

## ALASKA CONSTITUTIONAL CONVENTION

February 2, 1956

SEVENTY-SECOND DAY

PRESIDENT EGAN: The Convention will come to order. We have with us today Reverend Powers of the Totem Park Church of the Nazarene. Reverend Powers will give our daily invocation.

REVEREND POWERS: Our Heavenly Father, once again we come to the meeting at this time; once again we come in the name of good government. We pray at this time that Thou will give our delegates guidance from Heaven; that Thou will give them the necessary help from above that we might have a good constitution. We thank Thee for the work they have done in these past months. We pray that Thy blessings will be upon them, and may we have a state, Lord, that will lift up God and the things that are of righteousness. Be with us at this time. Bless every family that is represented. In Thy name we ask it. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll at this time.)

CHIEF CLERK: 2 absent. Mr. Taylor is ill.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with the regular order of business. The Chair would like to announce at this time that we are very pleased to have with us today the eighth grade class of Main School of the Fairbanks public schools. We regret that the loud speaker system has been taken out of the gallery in order to facilitate plans for the signing ceremony on Sunday, and we hope that it will be possible that the people in the gallery can somewhat understand what is taking place here on the floor this afternoon. Mr. Lee.

LEE: At this time I would like to have the privilege of introducing an eminent legislator from the first division, Mr. Ed Locken of Petersburg, in the gallery. (Applause)

PRESIDENT EGAN: The Chair and delegates are happy that Mr. Locken has seen fit to come all the way from Petersburg to Fairbanks, Alaska, to witness the Constitution of the State of Alaska in the making. Mr. Locken, we are happy to have you with us. Does the special committee to read the Journal have a report to make at this time? Mr. White.

WHITE: No report at this time.

PRESIDENT EGAN: That report will be held in abeyance. Are there reports of standing committees? The Chief Clerk will proceed with the reading of communications.

(The Chief Clerk read the following communications: Telegrams from Senator Warren G. Magnuson and Hon. Samuel W. King, Governor of Hawaii, expressing regrets at not being able to attend the signing ceremony; letters from Governor J. Bracken Lee of Utah, Governor Charles H. Russel of Nevada, Governor Lane Dwinell of New Hampshire, Governor Phil M. Donnelly of Missouri, Governor G. Mennen Williams of Michigan, Douglas Fisher, Executive Counsel for Governor Frank Clement of Tennessee, and Phillip T. Drotning, Executive Secretary for Governor Walter J. Kohler of Wisconsin expressing regrets at not being able to attend the signing of the constitution. The communications were ordered filed. A letter from Delegate E. L. Bartlett expressing gratitude for the invitation and regrets at not being able to attend was also read and ordered filed. A letter from Ancil H. Payne, President of Operation Statehood of Anchorage, endorsing the Tennessee Plan was read and ordered filed. A telegram from Walter J. Hickel and Alex Miller, Republican and Democratic National Committeemen, inviting the delegates to a no-host dinner Saturday evening at the Travelers Inn was read.)

PRESIDENT EGAN: The communications will be filed. The Chair has just been handed a note in which it is stated that the matters on the floor cannot be heard at all in the gallery, and if there is no objection the Convention will be at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there reports of standing committees? Mr. Davis.

DAVIS: Mr. President, in the absence of Mr. Sundborg, the chairman, and on behalf of the Style and Drafting Committee, I would like at this time to introduce a Style and Drafting Report concerning Article XIV, Section 26 of the Schedule. That has to do with the Fish Trap Ordinance. I also would like to report the Style and Drafting Report on Section 14 of Article XII, General and Miscellaneous. Now on the calendar as set up, Section 14 of Article XII is listed as the second order of business. Due to a matter which has come up since noon, I would like to request that consideration of that matter be held over until after the second reading of Ordinance 17/Z. We may or may not be ready to take it up later this afternoon, to take up this Section 14.

PRESIDENT EGAN: Would the Chief Clerk please read the Style and Drafting Committee's Report on Article XIV, Section 26.

(The Chief Clerk read the report as requested.)

PRESIDENT EGAN: Mr. Davis, do you have a report to make on the work that the Style and Drafting Committee has done on this?

DAVIS: Mr. President, on behalf of the Style and Drafting Committee, I would like to call on Mr. Fischer to make explanations and to

answer such questions as there may be on this article.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, the Style and Drafting Committee made no substantive changes in the rewrite of Section 26. The format has been somewhat changed since the enrolled copy was before you. The Committee has made this uniform with the other ordinances that will be coming up before the voters; in other words, stating the proposition first and then what the result of it will be. We have designated in the whole of the ordinance itself, in the proposition, we have numbered it Ordinance No. 3, with the adoption of the constitution being Ordinance No. 1, and the Alaska-Tennessee Plan being Ordinance No. 2, and Fish Traps being Ordinance No. 3. You will also note that in the proposition itself we have inserted the words on line 3, "in the coastal waters of the state". That is not a substantive change. It puts it in line with the ordaining clause. The purpose of this was to make sure that no one who votes on this particular proposition does so with the impression that this will automatically abolish fish traps, even before we become a state. It's just a matter of clarification. Otherwise, Mr. President, the resolution -- the section is the same as before.

PRESIDENT EGAN: Are there any questions to be directed to Mr. Fischer with relation to the work the Style and Drafting Committee has done on this section? If there is no question -- Mr. Davis.

DAVIS: If there are no questions, Mr. President, I move at this time that the Style and Drafting Report on Section 26 of Article XIV may be accepted. There were no changes so I won't ask for any adoption of changes.

PRESIDENT EGAN: Mr. Davis moves and asks unanimous consent that the report of the Style and Drafting Committee with relation to Article XIV, the Schedule, Section 26, be accepted by the Convention. Is there objection?

ROBERTSON: I object.

PRESIDENT EGAN: Mr. Robertson objects. Mr. Davis, do you so move?

DAVIS: I do.

PRESIDENT EGAN: Seconded by Mr. Knight, that the report of the Style and Drafting Committee be accepted by the Convention. Is there discussion? If there is no discussion, the question is: "Shall the report of the Committee on Style and Drafting with reference to Article XIV, Schedule, Section 26, be accepted by the Convention?" The Chief Clerk will call the roll.

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

Yeas: 50 - Armstrong, Awes, Barr, Boswell, Buckalew,

Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 3 - Laws, Reader, Robertson.

Absent: 2 - Sundborg, Taylor.)

CHIEF CLERK: 50 yeas, 3 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and the report has been accepted by the Convention. Mr. Davis.

DAVIS: At this time, Mr. President, I would move that the rules be suspended, that Section 26 of Article XIV be advanced to third reading, and placed on final passage.

PRESIDENT EGAN: Mr. Davis moves and asks unanimous consent -- or did you, Mr. Davis?

DAVIS: I forgot to ask that it be read by title only.

PRESIDENT EGAN: -- that the rules be suspended as to Section 26 of Article XIV, Schedule, that it be advanced to third reading, read by title only, and placed in final passage. Is there objection? Hearing no objection, the rules have been suspended and Section 26 of Article XIV of the schedule is now before us in third reading. The Chief Clerk will please read the title of the matter before us.

CHIEF CLERK: "Article XIV, Schedule, Section 26, ordinance to abolish fish traps."

PRESIDENT EGAN: The section is now before us and open for debate. Mr. Robertson.

ROBERTSON: Mr. President, my remarks will be very few and in consequent with my statement on the floor of the Convention a few days ago. In my opinion this schedule is penal in nature; it is legislative in nature; it's based upon fallacious premises; it violates the first policy resolution adopted by the Convention, that our constitution should consist of a framework of government and not of legislative law; and I think it does a disservice to the people of Alaska and to the industry of Alaska; and I shall vote "no" against the adoption of it.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I move the previous question.

PRESIDENT EGAN: Mr. Buckalew moves the previous question. Is there a second?

POULSEN: I second it.

PRESIDENT EGAN: The question is: "Shall the previous question be ordered?" All those in favor of ordering the previous question will signify by saying "aye"; all opposed, "no".

PRESIDENT EGAN: The "noes" have it and the previous question has not been ordered. Is there further discussion or debate? If not, the question is: "Shall Section 26 of Article XIV, the schedule, be agreed upon as a part of the schedule appended to the Alaska state constitution?" The Chief Clerk will call the roll.

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

Ayes: 46 - Armstrong, Awes, Barr, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, Wien, White, Mr. President.

Nays: 7 - Boswell, Johnson, Laws, Reader, R. Rivers, V. Rivers, Robertson.

Absent: 2 - Sundborg, Taylor.)

CHIEF CLERK: 46 yeas, 7 nays, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and Section 26 of Article XIV, the schedule, has been agreed upon as a part of the schedule appended to the Alaska state constitution. Mr. Davis.

DAVIS: In accordance with what I said a while ago, I would ask that you pass Section 14 of Article XII at this time.

PRESIDENT EGAN: If there is no objection, we will pass that. At this time the Chair would like to bring to the attention of the delegates that we have this invitation from Mr. Hickel and Mr. Miller requesting that the delegates be their guests at the Travelers' Inn on Saturday evening, and of course we should dispose of that in one manner or another. The delegates should decide whether or not they wish to attend the invitation, inasmuch as Saturday is not far off and the Chair would -- Mr. Hellenthal.

HELLENTHAL: I move that the invitation be accepted.

R. RIVERS: Point of clarification. That was a no-host invitation?

PRESIDENT EGAN: Yes, Mr. Rivers.

RIVERS: They did not indicate what hour we were to be there for dinner, but I think if a few did not show up it is not strictly the kind of an invitation that you are obligated to no-host yourself at. Now I intend to go and pay for my own dinner, and appreciate their organizing the affair, but I am not sure that this is just a straight-across social invitation that we have to all accept and bind ourselves to. I think we ought to have a show of hands, though, as to how many intend to go.

PRESIDENT EGAN: Was there a second to Mr. Hellenthal's motion?

HILSCHER: I second it.

PRESIDENT EGAN: Seconded by Mr. Hilscher. Is there a discussion of the matter?

HILSCHER: To help out this matter, it was the thought that we might pass around a piece of paper to see who would like to attend that evening. Would that be satisfactory?

