

**FOLDER NO.**

**160**

TO: Marge

FROM: KDN

After the speeches in this Journal have been prepared for duplication for inclusion in the Appendix, please give the Journal to Henrietta and ask her to insert it in Folder No. 160, of the Constitutional Convention Files.

Under no circumstances, permit it to be destroyed or mutilated. It is the only extra copy of this particular day's Journal.

Tanks.

cc: Henrietta

*Journal of the 75<sup>th</sup> day, Sunday, Feb. 5, 1956*

CONSTITUTIONAL CONVENTION

160 Speeches

The speeches delivered at the closing session and signing ceremony are found in the Journal of February 5, 1956. They are a speech by Governor Frank B. Heintzleman, a speech by William A. Egan, President of the Convention, and a telegram from E. L. Bartlett, Delegate in Congress from Alaska.

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An effort is being made to secure a copy of the speech made by Governor Heintzleman on the opening of the Convention, November 8, 1955.

Constitutional Convention  
Journal/16  
Approved \_\_\_\_\_

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE TWENTY-SECOND CONVENTION DAY, Tuesday, November 29, 1955

The Convention was called to order by President Egan at 9:00 o'clock a.m.

The Invocation was given by Reverend Orland R. Cary of the First Baptist Church of Fairbanks.

Roll call showed all delegates present except Mr. Coghill and Mr. Harris. The President declared a quorum to be present.

(The following is a direct transcript from the record:)

"Tuesday a.m., Nov. 29

**MR. PRESIDENT:** We are very happy to have with us this morning, one of America's most distinguished citizens, a man whose abilities and responsibilities are well known to each of us, the man who in 1953, in his capacity of majority leader of the greatest deliberative body in the world, called up the combined Alaska-Hawaii Statehood Bill, steered it through a long and thorny debate and voted for its passage. It is my great pleasure and my honor to present to you the Honorable William F. Knowland, United States Senator from California. Senator Knowland.

**SENATOR KNOWLAND:** Mr. Chairman, members of the Constitutional Convention and fellow Americans, I am highly privileged to have this opportunity to meet with this Constitutional Convention which is carrying on this most important of tasks. And perhaps this may be the last Constitutional Convention for statehood in our entire American history because our 48 states, of course, are now members of the sisterhood of states, the Territory of Hawaii has already drafted its state constitutional convention, and it is highly unlikely, perhaps at least during our lifetime or our generation, that any other territory unorganized and now under the American flag is apt to be an organized territory for the ultimate purpose of statehood. So this is indeed a historic occasion. It is my first opportunity with Mrs. Knowland to visit this great area of our country. We have been tremendously impressed not only with the area, the limited time we have had here in seeing a very small segment of your Alaska, but we have

been even more impressed with the greatest of all human resources, of course, the people of this great Territory, and I have a very deep conviction--no one has a crystal ball that can predict with certainty at the precise time that you will come into statehood--but I have a deep conviction that in the not too distant future this great Territory will join the sisterhood of states. I also have full confidence that within the lifetime of most of those in this room today you will see Alaska not only as a state of the Union, but I think as one of the great and important states of the American Union.

"Now, if I could bring you in the brief time I have today, could bring you a message, it would be to not in any sense be discouraged because you have not become a state as yet or that you may not become a state even at the coming session of Congress, though I pledge to you, as I have already to the people of Alaska and the people of my own state, that I shall do everything I can, as the minority leader of the Senate as well as a Senator of the State of California, to expedite action on Alaska and Hawaii statehood. And I hope that at least it will be given favorable consideration at the coming session of Congress. If it does not come then, it will inevitably come in the very near future. Now all of the states almost that came into the Union after the original 13 went through a difficult period. My own state was not an exception, and perhaps I may be pardoned for reading a paragraph or two out of the Congressional Record of some of the things that were said about my own State of California to show how wrong even members of Congress could be.

"Mr. John Maquee, 1850--the state was admitted to the Union on September 9 of 1850--had this to say and I quote:

'The inhabitants, I beg pardon, the floating population of every color and nation who happened in California, have since that time clothed themselves with the habiliments of sovereignty and demand admission as one of the states upon equal terms with the others. This whole thing of the sovereign State of California would look better in the pages of the Arabian Nights than in the archives of this body.'

