. In 1950, two villages, Eastchester and Mountain View, had more than 2,500 people, bringing the number of urban places to six. The 34,262 persons living in these six places represented an increase of 16,888, or 97-2% over the population places of this size in 1939. But the thing that I want to point out is this, when gold mining was it, Southeastern, Northwestern, Northcentral. Now we are based upon a military economy and there isn't a person in this room that hopes that that is going to last forever. That is why your population factor is here and here and certainly as long as it is here and here your feed-lines which are prime yet, your waterlines, your road lines, are going to continue to feed that population but we are going to have to settle along those feeder lines into those recognized heavily populated areas of today. I am very much disturbed by the apportionment article on that one basis whereby we have superimposed our senatorial lines over the top of house districting lines merely on the basis of population. It isn't true, it isn't good. For a unicameral setup it would be beautiful. For a bicameral setup it is, I won't say worthless, but it comes next thing to it, on a bicameral house, because you have the same two types of houses, again meeting at two ends of the hall, mind you, trying to accomplish the same thing. That isn't my quarrel. My quarrel is that we have a Territory that is growing, is growing into a state. It is my firm belief that in a very, very short time, it will be a state. Much sooner I think than some of us will realize. That will be a happy day for all of us. That is why we are here. Many of you are here because you have shared the same dream that I have, ever since we have been up here. Someday, we would like our rights as citizens. Times are going to change again. I could go into figures after figures in this little pamphlet which is a recognized work, a Territorial publication, by the way. I could go into this and quote you many, many figures. I could show you why during the depression years, the late 1800's, and existing right up until World War I, where your population was based upon the basic economy of this area that we now call the Territory of Alaska and which we will soon call the State of Alaska. I could furthermore show you the war economy and the war situation, existing over the entire world I'll grant you, but none of us hope it will last forever, is primarily responsible for the heavy concentration of populations that exist in the Territory today. I remember Anchorage when it was smaller than Nome is today and I haven't been up here too many years. I came to Nome soon after it was greater than Fairbanks is today and that still wasn't too many years

ago and I submit that If we Interpose our senatorial districting lines on top of our house districting lines, we might just as well have a unicameral setup and I know you are all going to smile because that sounds very strange coming from me but I am interested in good government and that is why I took this rather drastic measure after seeing vote after vote take place here today holding to the Committee thinking, which I did, hoping that this might come from somebody else other than myself because I knew what harm it might do if it came from me. Therefore, I would like to submit for your very serious consideration this plan. I would like to go further; I would like to point out to you that in this area along which we now call Southeastern, is 34,391 square miles. Southcentral this area through here, as we laid it out, 142,031 square miles making a total in this area of 176,422 square miles. We have through this area here, Central Alaska, a land area of 247,508 square miles. We have in the area we laid out as Northwestern Alaska, a land area of 147,135 square miles. Those two combined make a total square mileage of 394,643 square miles. You take this area and subtract this area from it on the land factor alone and you have a difference of 218,221 square miles. In other words, you could take these two areas, fit them into these two areas, you would have twice as much land up here as you have in these two combined and you would have 41,799 square miles left over. I live here. I know how minerally, potentially wealthy that area is. I know of discoveries up here so rich that they are fabulous. So the Navy has withdrawn Pet 4 from private development. What will the future bring to Alaska? I hope it will bring population to this area. It cannot bring any more square miles to this area. We have, down here, a limited square mileage, acreage, square mileage basis to contend with and it is developing beautifully. I am glad to see it, I am heartened to see it but the point I want to make is that our present economy which is wartime economy, is a thing that has deprived population increase since 1939 to this area. Therefore I have submitted, if for no other reason than to get this on the record, that if we go ahead right now and establish in our constitution a senatorial district based upon the population factor, knowing that the house -- which should be on a population factor -- we are establishing two houses on the same basis and 50 years from now they are going to be trying to settle the problem. Thank you.

PRESIDENT EGAN: Mr. Barr?