PRESIDENT EGAN: Well, could that be done at the recess, Mr. Hilscher, this afternoon, the 3:30 recess? The Chair would also like to remind the delegates that the delegates are to be the guests of the history class of the University at coffee time at 3:30 this afternoon upstairs in the cafeteria. Dr. Patty also would like to know how many delegates and their wives will be present Sunday evening at the buffet supper upstairs, and perhaps that could be accomplished some time later this afternoon by having a sheet prepared in which the delegates might signify whether they will be present. Mr. Hellenthal.

HELLENTHAL: Could inquiry be made by some of the secretaries for us to determine if this dinner is, in fact, a no-host dinner? I would assume from the invitation that the contrary was true.

PRESIDENT EGAN: It said in the invitation, Mr. Hellenthal, that it was a no-host dinner. Mrs. Hermann.

HERMANN: In view of the President's statement a few days ago that we probably would work all night Saturday, I just wondered if he would like to amend that before we decide.

PRESIDENT EGAN: Well, Mrs. Hermann, at that time it appeared that we definitely would very likely be working Saturday night. At the present time, unless there are delegates who feel to the contrary, it does not appear that it will be necessary for the Convention to be convened on Saturday evening, and it seems, then, that it is the desire of the delegates -- is that correct -- that we do accept the no-host invitation? Of course, as Mr. Ralph Rivers said, on the no-host invitation it is up to the delegates whether they can attend and we will at some time later in the day have each delegate indicate

as to whether or not he will attend on Saturday evening. Mr. Harris.

HARRIS: I was wondering if you have any idea what time this signing ceremony will be over and how much time will be left Sunday evening.

PRESIDENT EGAN: Mr. Harris, it probably in every likelihood would be before 4:00 in the afternoon. Mr. Coghill.

COGHILL: The Committee on Administration figures that the signing ceremony will take about an hour and a half to two hours, and it was the feeling of the Committee that we would recommend to the Convention that, upon the adjourning over at the signing ceremony, that we group here at the Convention hall in plenary session and sign the remaining copies, and we will have a report tomorrow for you on the full proceedings for the consideration of the Convention. However, we had held Sunday afternoon after the signing ceremony we would sign the remaining copies of the constitution in this hall.

PRESIDENT EGAN: Another question that has to be definitely decided -- there was a motion the other evening, as the Chair recalls it, that we actually approve the document in its final form here, and then go over for the signing. Now, many delegates have made the question since that time as to just what we have decided to do, or will decide to do, in relation to that matter. The secretary would like to know for certain in order that the programs can be sent to the printer this afternoon for printing. Mr. White.

WHITE: Mr. President, if this is the time to take that up, I have a motion prepared to bring the issue before us in terms in which we can decide. Now I went back to the record yesterday and got the motion as offered by Mr. Hurley and amended by Mr. Victor Rivers and passed by this body, and it appears to kind of leave the question up in the air. The motion was that final reading and vote on the constitution for the State of Alaska take place in this hall on or before Saturday, amended by Mr. Rivers to read that the constitution would be read by title and preamble prior to signing. In that motion there was nothing definite about taking the final vote over in the gymnasium. If it is the wish of the body, Mr. President, I would like to move that we rescind our action on that motion in order to offer another one. Would it be in order to read the one I wanted to submit if we rescind the action?

PRESIDENT EGAN: That would be in order, Mr. White, in order to allow the delegates to know what the subject is going to be -- brought before us if the action is rescinded.

WHITE: Mr. President, the motion to be submitted if the action is rescinded on the previous motion is as follows: that it be the policy of the Convention to have final reading, debate, and amendment of the constitution in this hall at such time prior to 2:00 p.m., February 5, as the Convention may decide. We then move and

vote upon the calling of the previous question, and that following this vote, the Convention adjourn until 2:00 p.m., February 5, at which time the final roll call vote will be taken.

PRESIDENT EGAN: Mr. White, in that motion did you intend that the motion mean that the final draft of the constitution would have been advanced to third reading and then open for debate, that the debate be completed here, and then the motion for the previous question be made, and to hold over until the question be put at the gymnasium? "Shall the final draft of the Constitution of the State of Alaska be adopted?"

WHITE: Yes.

PRESIDENT EGAN: Well, the motion does not state that it be in the position in third reading, if that was your intention. Will the Chief Clerk please read the motion as Mr. White would offer it.

CHIEF CLERK: "That it be the policy of the Convention to have final reading, debate, and amendment of the constitution in this hall at such time prior to 2:00 p.m., February 5, as the Convention may decide; to then move and vote upon the calling of the previous question and that, following this vote, the Convention adjourn until 2:00 p.m., February 5, at which time the final roll call vote will be taken."

PRESIDENT EGAN: Those two words would probably clarify the matter. Do you move, Mr. White, that the Convention rescind its action in adopting the policy motion that was adopted the other evening?

WHITE: I do. Mr. President.

PRESIDENT EGAN: Is there a second to the motion?

R. RIVERS: I'll second.

PRESIDENT EGAN: Seconded by Ralph Rivers that the Convention rescind

F. FISCHER: I'll ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the previous action with relation to this policy be rescinded. Is there objection?

LONDBORG: I object.

PRESIDENT EGAN: The Chief Clerk will call the roll. It will take 28 votes to rescind the action.

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

Yeas: 52 - Armstrong, Awes, Barr, 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, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 1 - Londborg.

Absent: 2 - Sundborg, Taylor.)

CHIEF CLERK: 52 yeas, 1 nay, and 2 absent.

PRESIDENT EGAN: So the "yeas" have it, and the action has been rescinded. Mr. White.

WHITE: Mr. President, I move the adoption of the motion that is now on the Chief Clerk's desk.

PRESIDENT EGAN: Is there a second?

R. RIVERS: I'll second it.

V. RIVERS: Mr. President, I ask unanimous consent to change the word "adjourn" in that motion to "recess".

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent that the word "adjourn" in the motion be changed to read "recess" and, in order to clarify that matter, undoubtedly this proposed amendment is offered because it might be necessary that that time might be made known to us that it wouldn't be wise to adjourn. We might just recess until 8:00 Monday morning in order to be certain that we have accomplished everything. Well, Yes, Mr. Victor Rivers, you had the same identical opinion as to the motion that the Chair had, but it refers to the adjournment on Saturday until 2:00 p.m. on February 5, so it would not interfere with the other final adjournment.

V. RIVERS: I will withdraw.

PRESIDENT EGAN: It has been moved and seconded that the motion be adopted. Mr. Victor Rivers asks unanimous consent that the motion be adopted as a policy of the Convention. Is there objection? Mr. Ralph Rivers seconded the motion; it was the understanding of the Chair that Mr. Victor Rivers asked unanimous consent with the one change ordered. Is there objection? Would you please read the motion again?

CHIEF CLERK: "That it be the policy of the Convention to have final reading, debate, and amendment of the constitution in this

hall at such time prior to 2:00 p.m., February 5, as the Convention may decide; to then move and vote upon the calling of the previous question and that, following this vote, the Convention adjourn until 2:00 p.m., February 5, at which time the final roll call vote will be taken."

PRESIDENT EGAN: Of course, the Chair feels -- unanimous consent is asked. Is there objection?

COGHILL: May I request a two-minute recess before the vote is taken?

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

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Is there objection to adopting the motion as made by Mr. White as a matter of policy? Hearing no objection, the motion has been adopted. Mr. Davis.

DAVIS: Mr. President, the Style and Drafting Committee is now ready to go ahead with Section 14 of Article XII.

PRESIDENT EGAN: If there is no objection, the Chief Clerk will read the Style and Drafting Committee's report of Section 14, Article XII.

(The Chief Clerk read the Committee's report in full.)

PRESIDENT EGAN: Mr. Davis, do you have a report to make at this time?

DAVIS: Yes, Mr. President. The delegates will remember that the two pending enabling acts, one for the House and one for the Senate, require the insertion of language in the constitution concerning lands held and owned by the United States and lands held and owned by the United States for the trust and benefit of Native Alaskans, and concerning taxing of such lands, both the lands of the United States and the lands of the Native Alaskans. We ran into several problems there. In the first place, the section in either of the proposed bills is quite lengthy and actually rather confusing. In the second place, the House bill differs quite seriously from the Senate bill and of course we have no way of knowing which one might finally be adopted. In reading both of the proposed bills, we find that there is no suggestion that we follow the exact language they have used. But they are each quite specific that certain thoughts shall be included in the Alaska state constitution. With all of those things in mind, we took the two bills and broke them down as to what they said, and the rewrite which we have here, we believe, includes all of the salient points in both bills in language that we believe is understandable to everybody concerned, and for that reason, we believe that the Section 14, which we

present here, will meet the requirements of either bill if it were to be passed. At this time, then, I will attempt to answer such questions as there may be and, since I didn't personally do the job on this, if there are other questions, I will pass them over to Mr. Fischer who did most of the work on it.

PRESIDENT EGAN: Are there questions to be directed to Mr. Davis? Does any delegate have a question? If not, Mr. Davis --

DAVIS: If not, well, at this time, then, I will move that the report of the Style and Drafting Committee on Section 14 of Article XII be accepted. There were no changes made in that report. I ask unanimous consent.

PRESIDENT EGAN: Mr. Davis asks unanimous consent that the Style and Drafting Committee's report as to Section 14, Article XII, the general and miscellaneous provisions, be accepted by the Convention. Is there objection? Hearing no objection, it is so ordered.

EMBERG: Objection

PRESIDENT EGAN: Objection is heard. Mr. Emborg.

EMBERG: This came a little quickly and I haven't been able to find the draft here that I was going to compare this with, but I do notice one thing, that in the previous draft that we have had before us, there was a reference to the property rights and also the inclusion of fishing rights. I would like a few minutes of recess.

DAVIS: I think it would be wise to take a recess. We want everybody to be sure that everything is in here. I might state for Mr. Emborg's benefit that we are satisfied that the general word "property" we have here also includes the fishing rights, but we want to be certain that we get everything in here that the Congress has required.

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

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Davis has asked unanimous consent that the rules be -- Mr. Emborg.