"Now the Honorable Representative James A. Sedden of Virginia, in the House of Representatives on January 3 of 1850, declared and I quote again,

'A very large proportion of them are mere sojourners, adventurers and wayfarers, roaming over a wild, uninhabited expanse in quest of treasure with which to return to their homes. The right of such a population to establish a state

government can surely not be gravely entertained by any. It is not to be tolerated, and at whatever hazards California ought to be remanded to territorial subordination.' Well, of course, since that time my state has grown from a population of some 65 thousand to a 13-and-a-half millions of people, and it is not beyond the realms of possibility, some Californians feel, perhaps unfortunately so, that by the census of 1970, we will have a population of some 25 millions of people. I think the present pressures of population will undoubtedly make Alaska look even more attractive to some of the Californians who will want to come up into this beautiful country of yours.

"I think the great challenge that faces us as free people is how we can do what Americans have always sought to do, and that is, to leave to our land and to our children a better land than we ourselves have found. This has been the objective of Americans ever since we won our independence. It has been the spirit which has helped us to grow from a small colony of three million on the Atlantic seaboard to a great nation of 165 millions of people, the most productive industrially and agriculturally the world has ever known, with the highest standard of living that any people have ever enjoyed. I don't believe we would have had that great growth except under our great constitutional system. The men who drafted our constitution were wise men. They were operating under a divine inspiration, as I believe this great deliberative body is acting under a divine inspiration. They wanted to preserve for themselves and for all posterity the freedom which they had won at so great a sacrifice. They now knew the history of the world up to their time. They knew that where the men had lost their freedom they had primarily lost it because of the concentration of power in the hands of a single individual in a national government, and in order to protect their generation and all future generations of Americans, they established our federal republic. They limited the power of the federal government and reserved all other powers to the people and to the states thereof, and in the federal government itself, they wanted to divide the powers so that they could not be concentrated in the hands of a single individual. And in our constitution, perhaps with some significance, they set up three great coordinate branches of the federal government--the legislative, executive and judicial--and named them in precisely that same order. Now, if we are half as wise as men who gave us our republic and helped to preserve it in the intervening period of years, we will preserve our federal republic, our constitutional system of divided powers of the federal government, one of limited and specified powers.

"I do not believe that even under our constitutional system our great nation could have grown, and I feel certain my own State of California could not have grown under and waiting for a paternalistic government at Washington. I think it has only

been that the resources of our area were opened up to private investment. I think the American system of free enterprise, the competitive system of free enterprise, has done more to build our country and give our people the high standards of living that we have. It will be very difficult for your own great area to have its ultimate economic development, and, I am sure that those in this room know far better than I, where the federal government is the owner of approximately 90 percent of your land area, it is going to be important that you invite investment of thrift capital. Our own great country developed its railroads, its mining resources and its industry first from the development of capital abroad and then from the development of capital from various parts of the United States of America. Our great neighbor of Canada has shown tremendous progress. It has been making some of the greatest advances of any nation in modern times. I think Alaska has all the background and all the qualities and all the resources to have a development as great as has Canada during the past few years.

"I want to say in conclusion that your work is being watched by not only the Congress of the United States, but, I think, by our 165 millions of people. Despite the objections that have come from some people to statehood, I think the overwhelming proportion of the American people expect, and I think ultimately they will demand that both Alaska and Hawaii become states of the American union. Anything I can do in my individual capacity or in my capacity as a minority leader of the Senate of the United States to expedite that day and in the meantime to help you work out the many problems that you have, which in equity, should be worked out with the federal government, I will be prepared to do. I can think of no pledge which as American citizens, regardless of the party we belong to, and after all, some of these great problems facing the world today are American problems-- they are not party problems in any sense of the word--I think of no pledge we might take as American citizens better than the pledge of Thomas Jefferson, the great architect of the Declaration of Independence, who said, 'I have sworn upon the altar of God eternal hostility on every form of tyranny over the minds of man.'"

At the conclusion of Senator Knowland's speech, the President stated that he noted many distinguished guests in the gallery, among them Mrs. Knowland, Governor and Mrs. Ernest Gruening and President and Mrs. Ernest Patty.

The President declared a ten-minute recess.

#### AFTER RECESS

Mr. Doogan moved and asked unanimous consent that the Journal for Saturday, November 26 be approved as read. There being no objection, it was so ordered.

Mr. Collins announced that the Committee on Direct Legislation would meet on adjournment.

Mr. Rosswog announced a meeting of the Committee on Local Government at 11 a.m.

Mr. Riley announced a meeting of the Rules Committee on adjournment.

#### INTRODUCTION AND FIRST READING OF PROPOSALS

Proposal No. 28, by Mr. Robertson, entitled ESTABLISHING THE SEAT OF GOVERNMENT, was introduced, read the first time and referred to the Committee on Resolutions.