BARR: I also support this amendment. You all know of course that I favor a fewer number in the senate and in the house. I would like to have enough there to represent the people but the smaller body of course is more wieldy and more efficient. We'll get more done and it will cost the Territory less. I believe in statehood but I believe we should start out and be conservative at first. Now this provides for 20 senators. I know we are going to have 20 senators. Our Committee has told

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us so and that settled it, so I'll go along with this. If we are to have 20. I believe that the senate apportionment should be according to area. Under the present system it is according to area with some consideration given to population. In my opinion that is wrong. The representatives are elected according to population and they represent the population. Each senator is supposed to represent a certain area whether the population moves in or moves out. If it is an area of small population that assures the people that live there of getting some representation. That is particularly good for Alaska because our population here shifts rapidly from one place to another. But this, under this amendment, that area would still get the same representation in the senate. That is the method used on the national scene. It is the usual method and it is the best method. It is tried and proven so I am going to support this amendment.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Being a member of the Apportionment Committee, I will oppose this amendment. We thrashed this all out in the Committee. We worked hard in our Committee to come up to a means and we had to take concessions on each side. On our house of representatives, we gave to the outlying areas, to the hinterlands, we gave concessions to them or I should say the Committee provided for a means of the major fraction of the quotient. You can't go on a senate basis of saying we are going to divide a town into square miles. We made a chart on that and we found that it was not feasible. We brought out on our house plan a compromise and in turn, on our senate plan a compromise, taking into mind both area and population on both plans and I think it is a good workable plan. I oppose the amendment.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, I haven't spoken on the proposal at all. I feel I am entitled to a couple of minutes. I have followed the Committee's work quite closely and I feel that they have done a very, very good job in working out these various districts and such. I have gone along with them on it. There is this one little discrepancy as Mr. McNees pointed out and I'll just state my case and let it rest right there. We do have the two-house system which definitely should be upheld. There have been many moves to swing toward unicameralism and I think the majority agree that the two-house system is the best. The house as it is now is on population and granted that there is concessions to the outlying areas on this major quotient deal that we have had well explained, let us also say that the senate is on a population basis in contrast. By that I mean that you can take your actual area. I do believe that we will

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have to agree that two of the senate districts, their combined total In area, will not equal the other districts. I know what some will say and I have heard it said here many times that the mountains can't vote but it is not all mountains up there, as Mr. McNees pointed out. Some are going to say it isn't fair. Some have mentioned to me that, "You got all you deserved." If that is so then the vote of the group here will say it is so. But I just appeal to you on this basis, that we also are asking to join the great United States. We are asking that they let us seat two senators on the basis of our area, along with two senators from New York, two senators from Pennsylvania, two senators from California and on down the line. I don't think it is too much to ask for equal senatorial representation.

PRESIDENT EGAN: Mr. White.

WHITE: I have listened to all these arguments and I'll have to admit that sometimes they get pretty impressive. I had always had in the back of my mind that all the senatorial representation should be based on area, too. But Mr. McNees and Mr. Barr, to follow your argument to its logical conclusion I submit this to be the case, and I have been looking for these areas all day, I am glad you gave them. Southeastern Alaska with 34,000 square miles should have one senator. Southcentral with 142,000 square miles should have five senators. Central Alaska with 247,000 square miles should have eight senators. Northwestern Alaska with 147,000 square miles should have five senators. You get one, five, eight and five, roughly. We should have a couple of half senators to make it come out right.

MCNEES: I don't follow your thinking there, Mr. White.

WHITE: If you add up the total area of Alaska as has been given by you and divide it by 20 senators and see how many square miles each senator should represent and then go back to your division here and see how it works out.

MCNEES: I am not submitting my plan as the best plan. I am submitting my plan as one that takes into consideration two different bases for apportionment for two houses which should be quite different. We have before us here the Committee plan and to explain this plan and if it is all right, Mr. President, I will take this time also rather than just answer Mr. White's question, to close the debate because there seems to be some feeling before the question.

MCCUTCHEON: I think there might be some other comments to be heard on this.

MCNEES: Pine. I will answer Mr. White's question as I have then.

PRESIDENT EGAN: Mr. McCutcheon.