EMBERG: I will withdraw my objection I have made.

PRESIDENT EGAN: Mr. Emborg withdraws his objection. Mr. Davis.

DAVIS: Mr. Emborg has withdrawn, but there are other delegates who feel that it should be in there and certainly we don't want any mistake on it, so we would like at this time to offer a Committee amendment.

PRESIDENT EGAN: Do you withdraw your unanimous consent request at this time?

DAVIS: Yes, at this time. On line 8, after "property", insert "including fishing rights".

PRESIDENT EGAN: That could be interpreted as a phraseology change inasmuch as it is the opinion of the Committee that it means that, Mr. Davis?

DAVIS: Incidentally, Mr. President, it has been called to my attention that this is more phraseology here. Actually, we have rewritten the whole section so when it comes time I will make a motion to include the changes.

PRESIDENT EGAN: Now as to this motion, Mr. Davis, it's merely a clarification clause that you are asking to be adopted.

DAVIS: I did not add the word "and". Does somebody want the word "and" in there?

PRESIDENT EGAN: The Chief Clerk will please read the motion. Did you make it as a motion, Mr. Davis?

DAVIS: I did.

PRESIDENT EGAN: As made by Mr. Davis.

CHIEF CLERK: "on line 8, Section 14, insert after the word 'property' the words 'including fishing rights,'".

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

METCALF: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Metcalf.

DAVIS: I ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the amendment be adopted. Is there objection? Hearing no objection, the amendment is ordered adopted.

DAVIS: Now, Mr. President, on behalf of the Style and Drafting Committee, I would ask that the report of that Committee as to Section 14, Article XII, General and Miscellaneous Provisions, be adopted and the changes in the language be approved, and I ask unanimous consent for the adoption and approval.

PRESIDENT EGAN: Mr. Davis moves and asks unanimous consent that the report of the Style and Drafting Committee as to Section 14,

Article XII, the article on general and miscellaneous provisions, be accepted and the changes therein be adopted by the Convention. Is there objection? Hearing no objection, it is so ordered and the report has been accepted and adopted.

DAVIS: Possibly later this day, Mr. President, we may ask that this be moved to third reading but at this time we want to hold it.

PRESIDENT EGAN: The Chief Clerk, then, at this time may read the report of the Committee as to the Ordinance No. 17/z.

(The Chief Clerk read the Committee's report dated February 2, 1956, in full.)

PRESIDENT EGAN: Does the Committee on Style and Drafting have an explanation? Are there amendments? Mr. Riley.

RILEY: Mr. President, point of order -- that was the first reading was it not?

PRESIDENT EGAN: Well, the Chief Clerk will then read it -- Mr. Riley, would you like to have this referred?

RILEY: I don't recall that it was done so formally. Was it by the Committee?

PRESIDENT EGAN: The Chair had been of the understanding that the proposal had been previously offered and that the number had been changed. The Chair stands corrected. The proposal, then, is referred to the Rules Committee for assignment to the calendar.

RILEY: I am sure it would be in order at this time to undertake second reading.

PRESIDENT EGAN: The chairman of the Rules Committee asks unanimous consent that the rules be suspended and that the Convention consider Committee Proposal No. 17/z in second reading at this time. Is there objection? Hearing no objection, the Chief Clerk will read Committee Proposal No. 17/z for the second time.

(The Chief Clerk then read Committee Proposal No. 17/z for the second time.)

PRESIDENT EGAN: Are there amendments to be proposed for Section 30? Mr. Ralph Rivers.

R. RIVERS: I have an amendment which can be made orally because it is short. On line 9, the last word on the line, change the word "shall" to the word "may" on line 9. Oh! I am sorry, Section 31 is where I happen to be now. Are we taking it section by section?

HELLENTHAL: Point of order. We have never heard from the Committee on Section 31 or 32. I am very anxious to find out the thought that went into these.

R. RIVERS: I would like to withdraw my motion until we go through the preliminaries.

PRESIDENT EGAN: Does the Committee chairman wish to make a report in relation to these sections of the proposal? Mr. McNealy.

MCNEALY: Mr. President, I can report in part and then that part I cannot furnish I am going to ask Mr. Hurley, the vice chairman of the Committee, who spent considerable time on this, possibly, to amplify it. Section 30 had been referred to the Committee by some of the delegates. The first paragraph of Section 30, the Committee felt that it would not mean a great deal, that if the Congress simply rejected a part of it, it would not impair the rest of it, but they still might send some ordinance or provision of the schedule back for the people to vote upon or possibly might even force a compromise. But if it were merely a matter of changing something in the schedule or some transitory provision thereof, that this body might like to go on record as trusting the legislature to make that change in order that it would not be necessary, then, for a Territorial wide referendum, or it would not be necessary to call another constitutional convention in the event that it was only affecting the schedule. The further thought was that in the event some material part might be required in the constitution -- that what would normally be in the constitution that Congress could go so far, if they wanted to be lenient about the matter, is to state that it could be changed and could be put into an ordinance provision here if there was some additional thought or requirement of Congress that we haven't seen in any of the enabling acts that have been before this body. As to Section 31, it wasn't in the committee room at the time that one was worked over. I would rather leave that to Mr. Hurley. As to Section 32 and a proposed Section 33, I might state that the purpose there is that we have adopted the Tennessee Plan and this appears that it gives a little stronger force to the plan. In effect, we haven't gone all the way through with the Tennessee Plan. As you all know, we have just provided for the senators and representative, but, in the event that in two years Congress had seen fit not to give us statehood, this would be sort of a directive to Congress of what the Territorial legislature might do. I use the word "might", certainly, and to provide for the officers and proclaim the date on which the constitution shall become effective. In conclusion, there has been a little laughter about the Proposal 17/z because we wanted that to be known as the last proposal, we trust, from the Ordinance Committee, and we didn't want to put in another proposed ordinance that, if we were not granted statehood within a period of two years, that a plebiscite should be made to the United Nations to declare us a sovereign nation. We thought that might be just a step too far and we had better close the ordinances at this point.

PRESIDENT EGAN: Are there questions to be directed to the chairman of the Committee? Mr. Hellenthal.

HELLENTHAL: I wonder if, as a substitute for Section 32, the

Committee gave thought, perhaps, to providing for a hunger strike?

PRESIDENT EGAN: Are there amendments for Section 30? Mr. Ralph Rivers.

R. RIVERS: I would like to hear from Mr. Hurley on Section 31.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Mr. President, Section 31 was at one time in a similar form in the transitional measures which were offered by the Committee. I could never find out what happened to it, but on looking over the transitional ordinances that we had, it appeared that there were many gaps that could arise, and it was suggested by a number of people that some provision be made for giving the authority of the Constitutional Convention to the various people who might be in a position to facilitate the change-over from territorial to state government. Now, we recognize that we are in no position to point our finger at federal officials or territorial officials and say "you shall do this", but we also think that the acknowledgement of the importance of the transitional period is a desirable thing to include in our constitution. The wording that has been used here has been purposely kept broad and as to -- speaking a little closer to Mr. Rivers' question, he had reference undoubtedly as to whether it should be "shall take necessary action" or "may take necessary action". It is really rather immaterial to me, because we can't tell them to do it anyway, and whether or not they do will depend to a great extent on their own desire to cooperate, and that was the reason why it was included.

PRESIDENT EGAN: Are there proposed amendments or questions to be directed to Mr. Hurley at this time? Mr. Hurley.

HURLEY: May I make some remarks on behalf of the Committee on Section 32?

PRESIDENT EGAN: You may if you so desire.

HURLEY: Mr. Chairman, it is undoubtedly a feeling of general humor, there has been throughout in consideration of this proposal. I think that, if we stop to consider that we have spent some 3,725 man-days and \$300,000 in writing a constitution for the State of Alaska, that we ought to give a little bit of consideration as to why we are doing it. We have adopted by a vote of some 53 or 52 to 2, or some tremendous majority, the Alaska-Tennessee Plan. We have said we want to become a state. We want to send two senators and a representative to represent us in the United States Congress, and then we have stopped. Then what are we going to do? The Tennessee Plan is doomed to failure if we don't send those people back there as representatives of the State of Alaska. If we send them back there as missionaries or as public relations agents, they are going to be completely ineffective. Unless we think in our own minds that we are a state, we will not be as effective. Who has the answer? What

are we going to do if these people are not seated, if we don't become a state? Forget the whole thing? Or are we going to have another punch ready to pull if it is necessary? I don't think this is revolutionary; I think it is sensible. The idea isn't my own; the idea was unanimously passed in Committee. The proposal was made to us by a great many other people who feel the same way. I think we should give serious thought to the possibility that our first blow may not result in statehood. We should keep in the back of our minds what our next move is going to be, and I think this move would be very desirable.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, may I address a question to Mr. Hurley?

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

R. RIVERS: Mr. Hurley, when you first read this it sounded as though we were going to proclaim ourselves a state, but I see in the last four lines, the "legislature shall provide for the election of officers under this constitution and for proclaiming the date on which the constitution shall become effective". Does that mean that they might provide that the President of the United States shall proclaim Alaska to be a state, or what are you getting at there?

PRESIDENT EGAN: Mr. Hurley.

HURLEY: In the first place, we have to recognize the same thing I said about Section 31, that we as -- the Convention has no authority to tell the Territorial legislature what do to at all. In the second place, what we had in mind particularly there was that the legislature would have authority, if they so desire, to provide for the election of officers of the state and, depending upon the timing, procedures, and the situation that existed at the time, to say, in effect, that upon election of the officers they shall operate under the constitution as prepared for the State of Alaska. It has nothing to do with the President of the United States.

R. RIVERS: Would the word "may" on line 15 --

HURLEY: To answer that question, wherever you want to put the word "may" in here, I am sure the Committee will have no objection.

R. RIVERS: Thank you.

PRESIDENT EGAN: Are there other amendments to be proposed for Section 30? Mr. Ralph Rivers.

R. RIVERS: I move that the word "shall" on line 9 of that page be changed to "may", in Section 31.

PRESIDENT EGAN: Mr. Ralph Rivers moves that the word "shall" on



line 9 be changed to read "may". Is there a second to the motion?