Mr. Cooper moved and asked unanimous consent that Senator Knowland's speech be spread on the Journal in its entirety. There being no objection, it was so ordered.

Mr. V. Rivers moved and asked unanimous consent that the Convention adjourn until 9 a.m., Wednesday morning. There being no objection, it was so ordered.

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THOMAS B. STEWART  
Secretary

Attested:

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WILLIAM A. EGAN  
President



MEETING THE CHALLENGE

Address of Delegate E. L. Bartlett  
For Delivery at Alaska Constitutional Convention  
College, Alaska.  
November 8, 1955.

FOR RELEASE  
at Noon,  
November 8, 1955

On an autumn day in 1787, the Delegates to the national Constitutional Convention met to sign the product of their minds and hands. Faces were grave as they approached the final act of the historic gathering. The document had been hammered out in the fires of great controversy. There were those who had serious objection to many portions of it.

The oldest member of the Convention, a printer by trade and a statesman by avocation, rose to address the meeting in this solemn moment. His body trembled, for his 82 years were bearing heavily upon him. He had seldom spoken during the months the group was in session, though his counsel had been evident in informal conversation. But now Benjamin Franklin felt compelled to offer some small advice to his colleagues. In a voice quivering with emotion, he urged that all the Delegates affix their signatures to the document, whether they approved all its individual features or not. The instrument of government was not perfect, he said for "when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It . . . astonishes me to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent to this Constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have of its errors I sacrifice to the public good." And so saying the Dean of the American Revolution urged unanimity in support of the principles of the new government.

The Delegates to the national Constitutional Convention met during a hot summer in Philadelphia. They came to that city by water, by stage, and by horseback. Washington broke two axles on his coach traveling to the City of Brotherly Love. The Delegates to the national convention were meeting to establish a government for a fledgling nation.

The Delegates to the Alaska Constitutional Convention meet under far different circumstances. The weather is colder; the means of transportation so different that the men of Philadelphia could never have envisioned it in the most lofty flights of their imagination. It is significant too that while the 55 who met there were men, the democratic process has been extended through the years so this the latest and perhaps the last American constitutional gathering of its kind is made up of 49 men and 6 women. Yet the burning desire of men to be free and to govern themselves is present at both of these historic meetings so otherwise separated in time and circumstances. Benjamin Franklin's eloquent plea for the democratic process echoes down through the years to the 8th of November 1955. You are men and women determined to meet the challenge of formulating a Constitution for a new member of the American Federal Union.

As Delegates to the Convention which will write the fundamental law for the State of Alaska, you have been told and will be told many times of the responsibilities and problems which face you and which you alone can solve. Many different persons and groups will be interested in seeing that you incorporate their views and ideas into the Alaska Constitution. You, as Delegates to this Convention, must judge the merits of the numerous proposals which are presented for your consideration.

In your individual capacities as Delegates and in your collective capacity as a Convention you are charged with the writing of a document and the establishment of a state government which will, insofar as fallible human beings are capable, be in the interests of all the people of Alaska. This is the challenge which confronts you; this is the challenge you must meet; here you are, each and every one of you, marked out by destiny not only to confront the judgment of your peers, your fellow citizens, but to have your names inscribed forever in Alaska history. I congratulate you upon the honor which is yours as the ones chosen to accomplish this difficult task. I know you enter upon it with a deep sense of humility.

The answer to the many problems and issues which face you will be forged in the tradition of American democratic government. These answers are seldom of the type which are obvious, or which are all black or all white. The issues which face a democratic people are only

occasionally susceptible of solutions satisfactory to each and every one of the citizens of a state. Men of good will may differ in many substantial respects on any given question of governmental organization or powers.

The answers which are reached usually represent compromises between extreme positions. The answers appear in varying shades of gray, rather than in stark blacks and whites. Here, in this element of compromise, is the very essence of the democratic process. Men covenant together that they will abide by the decisions of the majority and support those decisions even though they may have considerable misgivings about some of them.

You are very much aware of the problems which face you. You know, and you have already discussed some of them previously with your friends and neighbors. You, as Delegates, cannot escape the responsibility of establishing the broad structure and powers of the legislative, executive, and judicial branches of our proposed government. The issue of the basic composition of local government is a thorny one which must be met. You must write a charter of fundamental liberties. These are important and vital issues. You will discuss them at length, and you will, after mature consideration, reach conclusions regarding them. At least two of these issues--the structure of the legislature and the form of local government--may well consume endless hours of time in order that you may arrive at the best solutions of which you are capable.