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MCCUTCHEON: In a manner of breaking back into the figures in the proposed amendment here, it appears to me that in Southeastern Alaska there will be area-wide distribution of three senators with two elected at large. In Northwestern Alaska, there will be area representation by two senators and three elected at large. Southcentral Alaska, there will be four senators elected in basic districts with one elected at large and In Central Alaska there will be three senators elected from the several areas and two elected at large. I subscribe to Mr. White's logic that If we are going to put it on a strictly area election, okay, fine and dandy, let's divide the 580,000 square miles of Alaska up into equal parts and elect our senators from that and I would submit to electing five senators from each equal portion of Alaska but I think the plan as it is submitted here is not entirely fair at all. It gives some highly populated centers in Northwestern Alaska a distinct advantage of being able to name three particular men. It gives another area in Southcentral Alaska, which has several highly populated centers, the opportunity only to name one man at large and it seems to me that the discrepancy there militates against Mr. McNees's amendment here. It appears to me that as far as a matter of fair representation, that in this thing the large population centers are militated against. But there is no other way to predicate the general spread of representation other than in the fashion which has been developed here or else to arbitrarily slice Alaska up into its equal square miles of area and elect your people from those equal square miles of area so that your representation will be fair from an area standpoint.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I would like to point out that there is not a complete lack of area representation or representation of general geographical areas. I have every reason to think that the five senators that would be elected In Southeastern Alaska, although they are elected from each of three districts plus two at large - all of those men would have the Southeastern view point. They are all Southeastern senators. All under the present plan that the Committee has proposed, all of the senators from what we have known as the Second Division, Northwestern Alaska would be familiar with their economy and their general area so that in a sense those people are going to be representing the general areas which we formally know as divisions, by numbers. Speaking of trying to get a few senators from some place except the main cities, take the case of the Second Division. Under Mr. McNees's plan you have only got two districts up there, two senatorial districts. Two could be, one from each of those districts with five, three could be elected at large in the division and maybe Nome, as a populous center, would get all three of them plus its own in the particular senatorial district it's in. Under his plan I can visualize four senators from Nome. Well, that's got its points but the

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thing is, that without trying to discredit Mr. McNees, because he mentioned that he hoped it would come from somebody besides himself because the harm it would do; well, I follow Mr. McCutcheon entirely that we have had to compromise and we can't very well just knock over that whole compromise after the Committee has worked this thing out.

PRESIDENT EGAN: Mr. Cross.

CROSS: I believe this Committee has done a remarkably good job. I would hate to see this thing torn up after the Convention has done so much work on it because I believe we'd go right back and after two or three days, get back to the same point. I would like to call the assembly. I think this is a question that should be decided by all the delegates except of course, Mr. VanderLeest, whom I understand is ill.

PRESIDENT EGAN: Mr. Cross asked for a call of the assembly. That will mean that the business of the assembly will cease until the absent members other than Mr. VanderLeest...

COGHILL: May I inquire?

PRESIDENT EGAN: Mr. Coghill?

COGHILL: The call of the assembly automatically stops all business until the assembly can be fully seated.

PRESIDENT EGAN: The assembly can vote to proceed with other business if it so chooses to do so Mr. Coghill, other than this business at hand.

BUCKALEW: Mr. President, I didn't know we had that rule in the rules, a call of the assembly?

PRESIDENT EGAN: Well, it's in Robert's Rules if it isn't in ours.

LONDBORG: If I read Robert's right, that it would take a majority vote here to call the assembly, I stand corrected on it, but in other words it would be up to the majority here if you want the assembly.

PRESIDENT EGAN: No, it doesn't take a majority vote to call the assembly. Usually, the remembrance of the Chair is that in Robert's that anyone can call the assembly. In different assemblies they make different rules as to the number it takes to call the assembly possibly, if there is no objection ...

SWEENEY: If we are operating under Robert's Rules of Order, I would suggest sir, that, I would like to move that this be referred to the Rules Committee for a definite answer.

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PRESIDENT EGAN: If there is no objection, the Rules Committee will take this matter into consideration.

RECESS

PRESIDENT EGAN: The Chair would like to clarify this call of the house rule. The Chair had in mind the rules of a different assembly. Under Robert's Rules of Order, you move if you wish to call the house or call the assembly, you have to make a motion and it has to carry by a majority vote, in the absence of any other rule in our rules. Mr. Cross?