MCNEALY: I second it.

PRESIDENT EGAN: Seconded by Mr. McNealy. Mr. Ralph Rivers.

R. RIVERS: I ask unanimous consent.

PRESIDENT EGAN: Is there objection?

MCCUTCHEON: I object.

PRESIDENT EGAN: Objection is heard.

R. RIVERS: I so move.

PRESIDENT EGAN: It's been moved by Mr. Ralph Rivers, seconded by Mr. McNealy, that the amendment be adopted. Mr. Ralph Rivers.

R. RIVERS: Mr. President, Mr. Hurley has put it clearly enough when he said that we can't point our fingers at federal officials and tell them they "shall" do something. Neither is the Territorial legislature under our thumbs so that we can point to them and say they "shall" do something. I think it is a good idea to have Section 31 and flag the point that we are going to have cooperation from both the federal officials and Territorial officials to attain an orderly transition, but I don't believe in the discourtesy, we will say, or the presumptuousness of saying "shall" when Mr. Hurley and Mr. McNealy and the Committee members apparently are entirely favorable to the word "may", and when we have no jurisdiction to say "shall", but where we do actually make a polite request when we say they "may" cooperate with us. Now I have reserved making a comparable motion to Section 32 because I don't want any compounding here. I want a good clear point. So now we are on Section 31 and that is where I'd like to see the word "shall" changed to "may".

PRESIDENT EGAN: Mr. Kiclher.

KILCHER: Mr. President, I'm afraid I have to be at least slightly out of order here in making reference to the word "shall" in Section 32.

PRESIDENT EGAN: Mr. Kilcher, we have before us the proposed amendment to Section 31.

KILCHER: Mr. President, I am aware of that in connection with the word "shall" in Section 31. The word "shall" in Section 31 has been alluded to the word "shall" in Section 32 by Mr. Rivers himself. He says he would refrain from mentioning it because it would be compound. I disagree that these two words "shall" could be compared at all in any way. In Section 31 the word "shall" expresses a mandate and should express a mandate. It is perfectly legitimate within the conventional language of other constitutions. It is an ordinary transitional measure. The transitional

government, whatever it may be, has a duty to insure the orderly transition from one type of government to the other. It is not optional at all; it is mandatory. Whereas, in Section 32, this word "shall" could be argued. It is definitely a "may", but in Section 31 the word "shall" is mandatory. It means exactly what it says. It should stay.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I'd like to explain to Mr. Kilcher that this Convention was created by the Territorial legislature and they prescribed our duties and told us what we could and could not do. We cannot turn around and tell them what they can do. This section refers to the territorial and federal officials. We can't tell the federal people what to do and neither can our Territorial legislature because they come under the federal officials. Now it is true this constitution we are writing here is the basic law for the state. The state legislature will have to do what we say here, but not the Territorial legislature.

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

SUNDBORG: I would just like to say, with respect to Section 31, we should make it just as strong as we can, and I don't feel we are going too far in using the word "shall" here since it is modified by the word "necessary". As I read it, I read it to mean they shall take action which they deem necessary to insure the orderly transition. If it were necessary, they will take it; if it is not necessary in their judgment, and they are the only people who will have the judgment, they won't do it. I know the Territorial legislature, time and again, have told federal officials such as United States Commissioners, election officials, and so on that they should do certain things; they should register the property of everybody in Alaska that owns any property, and things of that kind. And they always do it even though they don't have to. So I would favor retaining "shall".

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. Sundborg, you are aware that the United States Commissioners act in a dual capacity? Sometimes they put on their federal cap, other times they put their Territorial cap on, and, if -- when they are acting in the Territorial sphere the legislature may properly tell them what to do.

SUNDBORG: May I address a question to Mr. Hellenthal?

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

SUNDBORG: Similarly, do the election officials in the general elections act for the Territory or are they always federal? Do they always wear only a federal cap?

HELLENTHAL: Generally only federal.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, I only have one comment to make and it's sort of directed at Delegate Barr. This Convention is not telling the Territorial legislature to do anything. The people of Alaska are going to adopt this constitution and adopt this schedule, and the people of Alaska are directing the legislature to take this action and I think it's certainly proper. I have always gone on the theory that we are sovereign, whether Congress agrees with me or not.

PRESIDENT EGAN: The question is: "Shall the proposed amendment as offered by Mr. Ralph Rivers be adopted by the Convention?" All those in favor of adopting the proposed amendment the Chief Clerk will call the roll.

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

Yeas: 20 - Coghill, Collins, Cooper, Cross, Gray, Johnson, Laws, Londborg, McNealy, Metcalf, Nerland, Nolan, Peratrovich, Reader, R. Rivers, V. Rivers, Rosswog, Sweeney, VanderLeest, Walsh.

Nays: 34 - Armstrong, Awes, Barr, Boswell, Buckalew, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Riley, Robertson, Smith, Stewart, Sundborg, White, Wien, Mr. President.

Absent: 1 - Taylor.)

NORDALE: Mr. President, I would like to change my vote to "no".

PRESIDENT EGAN: Mrs. Nordale changes her vote to "no". The Convention will come to order.

CHIEF CLERK: 20 yeas, 34 nays, and 1 absent.

PRESIDENT EGAN: So the "nays" have it, and the proposed amendment has failed of adoption. Are there other amendments proposed for Sections 30 or 32? Mr. Emberg.

EMBERG: Mr. President, I would like to ask a question in regard to Section 30. I will read the first sentence here, "If the Congress of the United States rejects any provision in the schedule of this constitution, the constitution and the remainder of the schedule shall not be impaired thereby." What would happen, for instance, if the Congress of the United States rejected our Alaska-Tennessee Plan and the delegates that are there representing us elected under that schedule?

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, may I have the privilege of answering that question?

PRESIDENT EGAN: If you so desire.

R. RIVERS: I helped draft this so-called separability clause for the reasons that the Committee stated, so if some minor point arose they couldn't just throw the whole constitution back at us and force us to have another convention. The Tennessee Plan will be an executed affair by the time the enabling law is passed or is about to be passed. We will have already elected these people. Our senators and representative will have been back there working to get an enabling law through Congress so that that is a fait accompli before Congress ever gets a chance to reject one of our particular clauses. If they reject the Tennessee Plan two years hence and are so close to passing an enabling act, we have already accomplished our purpose with the Tennessee Plan.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: Won't the Congress have to consider the constitution, the schedule, and all of that before they can seat these representatives?

R. RIVERS: Yes. They could even send them back home to be reelected. They did that in one other state. But you can see that, if they are about to give us an enabling law, and they say "we reject the Tennessee Plan", then we would have to re-elect them, I suppose, but I feel that we are accomplishing practically every purpose of the Tennessee Plan in promoting statehood even if after two years hence, or at the time they are about to pass an enabling law, they do reject it. It is already over the wheel by then. You see, Mr. Emberg, that is why the Tennessee Plan is not jeopardized by this savings clause.

EMBERG: Well, I am not so sure, myself, and I would like to make a few remarks in regard to this. I notice in Section 11 of the general and miscellaneous provisions we have a general clause for consent to the enabling act in which we apply this whole thing to any rights or powers that are reserved to the United States. That is backstopped by the federal constitution in adopting it, as I understand it, that all the states will be as equals. But here in this -- frankly, in this whole field of ordinances and in the schedules, it seems to me that these ordinances are provided as a way that we can legislate legally. And, if some of the things in the schedule like the Tennessee Plan, the Alaska-Tennessee Plan, like the fish trap referendum, further go to the people separately for ratification, it doesn't seem to me wise to set up a procedure that says we don't mean some of these things we have done. I will, at the proper time, move to strike this section.

PRESIDENT EGAN: Are there any amendments for Section 30?

V. RIVERS: I have an amendment for Section 31.

PRESIDENT EGAN: If there are no amendments to Section 30 -- Mr. Emberg, do you realize that we are in the amendment procedure right now? If you so chose to offer an amendment to Section 30, it can be offered at this time. It is your privilege.

EMBERG: Well, I thought perhaps there might be some amendment offered that would meet some of my objections to it and, in that case, I would hold my amendment.

PRESIDENT EGAN: Well, your right will not disappear by passing that section. Would the Chief Clerk please read the proposed amendment as offered by Mr. Victor Rivers.

CHIEF CLERK: "On line 8, after Section 31, insert the following: 'To provide an orderly transition from a territorial to a state form of government it is declared and ordained that any ordinance or provision of the schedule appended to this constitution remain in effect until changed by law or, if the nature of the provision requires, until other action or lapse of time renders it inoperative.'"

PRESIDENT EGAN: Then, Mr. Rivers, your amendment did not strike anything in Section 31?

V. RIVERS: It was an addition, Mr. President.

HELLENTHAL: Point of order. I request that the amendment be reduced to writing and distributed.

V. RIVERS: I have no objection, Mr. President.

PRESIDENT EGAN: If there is no objection, then, the Convention will be at recess. The Convention is at recess.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Victor Rivers.

V. RIVERS: I now offer the amendment and so move, Mr. President.

PRESIDENT EGAN: Mr. Victor Rivers offers the amendment and moves its adoption. Is there a second?

V. FISCHER: I second it.

PRESIDENT EGAN: Mr. Fischer seconds the motion. The Convention will be at recess while the mimeographed copies are being prepared. Mr. Johnson.

JOHNSON: Are we going to continue the recess through this Department of History invitation?

PRESIDENT EGAN: Well, if it doesn't take -- that would mean then that the Convention would stand at recess until possibly 4:00 p.m.

DOOGAN: Couldn't we possibly go on and consider other sections for a little while, while this amendment is being mimeographed?

PRESIDENT EGAN: Well, the Convention will be at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chair has some business to attend to at this time. Mr. McCutcheon, would you take the Chair?

MCCUTCHEON: Why don't you ask Mr. Peratrovich? He is the vice president.

PRESIDENT EGAN: Mr. Peratrovich, would you take the chair?

FIRST VICE PRESIDENT: I believe that we were recessed for the purpose of framing an amendment.

COGHILL: Are we continuing into Section 32?

FIRST VICE PRESIDENT: As far as the Chair known, we are, Mr. Coghill.