There is another problem of consequence to which I desire to direct myself principally today. It is an issue which has not been much in the public eye. There was almost no pre-Convention talk in Alaska about it. Yet fifty years from now, the people of Alaska may very well judge the product of this Convention not by the decisions taken upon issues like local government, apportionment, and the structure and powers of the three branches of government, but rather by the decision taken upon the vital issue of resources policy.

The various bills for statehood enabling legislation which have been introduced in the Congress in recent years have uniformly called for large grants of land from the United States public domain to be made to the State of Alaska. The figure mentioned has been in excess of 100 million acres, an area roughly equal to the total land area

of the State of California. The 100 million acre figure would appear to be approximately the figure which will finally be adopted.

The State of Alaska would choose almost all this acreage from the lands not included in present federal reservations and withdrawals, or which is otherwise unappropriated. The 100 million plus acres represent a veritable empire, a wealth of land and resources never before conferred on any state, saving only Texas which, upon its entry into the Union, was allowed to retain all its public lands. Alaska will receive also, in addition to the 100 million acre plus grant, an uncounted but tremendous acreage of submerged lands, land which under decisions of the Supreme Court of the United States have been held in trust for the future state. These submerged lands include lands under the beds of navigable rivers, lakes, and streams; the tidelands proper; and the submerged soils of the marginal sea out to the three mile limit.

These grants are to be conferred upon the new state in order that it may be provided with a sound economic base for its future operations and activities. The last states to enter the American Union did so in 1912. Government was far simpler in those relatively uncomplicated times. The services provided by state governments for the people were not so expensive as they are now and did not require the large administrative staffs needed today. State governments in 1955 must provide a wide variety and array of services. Today's citizen expects and demands that government be not only a policeman but a service agency as well. One may disagree with this philosophy but its existence and the extent of its influence is an unarguable fact of modern life. So, extensive land grants to the State of Alaska will be made in order that this new member of the United States may start off in a sound fiscal position, capable of meeting the requirements of service placed upon it by its citizens.

The story of Alaska natural resources has too often been one of exploitation with very little of the great wealth extracted going to pay for necessary governmental services and for the permanent development of a sound economy for the people. The Kennecott Copper operation was typical of a 19th century Robber Baron philosophy which still has its few advocates today. Copper in the value of over \$200 million was removed from the Chitina District; the area was highgraded with ores of lesser value disregarded. The operation was shut down in 1938. The

tremendous production and investment left absolutely nothing of enduring value for the Territory and its citizens except a small ghost town which has become a minor tourist attraction.

Alaska's tradition of "boom and bust" communities is due in no small measure to the hard, cold fact that mineral development was solely for the purpose of exploitation with no concern for permanent and legitimate growth. The decline of Alaska's once great fisheries industry is traceable in great degree to this same attitude with its concept of ruthless plundering of a great natural resource without regard to the welfare of the mass of average citizens who make their living from the sea.

Practically all of the states which entered the Union after the original Thirteen have received grants of land from the federal domain. These grants were made primarily in aid of the support of the common schools of the new states. It is a sad but true fact of history that time and again these lands have been disposed of at ridiculously low prices or have been the object of outright fraud and corruption in government. The history of the land policy of the federal government, too, is replete with incidents of speculation and speculation.

Alaska has experienced exploitation in the past, exploitation on a grand scale. But the possibilities of future exploitation in the field of natural resources are infinitely greater than any in times gone. All Alaskans are aware of the great natural resource potential of this treasure house of nature. Upon assuming statehood, Alaska becomes heir to 100 million acres of land and an additional undetermined acreage of submerged lands. A very high percentage of these lands will contain mineral resources of one kind and another.

Where such vast resources potential exists one need not be clairvoyant to foresee an influx of interests wanting to develop these resources. Unfortunately some of these interests will not be scrupulous in the choice of measures to achieve their ends. Alaska is not unfamiliar with the activities and importance of lobbies. But it is important to bear in mind that lobbying activity on a scale never before seen will take place in the capital when Alaska becomes a state.

This moment will be a critical one in Alaska's future history. Development must not be confused with exploitation at this time. The financial welfare of the future state and the well-being of its present

and unborn citizens depend upon the wise administration and oversight of these developmental activities. Two very real dangers are present. The first, and most obvious, danger is that of exploitation under the thin disguise of development. The taking of Alaska's mineral resources without leaving some reasonable return for the support of Alaska governmental services and the use of all the people of Alaska will mean a betrayal in the administration of the people's wealth. The second danger is that outside interests, determined to stifle any development in Alaska which might compete with their activities elsewhere, will attempt to acquire great areas of Alaska's public lands in order NOT to develop them until such time as, in their omnipotence and the pursuance of their own interests, they see fit. If large areas of Alaska's patrimony are turned over to such corporations the people of Alaska may be even more the losers than if the lands had been exploited.