CROSS: I wish to withdraw my request.

PRESIDENT EGAN: Mr. Cross asks unanimous consent that his call of the assembly request be withdrawn. Hearing no objection it is so ordered. Mrs. Sweeney?

SWEENEY: I would like to make just one statement before we get off this No. 14. For some reason the feeling is rampant here that Proposal No. 14 is almost Holy Writ and we should not do anything to it, amend it or anything. Now I recognize that they put a lot of work on it, but believe me all the rest of the committees did too and they are not treating any committee or should not treat any committee proposal any different than they do the others and if this one has to be amended, I think it should be amended.

PRESIDENT EGAN: Mr. Cooper?

COOPER: I would like to point out that the delegate that submitted this amendment has merely taken the committee report, transposed the senate districts on top of the election districts, but in some cases has not allowed senators to be elected at large and in other cases has allowed more senators to be elected at large. It is not fair, and in his argument he pointed out that senate districts should not be superimposed or transposed on election districts and that is exactly what the man has done. I urge you to vote against this amendment.

PRESIDENT EGAN: Mr. McNees.

MCNEES: May I close the debate?

PRESIDENT EGAN: You may close the debate.

MCNEES: In answer to Mr. Cooper, that was my concession to the committee report, to superimpose or to accept for the basis of the election of 12 senators I made that concession to the Committee plan, for the simple reason that I feel that the Committee plan with one or two exceptions was a very good one. The concession that I will not make is to the population of Alaska 50 years from now, 100 years from now, or 150 years from now

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because I know this is forever,, as far as the senate is concerned. I took into consideration before I brought this up and I brought it up reluctantly. I'll admit that I brought it up reluctantly, but I felt impelled on the other hand to bring it up. I took into consideration the land factor alone and threw it out the window. I took into consideration the property factor alone and threw it out the window. I can show you millions of dollars of investment equipment sitting over there waiting for this war hysteria to die. It is prevalent in the world today,, millions of dollars of gold mining equipment and other equipment related to that industry that can again return to its fabulous days up there, sitting up there only waiting for this hysterical period to die and we can get back on to a normal footing again. By the same token, when that day comes I submit to you there will be millions upon millions of dollars of outmoded equipment sitting in many other areas of Alaska that I can point to. Some of it is sitting right there now because the necessity has passed. I took into consideration the political or governmental units. We had the old judicial lines. I for one, and I say this quite frankly, I am not too displeased to see that old thinking go out the window. The lines have been drawn on a watershed factor, ethnological factor, socio-economic factor, recognizing that certain areas have their place in this new proposed and great state to be. I took into consideration political parties but I can think back to the time of the Whigs and the Tories in my period as a student of history. Many, many other parties came and went. I am a firm believer in the two-party system but I am not a believer in the two-party system to the exclusion of a third, fourth or fifth or any other minority party. I took into consideration the occupational or functional representation of these areas and again, standing alone, I had to throw it out the window. I took into consideration and I probably gave this particular thought more consideration than any other, that of the suffrage and voting performances of the people who live here. That I think has some very real merit. But again I did not feel that it could stand alone. Knowing that history has that capacity of oftentimes repeating itself, I came back and started looking first at the histories of Alaska right from its inception and I found a pattern of rise and fall, of decline and rise in population, of wealth, of any other single factor with the exception of land area. Since we have included the tidelands, why possibly we could extend that many miles. There is only one single factor that stands out but in no way possible could we use it as a basis for determining senatorial apportionment, and that is the one of population alone. So looking at these two maps we have on the wall, we have represented in many factors and in your own thinking here on the floor you came up with four well-defined geographicals, and I submit that the word "geography" has a much wider connotation than that of land alone. Why has so much of our area become settled so quickly? I submit to you, primarily for two reasons. One is that distance frequently discourages settlement.