COGHILL: I would like to offer an amendment. Strike Section 32. I so move.

MCLAUGHLIN: I second the motion.

FIRST VICE PRESIDENT: You have heard the motion. Are you ready for the question? Mr. Sundborg.

SUNDBORG: Mr. President, I heard Mr. Hurley say that this was recommended unanimously by the Ordinances Committee and I rather liked his explanation of their purpose. I think it doesn't demean this Convention at all to include something of this nature in the schedule of our constitution, which consists entirely of transition measures. I think if we contain in the bill of rights a section which Mr. Hellenthal can read to his children to the tune of the "Battle Hymn of the Republic", we ought to at least have one in the miscellaneous provisions which Mr. Buckalew can read to his grandchildren to the tune of "Dixie".

FIRST VICE PRESIDENT: Mr. McCutcheon.

MCCUTCHEON: Mr. President, the opportunity has finally come in this Convention to give the full expression of the will of the people of the Territory of Alaska for their desire for statehood, and this section expresses it very nicely. Actually, this Convention should have gone on record as favoring a full Tennessee Plan. Now it has

been advanced many times on this floor that this Convention cannot direct a Territorial legislature. I cannot agree with that. The Territorial legislature merely set up the means and set up the money. It has been reiterated time after time on this floor that the constitutional convention has the ability to create the highest law of the land. Because this constitutional convention is unlike a legislature in the fact that sections of our Territory that have never had representation, in this Convention have representation, so that we do have the will of more people in this Convention floor than has ever been expressed in any legislature, it is my firm conviction that, if the Congress of the United States does not see fit to extend us statehood in view of the fact that we send back our duly elected officials to the United States Congress, then we just have to take some other act which is more forceful and carries yet again the further will of the people of Alaska for statehood. Hawaii some six years ago adopted their constitution, and what have they? Virtually nothing yet. And yet Hawaii spent nearly a million dollars in prosecuting their desire for statehood, but they have yet to take the bold steps that the other states have taken and sent their duly elected officials to Congress. By sending our two senators and one representative to, in effect, lobby for the admission of statehood, we give a pleading, so to speak, that we want statehood now, and certainly it appears to mean that the plan has worked for other states; that time is not to be lost. If we do not get it by January 1959, we must take another step, go further, set up our own statehood constitution, set up our own judiciary, anything that isn't in absolute conflict with the laws of the United States, and proceed as if we were a state; elect again new members to go to Congress; and by that time I am sure the will of the people of the whole United States will properly have expressed itself so that Alaska will become the 49th state of the Union.

FIRST VICE PRESIDENT: Mr. McLaughlin.

MCLAUGHLIN: Well, Mr. President, I have been quite pleased that this Convention all during its sessions has maintained a high level of maturity, and without a great deal of emotionalism on the subject. I am fearful now that, having exhibited that maturity, we are now in the position of school children and, having beseeched Congress and made preparations to send our representatives before that august body, we are now sticking out our tongue at them like small children and telling them what we are going to do. There is no validity; there is no assurance of anything under this Section 32. It, in substance, can make us the laughing stock of the Territory. I think that this matter was once before attempted in the legislature when certain people hotheadedly made the assertion that we should become a republic. If we are so indignant, we should declare our independence now. But, if we look at it with intelligence and maturity, we should vote down Section 32 and strike it as an insult to all Alaskans. Everything we have done here will be negative by passing upon this article, and regrettably, even now we are negating a lot of our good work by even discussing the matter. It is painful that the matter had to come up, but

personally I am violently opposed to it; it means nothing, and it can be a constant and unceasing source of embarrassment to this Convention and to the very people that we send to Congress, whose laws we subscribe to. Frankly, it is an insult to the people of the Territory of Alaska, and I request that you strike it from the schedule.

FIRST VICE PRESIDENT: Mr. Buckalew.

BUCKALEW: It seems like every time we start to really express ourselves that we are acting like children. Now we have several Biblical scholars here, and I am sure that Delegate Londborg will agree with me that one time a fellow by the name of Paul of Tarsus was traveling through the province of Palestine, and he got arrested for some infraction of one of the local rules and they called him before the Jewish Tribunal on this specific charge, and Paul got up and told the judge, he said, "I am a citizen of Rome." Because he was a citizen of Rome, the Jewish Tribunal didn't have any jurisdiction. Now, even the Ceasars gave to their citizens, no matter where they were, all the privileges and immunities of the citizens of the Roman Empire that were living right in Rome itself. That was many, many years ago. I think the Ceasars were wise, and I think it's time now that we really expressed ourselves. I don't think you could read this section and play "Dixie" because it's not strong enough. We are just asking the legislature to again reaffirm our position. I don't think Congress or anybody else will look startled at such a section. I think the people in Alaska ought to fully realize that the United States would be privileged to take us in as full citizens. We can look at the citizens of the State of Mississippi. They must be a bunch of degenerates from the way they have acted, and yet they deny the same privilege to us that the people of the state of Mississippi already have. I think it is high time we get up on our feet and act like we are real Americans. There is nothing distasteful about this; there is nothing radical about it. I think we ought to adopt in unanimously.

FIRST VICE PRESIDENT: Mr. McNealy.

MCNEALY: Mr. President, Delegate McLaughlin spoke about maturity of the thoughts and voting and talks of the various members of the Convention here right up to this moment. There have been many other delegates here who spoke about the immaturity of action heretofore taken. Delegate McLaughlin spoke about the emotionalism that now causes to arise. I agree that it does with me and I think with many of the delegates here that Mr. McCutcheon amply spoke upon it. It does cause a certain emotionalism to arise, but I want to state that I felt similar to what Mr. McLaughlin says he thinks on the matter of the fish traps. Yet the fish trap proposal was one of a double-barreled deal, something like if you stop beating your wife, when you come to vote on it. And I think we are all in favor of the abolition of fish traps, and I am, but thought that possibly the long fight to abolish fish traps shouldn't be in the constitution, but when I saw the sincerity here of the members, that even if it was on the legislative side, and even if it was a



little emotional, and even if it might not be the best proposition in the constitution as far as form or wording is concerned, if it is the view of these delegates here in the long fight for rights which we as citizens of the United States are entitled to, then that was the reason I voted for the ordinance here to abolish fish traps and to submit that to the people. That is the reason I think we are being mature in considering and in leaving in this Section 32 and leaving the words in there that the legislature "shall" do this. I tell you, my friends, that in the convention of the legislature in Virginia when Patrick Henry was speaking, and in speeches throughout the United States in 1775 and 1776, if the emotionalism was immaturity in those people or if they hadn't been emotional and immature, we wouldn't have been citizens of the United States today, and I, for one, am willing to go on record this way, and this is not a speech for the record -- I wish there wasn't a tape recording to record it as far as going down for the record -- but I do want to say this, and with all my heart, if I am a member of the legislature in 1959 and we haven't achieved statehood, you will hear some Patrick Henry speeches on the floor, and I, for one, will vote that, if we can't get in this way, I am willing to go along with that former legislature and declare ourselves a republic. We have got a right to it; and we have got to get behind it; and this is one way to back it up, to back up the Tennessee Plan and to fight for it. If we are going to go along wishy-washy and hope that Congress admits us, we may as well give up right now. Every person in the Territory of Alaska has got to fight and fight continuously, and let the Congress and the people of the United States know that we are sincere. I only regret the wording couldn't be made stronger in Section 32.

FIRST VICE PRESIDENT: Mr. Doogan.

DOOGAN: Mr. Chairman, I was the leg man that introduced this to the Committee on Ordinances. However, I have no pride of authorship in it because I found, much to my surprise, that many people had thought about the same thing. I approach it from the point that we would elect these congressmen to go back to the Congress of the United States and they can knock on the doors, but supposing that that group of southern senators that we have been told about doesn't choose to do anything about it. What can they do, actually, outside of act as salesmen and missionaries as has been pointed out? I got to considering the problem from the position of, what could a future legislature do about it? And I found that as we had written our constitution -- nothing. A group of us were out to dinner one night and I happened to bring up the subject and, as I say, much to my surprise, I found that the other members of the Convention who were at dinner with me had somewhat the same ideas although they were approaching it in a more logical manner than I was. They were approaching it in the manner that we, or this Convention, would fix it so that the future legislators might put themselves in a position, looking at the problem two or three years from now, where they might be able to do something about it. Maybe they won't choose to; that I don't know; and we can't direct

them to. I have been accused of trying to start the Irish Republican Army here. I am not trying to create an insurrection. That isn't my point. I think the main thing that this does as we realize that we of Alaska are not going out and declare a shooting war on the United States -- there are too many people to get on the other side -- but the main thing that this does, I think, is point up to those people in Congress that we want statehood as our right. There is no reason why we should be any different than the rest of the people of the United States. As it has been pointed out, we have watched Hawaii who, some six years ago, adopted their constitution. They didn't adopt the Tennessee Plan or anything that went with it because they were so certain that the minute they adopted their constitution they were going to be admitted as a state of the Union, and you see what has happened. We are in exactly the same position. In essence, this Section 32 doesn't make our position any stronger, but it does one thing. It points up to the congressmen of the United States that, when we send our congressmen back to knock on the doors to be admitted, they are not going to be there for about a year and then somebody pull the rug out from under them and then they are going back home again, defeated. It points out to them that we in Alaska want and demand statehood, and we are going to keep rapping on their doors until they get so tired of seeing us that they are going to admit us.

FIRST VICE PRESIDENT: Mr. Hellenthal.