There will be a perfectly normal and healthy desire, upon the assumption of statehood, to get resources development going rapidly at any and all costs. Reaction against the years of red tape imposed by the federal bureaucracy which stifled development is quite natural and understandable. But in their eagerness to get resources development, the people of Alaska should not lose sight of the absolute necessity for long range policy in the resources field. A degree of caution and judgment exercised at the early stages of Alaska statehood, which includes most basically the deliberations of this Convention, will be repaid many-fold in true future development--not exploitation or non-use. If the public domain of Alaska is frittered away without adequate safeguards, the State of Alaska will wend a precarious way along the road that leads eventually to financial insolvency.

The question of resources policy is not to be confined, of course, solely to the issue of mineral policy. Upon statehood, Alaska becomes the master of her own destiny on controlling the fisheries resources within her waters. Slavish adherence to old concepts, concepts which have brought only depletion and portents of ruin, will result only in the complete destruction of a once mighty industry. While the major future wealth of Alaska may be underground, the fisheries and marine resources of this area are matters of the highest importance and deserve the most careful consideration by this Convention and by future state legislatures.

The water power potential of the State of Alaska is almost incalculable. Cheap electricity is possible and with it broadscale development in industry and minerals recovery. It is true that the federal government, because of its authority over navigable waters, exercises a very great influence over policy in the development of water power. Nevertheless, the new state must take account of its interest in this important area of natural resources.

We must not forget to include the other resources of the soil. While agriculture will probably never be as relatively important in the economy of the State of Alaska as it has been in the economy of many of the states of the United States, the pioneers of the plow have played a truly significant role in Alaska's growth in the past and will do so in the future. An important percentage of the land which Alaska will receive upon statehood will be located in areas where climate and soil, combined with hardy farmers, will produce agricultural commodities for consumption in Alaska.

Forests, too, will be a part of Alaska's patrimony. It is true that much of the best commercial timberland is presently located in the Tongass and Chugach National Forests. Such lands will not, with limited exceptions, be available for choice by the new State of Alaska. Yet there are some limited areas where the timber could be utilized for pulp wood or even, in some instances, for saw timber.

Many states have included in their constitutions statements that the natural resources of the state should be "developed for the benefit of the people" of the state. Such pious generalities, without further concrete policy statements, have proved wholly inadequate as effective barriers against dissipation of resources, fraud, and corruption. Alaskans will not want, and above all else do not need, a resources policy which will prevent orderly development of the great treasures which will be theirs. But they will want, and demand, effective safeguards against the exploitation of the heritage by persons and corporations whose only aim is to skim the gravy and get out, leaving nothing that is permanent to the new state except, perhaps, a few scars in the earth which can never be healed.

This Convention is charged, and is chargeable by future generations, with the establishment of basic policy in the natural resources field. Such a responsibility does not carry with it the duty of writing a

resources code. Far from it. The Convention would be doing itself and the people of Alaska a gross disservice were it to undertake such a task. But the Convention should be aware that the wealth of the future state, which is the means of its attaining greatness, is in the hands of you, the Delegates. A failure to write into fundamental law basic barriers to minimize fraud, corruption, non-development, and exploitation may well be viewed fifty years from now as this Convention's greatest omission. No perfect system of safeguards can be devised. The ingeniousness of man in interpreting constitutions and statutes to his own ends can never be completely limited.

In the drafting of resources policy the Convention should not fear to consider and adopt bold courses of action. No other state entering the Federal Union has ever been so dependent upon its water and mineral resources. Never has the issue of resources policy been so vital. Devising basic policy suitable to the demand of this and future times may well require that older conceptions of resources policy be drastically revised or even discarded.

We write on a clean slate in the field of resources policy. Only a minute fraction of the land area is owned by private persons or corporations. Never before in the history of the United States has there been so great an opportunity to establish resources policy geared to the growth of a magnificent economy and the welfare of a people.

There are those in Alaska and in the United States who have argued that Alaska is not yet ready for statehood because its people lack "political maturity." I have not yet settled in my own mind that it is capable of precise definition. But I do know that one aspect of maturity is the ability to manage one's resources. This Convention can demonstrate to the Congress and the people of the United States at least this aspect of political maturity by giving notice that Alaska's resources will be administered, within the bounds of human limitations and shortcomings, for the benefit of all of the people.