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Certainly the area west of the Alleghenies was settled before the Far West was settled. Alaska has waited until the last to be settled but I furthermore submit to you that the time will come when Alaska will play a role in the world of free peoples far beyond any of our current dreams. There have been concessions made in Committee on many occasions. You well know I sat there and watched these concessions made, hoping that there would be some plan that would come out that would satisfy everyone. I finally realized in my own thinking that if there was going to be a plan come out that could satisfy a majority, that would be the absolute most that could be hoped for. In looking at the present plan and seeing the superimposition of two units for functionally two different purposes superimposed, I couldn't quite bring myself to submit without, shall we say, doing what I could to educate or to bring to your attention the very facts that were disturbing me the most. I refused in my own thinking, I sincerely feel this way, otherwise I wouldn't be up here. I sincerely refuse in my own thinking to make any concessions to what I think the future of Alaska will hold. Therefore, I had to say what I just said. The concession I made to the Committee is on the basis of their house plans, and again I am making concession to population but I recognize that as a very important factor, if we are going to give each one of these senatorial districts one man. Furthermore I would like to point out In Mr. McCutcheon's argument, relative to the fact that three at large are going to be elected in what we now describe as Northwestern Alaska, we've always called it that up there, by the way.

PRESIDENT EGAN: The Convention will come to order.

MCNEES: That is the fact that three will be elected at large from the area from which I am a delegate to this Convention. I don't feel it is a valid argument for this reason. We made our concession to population in the house. Now we must take other factors into consideration. That would be the sole answer that I could give to Mr. McCutcheon on that question. So these concessions have been made on either side and now we have arrived at a point where we are going to vote one way or the other. I think we are all trying to be fair on this, I know you have been more than fair with me on time. I appreciate it, but I feel this had to be said. These four geographical areas which we now have, and geography to me represents many things. It represents rivers, mountains, inlets, bays, estuaries, peninsulas, it represents gold and silver, it represents game, it represents coal and oil, it represents wheat and potatoes, and cattle. It represents so many things that when I saw the crystallization of this Convention mind on four geographical areas, I found the key to what I thought might possibly be the solution and I still submit to you my plan is amenable.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. McNees be adopted by the Convention?" All

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those in favor of the adoption -- the Chief Clerk will call the roll. The Convention will come to order.

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

Yeas: 11 - Barr, Johnson, Kilcher, Laws, Londborg, McNealy, McNees, Nolan, Reader, Sweeney, Walsh.

Nays: 39 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, Marston, Metcalf, Nerland, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Taylor, White, Wien, Mr. President.

Absent: 5 - Collins, H. Fischer, Poulsen, Robertson, VanderLeest.)

CHIEF CLERK: 11 yeas, 39 nays, and 5 absent.

PRESIDENT EGAN: The nays have it and the proposed amendment has failed of adoption. Are there other amendments to Committee Proposal No. 14?

WHITE: I have no amendments but just during a recess I observed that the Committee has, in their deliberations, certainly taken in a great deal of territory. I notice that not only have they included all of Alaska but they have also included the Big Diomedes Island and I am wondering ---

PRESIDENT EGAN: The Convention will come to order. Mr. Coghill, could you explain that? The Convention will come to order. Mr. Kilcher?

KILCHER: There are two questions I would like to ask of Mr. Hellenthal, if I may.

PRESIDENT EGAN: If there is no objection, ask your questions.

KILCHER: I notice something here that I had missed before in Section 2, page 2, line 8, "The governor may". Do I read this straight, do I understand that the governor redistricts without a board in this particular instance? Or that the board is only used for boundary correction?

HELLENTHAL: No. The board acts as a reapportionment and redistricting board and advises the governor in both particulars and the action occurs immediately following the census and the language of Section 2 is, I believe, firmly qualified by the language of Section 5. This is an integrated article.

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KILCHER: In other words, If it is not a matter of boundary change but if one area that is entitled to two representatives in the house decides it wants to split up into two areas, each having one, they will appeal to the governor?

HELLENTHAL: I don't know of any language in here which permits an area to decide it's going to split up.

KILCHER: I mean we have to assume that the governor will not get the idea of creating a new district, in a dream for instance. I mean the matter will have to be submitted to him somehow and the only thing that I can see is that an area, or the population of an area rather, will express their wish in some form of a petition or referendum, is that right?

HELLENTHAL: Pardon me?

KILCHER: I can't see that the governor will have this idea all by himself and not consider the wishes of the population. So if a petition to create a new area should stem from the people involved, would that petition be tendered to the governor?