HELLENTHAL: I never thought that we would have to express our views on this subject before this body, and I am rather embarrassed that at the eleventh hour the occasion arises. We have heard Biblical quotations. I never regarded Christ as an anarchist or a revolutionist and I think that Christ said we should give unto Caesar what properly belongs to Caesar, and I don't recall that he took the path of the wild man. I was taught that we belonged to a government of laws and not to a government of men, and I am proud of Alaskans because we respect the laws and we follow the orderly intelligent route in attaining our ends, not the part of the wild revolutionary or the immature person that Mr. McLaughlin so aptly described. Hawaii can adopt the Tennessee Plan, if it cares to, later. There is nothing in its path to prevent it from so doing. We have many other avenues ahead of us if this fails, and I don't think we should threaten or hold a pistol or a club over Congress. I don't think we should make damn fools out of ourselves. Now the South once threatened to secede from the Union and we fought the bloody war of the States. I can't see that anything can be gained by adopting this wild course of conduct, nothing whatsoever. Now don't forget that the statehood movement in Alaska is a comparatively young movement. Now some of the younger people that want to be leaders in the statehood movement and always a little bit ahead of the pack, they may not want to hear that but it is the truth. Governor Ernest Gruening, who I regard as the foremost exponent of statehood, never once in a public utterance or in a message or in a report to the people of Alaska or in his reports to the Interior Department, never once mentioned statehood until 1946. I have read every

message and every report he ever gave, and statehood is mentioned for the first time in 1946. Now ask yourselves why. It was inconceivable that any intelligent man could advocate statehood immediately for Alaska, until the advent of sufficient population to make the demand sensible. We only experienced a proper population growth at the close of the war. We couldn't have done it during the war, and it was only during the war that we gained the people. Don't forget that in 1940 there were only 70,000 people in Alaska -- of every type -- 70,000, and it was with the advent of the war and the settlement of the Territory that it became a practical possibility, and Governor Gruening's record so shows. Now, if we had been under the iron heel of a tyrant -- it seems strange that we should have to distinguish our government from the government of a tyrant -- but had we been under the iron heel of a tyrant and had been held back for years and years and years, then a revolutionary language might properly be used but it certainly is out of place at this time. So I ask you here in the eleventh hour -- and it is the eleventh hour -- to give this thing deep and continued thought. Don't try to please someone or say, "He is a nice kid; I'll go along with him. And after all, there are going to be enough votes on the other side to take care of it anyway." You have never done that before, and I know you won't do it now. Give this your mature, deliberate consideration and consider it as a good citizen. Consider it as a mature, grown-up Alaskan. And when we send our people back under the Alaska-Tennessee Plan to make a proper demand -- I don't even like to use that word -- a proper petition for statehood, don't arm them like gangsters. Send back intelligent, reasonable men, and let's act reasonably and intelligently here this afternoon.

FIRST VICE PRESIDENT: Just a moment. The Chair wants to announce that the body has a commitment at 3:30. Now I think you all know what that is for, and I just want to ask the body what is your pleasure at this time? Mr. Riley.

RILEY: Prior to moving for a recess and while Delegate Peratrovich is in the Chair, I would like to suggest that we defer further amendments on the matter now before us just for a few moments to being out another matter as a special order of business.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

RILEY: I do.

FIRST VICE PRESIDENT: Is there any objection? If not, it is so ordered. Mr. Doogan.

DOOGAN: We as a body here a few days ago when the President wasn't in the Chair --

KILCHER: Point of order. Is it possible that you go into a committee of the whole for that purpose and cut the record off?

FIRST VICE PRESIDENT: Your point of order is not well-taken. We have already voted on this thing.

(Mr. Doogan requested and received permission to speak off the record for a few moments.)

FIRST VICE PRESIDENT: Mr. Riley.

RILEY: I move that we recess for the time requisite to fulfill our engagement.

FIRST VICE PRESIDENT: Do you ask unanimous consent?

RILEY: I do.

FIRST VICE PRESIDENT: Are there any objections? If not it is so ordered.

RECESS

FIRST VICE PRESIDENT: The Convention will come to order. Mr. Coghill.

COGHILL: The chairman of the subcommittee on the Committee on Administration, Mr. John McNeese, will be making the collection from the individual delegates this afternoon -- \$10 apiece -- for the painting of the portrait for President Egan.

FIRST VICE PRESIDENT: All delegates will please take notice of this announcement by the chairman of the Administration Committee. If there are no further announcements we will proceed with the article before us, Mr. Coghill's amendment, I believe. Will you read that amendment, please, Secretary?

CHIEF CLERK: Strike Section 32.

FIRST VICE PRESIDENT: That is before us now for discussion. Mr. Rivers.

R. RIVERS: Mr. President, I am not going to call the proponents of Section 32 immature or emotional, but I think this is important enough that most of us should stand up and be counted. I think that even wise men can be foolish. Sometimes you can get an overemphasis on a particular approach. Now, this section would state that, if Alaska is not admitted to the state before the fourth Monday in January 1959, the Territorial legislature shall provide for the election of officers under this constitution and for proclaiming the date on which the constitution shall become effective. In order not to look foolish ladies and gentlemen, in the eyes of the public and in the eyes of the editors who are going to be commenting on this for public consumption, and in the eyes of Congress, who is going to gauge our understanding of our law and our proper province, let's analyze and see what could the Alaska

legislature do in 1949 or in 1950, as the case may be. Our constitution provides for the election of a governor and a secretary of state. Are those the state officers that our legislature shall provide for the election of in 1949 -- I should say in 1959 or 1960? You will have under the existing Organic Act -- we are talking about a time now when we wouldn't be a state; they haven't given us an enabling law by January of 1959. We have got an appointed governor in the mansion and in the federal governor's office. We have a secretary of Alaska, also appointed federally. I suppose we are going to tell our legislature that it must provide for the election of a state governor and at that point, provide for the election of a secretary of state who would be secretary of Alaska. What are they going to do? Are they going to move in, and move out the federally appointed governor and take over his office? What purpose can they serve or perform? We can't reconstitute the courts because the courts are created by Congress. We have to become a state before we can create the courts. We cannot create any courts that detract from the jurisdiction of the courts now established by Congress. We certainly are not going to be able to do anything except perhaps elect a state legislature. Well, is that state legislature which our Alaska Territorial legislature will provide for the election of going to go down there and take the place of the duly constituted Alaska Territorial legislature? Or are they just going to run around and look foolish? We are asking our Territorial legislature -- we say it shall provide for the election of state officers, and all it could do at that stage of the game would be to elect a governor and secretary of state who cannot even move in and take their desks, and there are no other state officers elected except the members of the legislature, and our Territorial legislature must provide that we shall go ahead and elect a state legislature which can't take the seats of the Territorial legislature until we get to be a state. Now the question is: How foolish can we make ourselves look? And that is not based on immaturity or emotion. That's only based on the proposition that wise men can make mistakes. So, I am giving the proponent of this Section 32 the advantage of that classification.

FIRST VICE PRESIDENT: Mr. Marston.

MARSTON: There is no question but that the people of Alaska have complied with all requirements to being a member of the United States of America. We have complied with their agreements that they have made, a contractual agreement has been put up, we have complied with all the agreements and we should be admitted. And we will be admitted. I don't know when, but we will be. I know one thing, that we have got to stand all together. Right or wrong, we have to be together as a solid block or I am not moving from any place from here. We are together now and we are going to stay together for right or wrong, and we are going to ride the throne or the gallows together all of us -- and that is why we are going to get some place. We can't do it by dividing our forces, and I would like to leave this to the two, three people we elect to send down there. They'll tell us what to do and they will know what to do. We cannot tie their hands now. We want them to do something

more drastic than this thing calls for maybe, but I would leave it to our three men, the two senators and the congressman we elect to send down there to tell us what to do at the end of one year, not two years. That is my thinking on it, but we are all going to stay together. I am going with the group.

FIRST VICE PRESIDENT: Mr. Rivers.

V. RIVERS: I want to speak on this briefly. It seems to me that, at the time we entered upon the study of these and transitory provisions, I asked the chairman of the Committee for some information which he very generously furnished. It seems to me there are a number of cases in point here that seem to indicate that we wouldn't be able to take the step in addition to the things Mr. Ralph Rivers, Mr. Hellenthal and Mr. McLaughlin have said. We couldn't take the step that is set up here, and quoting from this matter I received from Delegate McNealy, it reads as follows: "Under all circumstances it seems to be the unanimity of authorities that it is absolutely necessary that Congress expresses its assent before a state can enter the Union and a state does not come into existence until such assent is given." It says, "There was some early authority which held to the effect that when a state was admitted to the Union upon the approval of Congress its constitution took effect from the date of ratification by the people. The later cases however held that such principle was not applicable to the territories which are deemed to be under control of Congress until their admission to the Union and that the time of taking effect of their constitution is ascertained from the construction of the enabling act." Quoting from other parts -- this is a decision rendered back by one of the other courts for which the reference is here: "While the territorial condition continues, whatever political power its people exercise must be by authority of Congress. In all governmental affairs, whatever the people of a territory do must be authorized, and they must abstain from doing what is forbidden.... In the compact for statehood, the people of the territory act for themselves and their successor, the people of the future state, and the latter are bound by the conditions accepted by the former...." There are a great many more instances that cite similar material, but it seems to me that in taking this step we would be doing something that would be very unwise in the face of existing legal opinions and decisions in similar matters. There were states after the Civil War which were readmitted. They had been states previously. They seceded and were readmitted. However, we don't fall in that category. We fall in the category of a territory, and as such we have accepted certain powers from Congress and we cannot exercise beyond those powers until such time as we actually become a state. It is beyond our power and authority to set up and constitute some of the things we say we are going to do in here. I believe we could elect a governor and a secretary of state. I don't believe, however, we could set up a system of courts as the constitution provides. As has been previously pointed out to you, I don't believe we could constitute another legislature that would have anything in its doings of the effect or force of law. Therefore, I must oppose this provision No. 32.

FIRST VICE PRESIDENT: Mr. Boswell.

BOSWELL: I feel that the people of Alaska sent us here to write a constitution and not take this sort of action as proposed by Section 32. We have passed the Alaska-Tennessee Plan, and one of the saving things about that is the fact that we have given the people a chance to pass on that by referendum. Now here we are taking an action entirely on our own. We are speaking to the people of Alaska on something that I feel goes away beyond the Alaska-Tennessee Plan, and I certainly agree with Mr. McLaughlin and all the others who have spoken against this Section 32, and I certainly don't think it should be in here.

FIRST VICE PRESIDENT: Mr. White.