(To be added to Delegate Bartlett's address, "Meeting the Challenge", delivered at the Alaska Constitutional Convention on November 8, 1955.)

Difficult though your task may be, you are particularly fortunate in that you are the inheritors of an accumulated experience and wisdom in the production of written constitutions not matched by any other nation in history.

Above all, you will have before you always the shining and stellar example of our Federal Constitution.

They--its authors--resolutely refrained from legislating for the generations to come; instead, they threw out the guide lines which have served ever since as such perfect markers.

Noting the perfection of the first American constitution you the delegates may surely draw inspiring guidance from the greatness of our past.

It was long ago, in 1819, that Chief Justice John Marshall wrote those words whose common sense is as persuasive now as then:

"A constitution, to contain an accurate detail of all subdivisions of which its great powers will admit, and all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It probably would never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which composed those objects be deduced from the nature of the objects themselves."

And as you the delegates seek to establish here in Alaska those great outlines we the people will hope and pray for your success. We know you assemble here not as partisans in any cause except that of writing the very best constitution of which you are capable. It may be--and probably will be--the last American constitution to be written in the creation of a new state. Let it be informed by man's noblest instincts and let it be seen by all the world as a demonstration of democracy's intellectual as well as moral superiority over any other form of government on this earth.

Alaska Constitutional Convention

REMARKS OF FORMER GOVERNOR ERNEST GRUENING AT THE  
OPENING OF THE ALASKA CONSTITUTIONAL CONVENTION

NOVEMBER 8, 1955

Madam Chairman, Governor Heintzleman, Delegate Bartlett, Delegates to the Constitutional Convention and friends, as I appear to be scheduled for a somewhat lengthy address in tomorrow's session, I am sensitive to the fact that there is a prohibition in our Constitution against exposing people to double jeopardy. I think, therefore, my remarks will be brief and informal. Many will say the obvious that this is an extremely important occasion. To me perhaps its greatest importance arises from the fact that it is the first occasion wholly for and, most important, by the people of Alaska. If there has been one important ingredient missing in our eighty-eight years first as a district, then as a territory, it is that little preposition "by". Many things have been done for us: even more things have been done to us, but very little have we been permitted to do by us. A number of inspired actions accompanied the creation of this Convention. Perhaps most inspired was selecting the University of Alaska as a site for holding it. The University is really the keeper of the soul of our modern society; and if this Convention does not have a high inspirational quality it will not succeed. But it has that inspirational quality, and it will succeed. I

recall that that thought is voiced in the anthem of my old Alma Mater, our oldest university, and as the graduates leave it to go into the world they sing their anthem Fair Harvard, and one of its verses says, "Thou wert our mother, the nurse of our souls, we were moulded to manhood by thee; and freighted with treasures, with love and with hopes; thou did launch us on destiny's sea."

I think the University will play a part in launching Alaska on destiny's sea as a state. When we consider what we are doing here, engaging in this basic exercise in self-determination, we must always bear in mind that America, the land that we love, is not just a geographic area. We are rather aware of that in Alaska. We sometimes question whether we are part of America. Our nation is not a collection of physical features; it is not our great storehouse, natural resources; rather is it the common adherence to a basic idea--perhaps the greatest idea that was ever propounded on earth since the golden rule. Indeed democracy is nothing but an extension of the golden rule to the great society. True democracy cannot depart far from the golden rule in its essence. Alaska has a great, great, destiny. We are here situated by geography and by history in our farthest north and our farthest west in a unique position to achieve that destiny. We were formerly part of a country which today under changed government represents the antithesis of everything that we believe in and of

everything we hold dear. We have a geographic juxtaposition to that area. We can see it from our mainland with the naked eye. What a challenge then to create in their far northern latitudes a shining and eternal example of what we like to call the American way of life, to make Alaska not merely a bulwark of defense but a spiritual citadel of the American idea. It can only be done by the application to Alaska of basic American principles, the most basic of which is government by consent of the governed. So you have here a thrilling opportunity, and I know you will live up to it. May God bless this undertaking; may it prosper and may we move forward to become an integral part of the great American dream. I thank you.