HELLENTHAL: I have difficulty in understanding your question.

KILCHER: My question to you is, how should it be done?

HELLENTHAL: Oh, the mechanics of the thing? Say you represented an area in Alaska and you felt there should be some redistricting, or reapportionment take place in that area, your area, say,

KILCHER: Let's take one of Mr. Coghill's areas, that would be suitable for the purpose.

PRESIDENT EGAN: The Convention will come to order.

HELLENTHAL: Well, are you asking me a question or arguing? Which area do you want me to take and I'll take them?

KILCHER: Well, take Yukon Flats which is a large area and it might develop in the future.

HELLENTHAL: If the people there feel that reapportionment or redistricting is necessary, they should write to the redistricting board.

KILCHER: Well, is the governor appointing the board?

HELLENTHAL: They could write to the governor and ask him to send it to the board.

KILCHER: That's what the language means, that the governor may redistrict through the board? He will employ the board to

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do that?

HELLENTHAL: That is correct. The governor acts on the advice of the board. If he differs from their advice he has to state his reasons in writing and so on.

KILCHER: Thank you, I just wanted it on the record so our people in the future might know how to act. I have another question here. Has the Committee given any consideration to the possibility of establishing the quotients necessary for these 2b districts, not on the basis of actual civilian population, but votes cast like Arizona had and so on?

HELLENTHAL: Yes.

KILCHER: And what was the reason for the Committee turning down this possibility?

HELLENTHAL: It was felt that the method recommended was more suitable to afford proper representation for the Territory of Alaska.

KILCHER: Based on actual numbers of population and not based on the political activity of the areas involved?

HELLENTHAL: That is correct.

KILCHER: Well, I had an amendment ready which would be based on the count of votes cast in the gubernatorial election and I think it might have merits, in that it would tend to reduce what has been so aptly called "political illiteracy". It will certainly keep people on their toes. It might even give the people in some of these dangerous areas that are threatened to lose their identity in the house, it might give them an added chance because the record shows they have in the past voted, percentagewise better --

PRESIDENT EGAN: Are you offering such an amendment Mr. Kilcher?

KILCHER: I think I will, yes, for the record.

PRESIDENT EGAN: Will the Chief Clerk please read the proposed amendment.

CHIEF CLERK: "Section 2, page 1, line 8, strike the word 'official'. Strike all of lines 9 and 10 and 11 to the comma, and substitute 'first gubernatorial state election' and line 18 strike word 'civilian' and on page 2, line 1, strike 'population' and insert in lieu thereof 'number of ballots cast for governor'."

PRESIDENT EGAN: Mr. Kilcher?

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KILCHER: I move that the amendment be adopted.

PRESIDENT EGAN: Mr. Kilcher moves that the amendment be adopted. Is there a second?

KNIGHT: I second.

PRESIDENT EGAN: Mr. Knight seconds the motion. The amendment is open for discussion. Mr. Kilcher.

KILCHER: I might like to add that this idea is not a novel one, that the State of Arizona has considered this idea quite long ago and I had thought that in our particular case of Alaska, that there are some similarities between it and Arizona, a large area with diverging economic interests. It might be a good idea to consider. It would also make it readier, it would give us readier figures for reapportionment every four years instead of every 10. It would be of greater justice to the possible boundary changes and that I said before. It would give these districts that are now barely hanging on by the skin of their teeth a chance to make up a lack of noses with a lack of political interest in their destiny and affairs. It will give a truer representation I think,

PRESIDENT EGAN: Would the Chief Clerk please read the section then as it would be if this proposed amendment were adopted? Page 1, beginning on line 8.

CHIEF CLERK: "immediately following the first gubernatorial state election and after every subsequent census the governor shall reapportion the house of representatives according to the civilian population as required by the census within each election district. Reapportionment shall be by the method known as the method of equal proportions except that each election district having a major fraction of the quotient obtained by dividing total number of ballots cast for governor by 40 shall have one representative."

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: There is an error in the amendment on page 1, line 12, it shouldn't say "subsequent census" but "subsequent gubernatorial election". I failed to put that in. The idea is plain, I think.