WHITE: Mr. President, this doesn't go way beyond the Alaska-Tennessee Plan. This is the Alaska-Tennessee Plan. In every instance that the Alaska-Tennessee Plan has been used formerly, according to my understanding, this procedure has been followed. The only difference is that they did it right away, and a number of us have been bothered by the fact that the Alaska-Tennessee Plan as we have adopted it is a highly watered down Alaska-Tennessee Plan. To my own mind, when the full plan was proposed, I cast it aside because I couldn't see that we could go ahead and elect our full state legislature and state officers now without incurring a great additional expense, the money for which we didn't have, and without having to bypass the primaries in that respect too, and I felt that that was going too far in bypassing the primaries. I like to look at this as the Alaska-Tennessee Plan pursued in an orderly fashion. Now the statehood movement may or may not be of recent vintage, and Mr. Hellenthal says. As a matter of fact, the first statehood bill was presented in Congress by Delegate Wickersham, I believe, in 1916. The statehood movement has been a series of progressions. Now, I haven't been in the Territory here as long as Mr. Hellenthal or a lot of the rest of you. I have been here since 1947, but I have experienced in that time a series of progressions in the statehood movement, from one in which a lot of people who perhaps wanted statehood were opposed to it under various enabling bills that were then current, to gradual acceptance by the vast majority of the people under -- as the statehood bills, enabling acts improved and became more generous. I think it is fair to say that not too many years ago you would have been hard put to find too many people in favor of holding a constitutional convention in advance of the passage of a statehood enabling act. Now we have come to the point where the vast majority of the people are in favor of such a thing, and we are here today. You would have been hard put not too many years ago to find very many people in favor of even the position of the Alaska-Tennessee Plan that we have here adopted. We have now come to the point where we are virtually certain of overwhelming acceptance. This additional section provides that should nothing happen by 1959 the legislature shall then in effect consider what additional steps might be necessary, and it backstops the national representatives that we seek to send to Congress asking to be admitted through the Alaska-

Tennessee Plan, with the knowledge and with the message being broadcast to the people of the United States and to the Congress that we are serious about this; that this isn't a publicity gimmick or anything else. And Mr. Hellenthal said we are operating under a government of laws; I like rather to think of it as a government of consent by the governed, and the amazing thing to me is that the people of Alaska have been patient so long. I have in the past acted as chairman of a group when we were referred to as acting as something other than ladies and gentlemen, and I have been told that we should approach Congress with our hats in our hands. The truth of the matter is that Alaskans have always approached Congress with hats in hands, and they have always acted as ladies and gentlemen, and I deny anyone to prove differently at any time on any floor, and the amazing thing is that the people of Alaska have been patient for so long. I think that this section is no more than a suggestion that we have finally faced the facts and we have come to the decision that should we want statehood we must proceed step by step, acting as ladies and gentlemen in an orderly fashion at each step, but that we don't intend to back down. I didn't come here to sit for 75 days as an academic exercise. Now, I think that if it is disorderly to hold a Constitutional Convention at this time, that we had better give up the idea of asking for statehood, but if it is not disorderly I would suggest that sometime in the future an additional step should be taken. Now this section can be amended if the people feel it is a little too strong, but I am highly in favor of leaving its essence in the body of our ordinance.

FIRST VICE PRESIDENT: Mr. Londborg.

LONDBORG: There have been a number of things come to my mind as I read this section over. It's too bad that we didn't have it a few days ago to study and get it before Style and Drafting had to spend too much time on it. There are some things here that I think we ought to consider. We have the Tennessee Plan as outlined. It will be before the people and if they adopt it we will send our two senators and the representative out to Washington. Now, if they succeed in getting us statehood before this date, January 1959, then certainly we don't need Section 32. They will have accomplished their purpose. But if they fail, if we have not been granted statehood by that time, then it seems like we have wasted a lot of money sending them out there for one thing, instead of working this double-punch business, sending first the three out there and then holding this threat behind them and behind Congress. It would seem a lot better than if we say that in January 1959 we're going to elect officers and declare a full statehood and in the meantime give Congress a couple of years to make up their minds if they are going to let us go in or not. It seems like that would be the better thing to do and save a lot of money. But what if the United States Congress doesn't grant us statehood at that time? What are we going to do then? I think we are lining ourselves up to look awfully foolish. We say, "Well, here we have our whole set of officers; the constitution is going into effect." I think that Ralph Rivers brought out some of the roles that will be played here then. We will have two sets of legislators. We will have a double



court system. We will have a lot of other things. Actually we wouldn't because, as Mr. Victor Rivers brought out, the United States Congress must act before certain things go into motion. This Section 32 is as much as saying that, if they don't give us statehood by that time, we are going to set up our own sovereign state and if they want to let us in, all right; if not, we are going to go elsewhere, probably to Canada as was suggested the other day, or maybe just all by ourselves. What if the United States doesn't let us do that? I'd like to know how in the world we are going to back up Section 32 when the time comes. Are we going to mobilize or start building jets or something like that? This is dynamite in here, and I think Section 32 should be dealt with wisely right now and be voted out of this portion of the constitution.

FIRST VICE PRESIDENT: Mr. Hilscher.

HILSCHER: Mr. President, I think we have overlooked a very important fact. The Library of Congress has supplied us with a great deal of background material, and I would suggest that -- I hate to suggest that possibly some of our members haven't even read this. Just as a matter for the record, may we look and see what Tennessee did? On page 5 of this report is said --

FIRST VICE PRESIDENT: Just a minute. Does that have any relation to what is before us?

HILSCHER: Yes, it has. It has a very complete bearing on it, because I want to point out that Tennessee, Michigan, Iowa, California, Oregon, and Kansas went the whole way on the Tennessee Plan. They didn't chicken out at the last hour on this thing. They went the whole way. They established their state government. So that we have this clearly in mind, may I please refer to the record in a couple of places? Tennessee: "The sixth section of the first article will inform you that the first General Assembly to be held under this constitution is to commence on the last Monday in March next. The object of the Convention, in determining on this early day, is a representation in the Congress of the United States... and that same convention arranged for the election of state officers. Michigan: At the same time a governor and a state legislature were elected they elected representatives to the national Congress. All we have here in Alaska is a watered-down version of the Tennessee Plan, and I would just like to say in all sincerity that one of our good members here whose life is built entirely upon faith, and I think the future of Alaska can be built of faith just as well. Iowa: "In this election, the Governor and two Representatives to Congress (as well as other officials) were chosen. California: "...the same year a general election was held to ratify or reject the newly drafted constitution, and to elect a governor, lieutenant governor, two congressmen, and members of the state legislature." Oregon: "The Constitution itself provided that, once the instrument had been ratified, another special election was to be held in June 1858 for election of members of the legislative assembly, of state and county officers..." as well as representatives for

Congress. Kansas: "...an election was held for State officers, a State legislature, and a Representative in Congress.' Thus was made ready a State Government for Kansas'." I submit, Mr. President, that this Section 32 is simply a declaration of our intent. We are desirous of having statehood, and we are going to declare ourselves a state, and I am in favor of Section 32.

FIRST VICE PRESIDENT: I think you spoke twice on the subject, Mr. Hellenenthal.

HELLENTHAL: I want to ask a question.

FIRST VICE PRESIDENT: Confine it to a question, please.

HELLENTHAL: Mr. Hilscher, are you aware that it was only with the enactment of Amendment 17 to the United States Constitution that United States senators were first elected by direct popular vote, and prior to that they had to be chosen by the legislatures of the states?

FIRST VICE PRESIDENT: Do you care to answer that, Mr. Hilscher?

HILSCHER: I will refer that to my legal counsel to answer.

FIRST VICE PRESIDENT: Mr. Hinckel, you have the floor.

HINCKEL: I would like to make the statement that I think that most of us did read the material that Mr. Hilscher mentioned and I think most of us decided that we did not care to take those steps right no. We didn't care to elect our governor and other state officials and, had we decided to do that, I might have gone along with it. I might have approved it. I might have approved of some such drastic step in the future, but I disapprove of threatening to do it in the future, and I don't think anybody likes to be threatened and I don't like to threaten people. If I am going to do something I just go ahead and do it. I think people admire that sort of aggression, but they don't admire threats; and, therefore, I disapprove of this section and would like to see it stricken.

FIRST VICE PRESIDENT: Mr. Nerland.

NERLAND: Like Delegate McLaughlin, I deplore the fact that this subject even had to come before us on the convention floor here, and I sincerely hope that our constituents and the people who sent us here will not question other acts that we might have taken when they learn that we considered such a proposal as this. A few days ago, yesterday perhaps, when we took final action on the Alaska-Tennessee Plan, I think we took bold action at that time. I think the action was proper; it was an orderly action, and it was an action, I think, that will bring results. If we should take the action as suggested in Section 32, it would be a defiant action, and I don't believe statehood will ever be acquired for Alaska in a defiant manner and I urge

the delegates not only to vote this down but to vote it down unanimously or as close to unanimously as possible to show the people that we have no intention of taking such a defiant and out-of-order action. I shall certainly vote for the striking of this section.

FIRST VICE PRESIDENT: Mr. Lee.

LEE: I haven't been influenced by any of the arguments that have been presented this afternoon. I am going to have to vote to strike that section because in my mind I feel that, from the people that I represent, I have had no expression that they would endorse me to authorize favoring any action such as this. I discussed the proposed Tennessee Plan with the people and they were willing to go along with that, but I don't think that I could take the responsibility of going this far without some indication from the people. If we had had this before us at an earlier date so we could have had an expression of the people, then I would feel, perhaps, I could vote to retain this section, but I am going to have to vote to strike it.

FIRST VICE PRESIDENT: Mr. Harris.

HARRIS: Mr. President, I have often wondered in studying history how revolutions get started. I think this would be a good way to start one. In the first place, we are not talking about something we would like to have here; we are talking about mutiny. The legislature that we have is set up by the Congress of the United States of America. If we set up a legislature alongside that and say, "This is what is going to rule Alaska", it would be nothing less than mutiny. I urge that we vote against it.

FIRST VICE PRESIDENT: Mr. Barr.