Let Us End

**AMERICAN  
COLONIALISM!**

By

***Ernest Gruening***

Governor of Alaska, 1939-1953

ALASKA LEGISLATIVE COUNCIL



***Keynote Address***

ALASKA  
CONSTITUTIONAL  
CONVENTION

University of Alaska, College, Alaska  
November 9, 1955

## Let Us End AMERICAN COLONIALISM!

*Keynote Address by Ernest Gruening  
to Alaska Constitutional Convention*

*The Convention was established by enactment by the 22nd Alaska Territorial Legislature of Chapter 46, approved March 19, 1955. The Act provided for the election by the people of Alaska of fifty-five delegates who would meet on November 8, 1955 for not more than seventy-five days to draft a Constitution for the State of Alaska. The Constitution would thereafter be submitted to the people of Alaska for their approval or disapproval.*

We meet to validate the most basic of American principles, the principle of "government by consent of the governed." We take this historic step because the people of Alaska who elected you, have come to see that their long standing and unceasing protests against the restrictions, discriminations and exclusions to which we are subject have been unheeded by the colonialism that has ruled Alaska for 88 years. The people of Alaska have never ceased to object to these impositions even though they may not have realized that such were part and parcel of their colonial status. Indeed the full realization that Alaska is a colony may not yet have come to many Alaskans, nor may it be even faintly appreciated by those in power who perpetuate our colonial servitude.

Half a century ago, a governor of Alaska, John Green Brady, contemplating the vain efforts of Alaskans for nearly forty years to secure even a modicum of workable self-government, declared:

"We are graduates of the school of patience."

Since that time Alaskans have continued to take post-graduate courses. Today, in 1955, sorely tried through 88 years of step-childhood, and matured to step-adulthood, Alaskans have come to the time when patience has ceased to be a virtue. But our faith in American institutions, our reverence for American traditions, are not only undimmed but intensified by our continuing deprivation of them. Our cause is not merely Alaskans'; it is the cause of all Americans. So, we are gathered here, following action by our elected representatives who provided this Constitutional Convention, to do our

part to "show the world that America practices what it preaches." \*

These words are not original with me. But they remain as valued and as valid as when they were uttered five years ago. They remain no less valid even if their noble purpose is as yet unfulfilled. We are here to do what lies within our power to hasten their fulfillment.

We meet in a time singularly appropriate. Not that there is ever a greater or lesser timeliness for the application by Americans of American principles. Those principles are as enduring and as eternally timely as the Golden Rule. Indeed democracy is nothing less than the application of the Golden Rule to the Great Society. I mean, of course, democracy of deeds, not of lip-service; democracy that is faithful to its professions; democracy that matches its pledges with its performance. But there is, nevertheless, a peculiar timeliness to this Alaskans' enterprise to keep our nation's democracy true to its ideals. For right now that the United States has assumed world leadership, it has shown through the expressions of its leaders its distaste for colonialism. And this antipathy to colonialism—wherever such colonialism may be found—reflects a deep-seated sentiment among Americans.

For our nation was born of revolt against colonialism. Our charters of liberty—the Declaration of Independence and the Constitution—embody America's opposition to colonialism and to colonialism's inevitable abuses. It is therefore natural and proper that American leadership should set its face against the absenteeism, the discriminations and the oppressions of colonialism. It is natural and proper that American leadership should lend such aid and comfort as it may to other peoples striving for self-determination and for that universally applicable tenet of American faith—government by consent of the governed. Indeed, as we shall see, we are pledged to do this by recent treaty commitments.

What more ironical, then, what more paradoxical, than that that very same leadership maintains Alaska as a colony?

What could be more destructive of American purpose in the world? And what could be more helpful to that mission of our nation than to rid America of its last blot of colonial-

\* In a public address at Denver, September 16, 1950. General Dwight D. Eisenhower declared: "Quick admission of Alaska and Hawaii to statehood will show the world that America practices what it preaches."

ism by admitting our only two incorporated territories—Alaska and Hawaii—to the equality they seek, the equality provided by the long-established and only possible formula, namely statehood?

America does not, alas, practice what it preaches, as long as it retains Alaska in colonial vassalage.

Is there any doubt that Alaska is a colony? Is there any question that in its maintenance of Alaska as a territory against the expressed will of its inhabitants, and subject to the accompanying political and economic disadvantages, the United States has been and is guilty of colonialism?

Lest there be such doubt, lest there be those who would deny this indictment, let the facts be submitted to a candid world.

You will note that this last sentence is borrowed from that immortal document, the Declaration of Independence. It is wholly appropriate to do this. For, in relation to their time, viewed in the light of mankind's progress in the 180 years since the revolt of the thirteen original American colonies, the "abuses and usurpations"—to use again the language of the Declaration—against which we protest today, are as great, if not greater, than those our revolutionary forbears suffered and against which they revolted.