PRESIDENT EGAN: With no objection, the change can be made. Mr. Cooper?

COOPER: Is that now the form of a motion and it has been seconded?

PRESIDENT EGAN: That's right.

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COOPER: Then it's open for debate? We have now arrived at the point where any election district having a total number of 675 people for the quotient -- incidentally you can divide that by two and have one -- will be eligible for representation in the house of representatives. I am basing that on 27,000 votes in the last vote for the legislature divided by 40, and that is, in effect, your motion, is that not right?

KILCHER: I had not intended that, I had intended from the first gubernatorial state election on. I would accept this plan. It would give these areas a chance to hang on longer because as I have pointed out last night I am convinced that if we care really about these districts for the lower house which I think we don't, we're to squabble here --

MCCUTCHEON: Point of order, is Mr. Kilcher closing the argument at this time?

KILCHER: If I may.

PRESIDENT EGAN: Are you closing the argument now, Mr. Kilcher?

KILCHER: I am answering Mr. Cooper's question and closing the argument at the same time. If we truly care as much for the districts of the lower house as much as we care for the senatorial problem, we could easily see by taking a fairly accurate census, not census but estimated population of 1955, that several of these districts are right now, if not already in jeopardy, already have lost their identity as a house district. If my amendment were adopted, by diligent political activity, these districts might survive 1960. If anybody doesn't understand what I mean, I will gladly elucidate. If you're not interested, well, that's that. But I have watched the work of the board and the work that has been put in it is one of the problems that I was mainly interested in, in this Convention. I am sorry I was not on the board. Maybe it was the board's good luck. A lot of work has been done. A lot of battles have been fought in it, and I am sorry to say that the fear of losing senatorial seats has clouded, rapidly clouded the issue of fair apportionment for the house districts. As a matter of fact some of these house districts, in my opinion, have been created out of a necessity to get enough pairs within a senatorial district. I wonder what would have happened if the idea of having senatorial pairs of districts hadn't been espoused. It possibly would have ended up with 21 or 23 districts. Now, well the fact is we have 24. I am not quarreling about it. I certainly cannot be accused of grinding my own axe because the area I am from certainly gets very good representation, all they could ever ask for. But I am truly trying to highlight the danger that some other areas are in that I never intend to live in as far as I know now but they would have a better chance of having their identity as a district for the lower house if this plan were adopted because history has shown, statistics show, that the rural areas take

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the voting on the average more serious than urban areas, so that would give them a slight predominance.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Kilcher be adopted by the Convention?" All those in favor of the adoption -

KILCHER: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

Yeas: 4 - Barr, Hinckel, Kilcher, Reader.

Nays: 46 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Absent: 5 - Collins, H. Fischer, Poulsen, Robertson, VanderLeest.)

CHIEF CLERK: 4 yeas, 46 nays, and 5 absent.

PRESIDENT EGAN: The "nays" have it, and the proposed amendment has failed of adoption. Are there other amendments to Committee Proposal No. 14? If not. If there are no other amendments, Committee Proposal No. 14 will be referred to the Committee on Engrossment and Enrollment. Mr. Riley.

RILEY: A five-minute recess would enable the Rules Committee to bring out the report yesterday requested by Mr. McLaughlin.

PRESIDENT EGAN: If there be no objection the Convention will stand at recess for five minutes.

RECESS

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

JOHNSON: Gentlemen the time has arrived, I therefore move that the Convention stand adjourned until tomorrow morning at 9:00 o'clock.

PRESIDENT EGAN: Are there committee announcements? The Convention will come to order. Mr. Victor Rivers, do you have

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a committee announcement? Are there committee announcements to be made at this time? If not, Mr. Johnson has moved and asked unanimous consent that the Convention stand adjourned until 9:00 a.m. tomorrow. Is there objection?

DOOGAN: I object.

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

JOHNSON: I so move.

PRESIDENT EGAN: Mr. Johnson so moves, is there a second?

TAYLOR: I second the motion.

PRESIDENT EGAN: It's been moved and seconded. All those in favor of adjourning until 9:00 a.m. tomorrow will signify by saying "aye". All opposed by saying "no". The "ayes" have it and the Convention stands adjourned.