BARR: I can't speak emotionally, but as I look at the situation here objectively and try to weigh the advantages against the disadvantages, it seems to me that we should not strike this section. It should be amended, however. The way it reads now, it does sound like we are getting a little too big for our breaches. But what it seeks to do is all right. We are all American citizens in Alaska and we believe we have the rights of citizens. Now, when you want a privilege, you go ask for it, but you are entitled to rights. If you don't get them, you are entitled to insist, and that is all we are doing. Some mention has been made here of mutiny or secession. Why, I think it is ridiculous to even bring that up. We are doing exactly the opposite. We are not insisting on separating ourselves from the government. We are insisting on the Union of States taking us into the family where we belong, and, if they don't want to do it, we insist on it as a right, to be included in that family. I don't see how anyone could consider that disloyal. We want to become full-fledged American citizens, not half-and-half. This section says that "the legislature shall" etcetera. Of course we cannot tell the legislature what to do. The only government organization that comes under us is the future state government. I

think that the legislature has the authority to do anything regarding statehood that they may wish, but I do think it is in proper order for us to make a suggestion or to signify what our wishes may be. I would not like to see this section stricken; I would like to see it amended. Of course, I have an amendment on my desk, like several others have, no doubt, and it seems to me that, if we don't have statehood within two or three years, that the legislature should then take some other steps, such steps as they may deem necessary to hasten statehood, and that doesn't include any revolution or anything of that sort. But by that time, with our three representatives in Washington, they may have enough information then that they can suggest to the legislature what to do to help matters out.

FIRST VICE PRESIDENT: Is there any further discussion? Mr. Fischer.

V. FISCHER: I agree very much, 100 per cent with what Mr. Barr just said. We are not talking about secession. There is a big difference between a man and a woman getting married or being divorced. That is what we are talking about. I think that this is a good provision. I think it can be improved. I think that we should not put in an automatic clause or make it sound like an automatic clause. Let's put it on the basis of asking the legislature to take appropriate steps two years hence, but let's not vote this down and say, "We are going to elect two senators; we are going to elect a representative; if that doesn't get us statehood, we don't really care about statehood." We are all here because we believe in statehood. I think we should not only tell the legislature, but also tell the people of Alaska that we aren't going to lie down and die when this is all over; that we want to keep striving for statehood; and I think this section lends itself to improvement in that direction.

FIRST VICE PRESIDENT: Mr. Davis.

DAVIS: Mr. Chairman, I would like the floor for a minute on personal privilege if I may have it.

FIRST VICE PRESIDENT: Hearing no objection, you may have it.

(At this point, Mr. Davis spoke for a few minutes under personal privilege.)

FIRST VICE PRESIDENT: The secretary may read the amendment before taking a vote on it.

CHIEF CLERK: "Strike Section 32."

COGHILL: As mover of the motion, I reserve the last argument. I feel that this Section 32 is very important to this whole Convention. I feel that we 55 delegates came here on November 8 and we had a great task to do, and I believe that each and every one of us are very much concerned with the passage of statehood for Alaska. I

don't believe that there are any of the delegate here that are opposed to statehood. I think the statehood movement will get into high gear as soon as this fine constitution that we, the delegates to the Alaska constitutional convention, have slaved over for many weeks, and I think that this would be a fatal blow to the Alaska constitution. I see the Tennessee Plan which the delegates passed here the other day, and they say that this Section 32 was a part of that that had been watered down from the Tennessee Plan. However, the delegates will have to agree that the Tennessee Plan was set forth to be ratified by the people on a separate ballot. We have here stuffed Section 32 into the transitory measures and are going to make it mandatory that, if the people don't like this section, they are going to have to vote against the full constitution. Now we know there are certain sections of the constitution that certain segments of the population are not going to agree on, and we here as delegates have not agreed upon all of those sections. However, compromise has been the keynote of this Convention and we have come out, in my mind, with a very good constitution. I think that by setting this section in here we are also admitting defeat to the Alaska-Tennessee Plan. We are saying that it will not work; we have a doubt in our minds. In order to push something and be 100 per cent behind something, you cannot have any doubt. You have got to go straight forward, and I think the pressure that we can bear on the Congress of the United States with our two senators and our representative and with a good constitution behind it and with the full faith of Alaskan people we will be able to obtain statehood at an earlier date without putting a gun behind their backs such as we have done in Section 32. We have a vast country here and we have a very small population, but this is the 20th Century, delegates, and we shouldn't take a 17th Century action towards obtaining statehood. Let's look at it sensibly; let's look at it with an intelligent and open mind. Let's win them over with friendship and not with threats. I think that Alaska, under the laws, the enabling acts -- the acts that provide for the legislature are somewhat unfair. I was born and raised under them, I have done business under them, and I think we would be violating a very sacred trust that the American people have bestowed upon themselves by trying to overthrow any, or any part of it. I think that we, as delegates to this constitutional convention, should keep our feet squarely on the ground and vote this thing on our conscience. I think if we passed this section that we would be doing just exactly what Sourdough Jack said the other day. He said the next meeting of the constitutional convention delegates will be when the Department of the Interior lines us up to shoot us for treason. Remember that this is in the transitory provisions. If the people don't like it, they will be voting against the whole constitution. I move the previous question.

UNIDENTIFIED DELEGATE: Question.

FIRST VICE PRESIDENT: Let the Chair make a ruling. Under our rules, I believe, the maker of the motion has the last say. For that reason I shall put the question. The question is, "Shall we

strike Section 32?" The secretary will call the roll.

MARSTON: Mr. Chairman, can't we comply with Mr. Davis's request and hold this over until tomorrow? I am not ready to vote on it yet.

UNIDENTIFIED DELEGATE: No.

FIRST VICE PRESIDENT: I have to be fair in the matter. As much as I would like to allow him to talk, it is the rule so I have to enforce them. You will call the roll please.

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

Yeas: 37 - Armstrong, Awes, Boswell, Coghill, Collins, Cooper, Cross, Davis, Emberg, Gray, Harris, Hellenthal, Hermann, Hinckel, Johnson, King, Laws, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Walsh, Wien.

Nays: 16 - Barr, Buckalew, Doogan, H. Fischer, V. Fischer, Hilscher, Hurley, Kilcher, Knight, McCutcheon, McNealy, Nordale, Riley, Stewart, VanderLeest, White.

Absent: 2 - Taylor, Mr. President.)

MCNEES: May I change my vote to "yes", Mr. President?

FIRST VICE PRESIDENT: Mr. McNees changes his vote to "yes".

CHIEF CLERK: 37 yeas, 16 nays, and 2 absent.

FIRST VICE PRESIDENT: So the "yeas" have it and the motion is lost. Mr. Davis.

COGHILL: Mr. President, you called the vote wrong. You said the motion lost.

FIRST VICE PRESIDENT: Oh, I'm sorry; it was just the other way around. Mr. Davis.

DAVIS: At this time, Mr. President, I move that the Convention stand adjourned until tomorrow at 1:30, subject to committee announcements.

MCNEES: Prior to adjournment I would like to give notice of reconsideration of my vote on Proposal No. 17/z for tomorrow.

HERMANN: A point of inquiry. What Convention day is this?

3806

FIRST VICE PRESIDENT: Will you give that information, Mr. Coghill.

COGHILL: The 72nd day.

HERMANN: A motion to reconsider cannot be given after the 72nd day according to our rules.

MCNEES: I believe I am in order on this, Mr. President. The reconsideration will be on Section 32 of 17/z.

FIRST VICE PRESIDENT: According to the explanation here the motion is in order, so the secretary will make a record of this notice.

HERMANN: I think we ought to refer it to the Rules Committee.

FIRST VICE PRESIDENT: You can appeal the decision if you want to, but to satisfy everyone we will call a minute recess and refer it to the Rules Committee.

#### RECESS

FIRST VICE PRESIDENT: The Convention will come to order. I will ask the chairman of the Rules Committee to interpret the rules in that respect. Mr. Riley.

RILEY: Mr. President, I don't recall the number of the rule we just verified. The fact is, however, that the motion for reconsideration would not be entertained after the 72nd day, which would mean that, unless the motion were allowed today, that there would not be an opportunity to do so tomorrow or after today.

FIRST VICE PRESIDENT: Mr. McNees, do you understand the explanation of the Rules Committee chairman? As far as your notice is concerned, it is all right, but, since your motion would be outmoded by tomorrow, the deadline is today.

MCNEES: I see, I thought it was notice of reconsideration couldn't be given after the 72nd day. It could not be reconsidered tomorrow?

FIRST VICE PRESIDENT: No it can't.

MCNEES: Could rescission?

FIRST VICE PRESIDENT: You would have to ask for suspension of the rules.

MCNEES: All right. At this time I would like to give notice of rescission of our vote on the morrow. Twenty-four hours' notice then will require tomorrow suspension of the rules for reconsideration of our vote tomorrow.

FIRST VICE PRESIDENT: You give notice now?

MCNEES: I give notice now, and that will require a majority vote on the morrow, and for purposes of specific amendment to Section 32.

COGHILL: Mr. President, I rise to a point of information. If Mr. McNees wishes to water down this section with his amendments, if this section was voted out and they resubmitted a new section tomorrow, that would take care of it without a two-thirds vote.

MCNEES: That is what I stated.

COGHILL: Then why have the rescission? Why not let the section go out and resubmit a new section tomorrow?

MCNEES: That is right as long as it is not assigned to Committee, that would be true. But I would like to correct Mr. Coghill. I don't care to water this down. I want to leave some teeth in it.

FIRST VICE PRESIDENT: Do you still maintain that you give notice of rescinding? That's in order because you cannot reach it with reconsideration due to the fact that the deadline is past. Are there any other amendments?

UNIDENTIFIED DELEGATE: I thought there was a motion to adjourn.

FIRST VICE PRESIDENT: There was no second to it as I recall it.

SUNDBORG: I'll second it if it is still on the floor.

FIRST VICE PRESIDENT: Do you wish to renew it, Mr. Davis?

DAVIS: I will renew it, but I don't think it is still on the floor because we have done other business. I move that the Convention stand adjourned until 1:30 tomorrow afternoon.

SUNDBORG: I second it.

FIRST VICE PRESIDENT: You have heard the motion. Are you ready for the question? All those in favor signify by saying "aye"; opposed "no". So ordered.