Let us recall the first item of grievance in the Declaration of Independence:

"He has refused assent to laws, the most wholesome and necessary for the public good."

"He," of course, was King George the Third. Put in his place, in place of the "he", his contemporary equivalent, our ruler, the federal government.

Has it, or has it not, "refused assent to laws most wholesome and necessary for the public good?"

We Alaskans know that the answer is emphatically, "Yes, it has."

He, or for the purpose of 1955, it, the federal government, has "refused assent," although requested to do so for some forty years, to the following "most wholesome and necessary laws:"

First. A law transferring the control and management of Alaska's greatest natural resource, the fisheries, to the Territory of Alaska, as it transferred the corresponding resources to all other Territories in the past.



Second. It has "refused assent" to a law repealing the thirty-five year old discrimination in the Maritime Law of 1920, the "Jones Act," a discrimination uniquely against Alaska.

Third. It has "refused assent" to a reform of our obsolete and unworkable land laws, which would assist and speed population growth, settlement and development of Alaska. It alone is responsible for over 99% of Alaska being still public domain.

Fourth. It has "refused assent" to a law including Alaska in federal aid highway legislation.

Fifth. It has "refused assent" to a law abolishing the barbarous commitment procedure of Alaska's insane which treats them like criminals and confines them in a distant institution in the states.

Sixth. It has "refused assent" to placing our federal lower court judges, the United States commissioners, on salary, and paying them a living wage.

One could cite other examples of such refusal of assent to "laws most wholesome and necessary for the public good."

But let us instead pass on to the second item of complaint, which is similar to the first, in the Declaration of Independence:

"He has forbidden his Governors to pass laws of immediate and growing importance. . ."

Substitute for the "He", then the British royal executive, the present American federal executive, and substitute for "his governors", his party leaders in Congress, and recall their vote in the House of Representatives last May 10, killing a law "of immediate and growing importance"—the statehood bill.

Let us go still further down the list of our revolutionary forefathers' expressed grievances, again quoting the Declaration of Independence:

"He has obstructed the administration of Justice, by refusing his assent to laws establishing judiciary powers."

"He", is today the whole federal government. It has for a decade "obstructed the administration of justice" in Alaska by refusing assent to establishing additional judiciary powers, where they were needed, namely in the Third Judicial Division, while repeatedly increasing the number of judges in the "mother country," the 48 states. And although the population of Alaska has more than tripled in the

last forty-six years, the number of federal judges established in Alaska in 1909 remains unchanged. And federal judges are the only judges this colony is permitted to have.

Let us look still further in the Declaration of Independence:

"He has affected to render the military independent and superior to the civil power."

Is there much difference between this and the recent presidential declaration that the defense of Alaska, that is to say the rule of the military here, could be better carried out if Alaska remains a Territory?

One could go on at length drawing the deadly parallels which caused our revolutionary forefathers to raise the standard of freedom, although, clearly, some of the other abuses complained of in that distant day no longer exist.

But Alaska is no less a colony than were those thirteen colonies along the Atlantic seaboard in 1775. The colonialism which the United States imposes on us and which we have suffered for 88 years, is no less burdensome, no less unjust, than that against which they poured out their blood and treasure. And while most Alaskans know that full well, we repeat:

"To prove this let the facts be submitted to a candid world."

To begin at the beginning, the Treaty of Cession by which Alaska was annexed, contained a solemn and specific commitment:

"The inhabitants of the ceded territory . . . shall be admitted to all the rights, advantages and immunities of citizens of the United States. . ."

That was the pledge. The United States has not kept that pledge. Yet a treaty is the highest law of the land. And it is made in the clear view of all mankind.

The United States has broken that pledge for 88 years. It has not admitted the inhabitants of Alaska to "all the rights, advantages and immunities of citizens of the United States."

"All the rights, advantages and immunities of citizens of the United States" would entitle us to vote for President and Vice-President, to representation in the Congress by two Senators and a Representative with a vote, and would free us from the restrictions imposed by the Organic Act of 1912, and the Act of Congress of July 30, 1886. Obviously we have nei-

ther the vote, nor the representation, nor the freedom from restrictions.

We suffer taxation without representation, which is no less "tyranny" in 1955 than it was in 1775. Actually it is much worse in 1955 than in 1775 because the idea that it was "tyranny" was then new. Since the Revolutionaries abolished it for the states a century and three-quarters ago, it has become a national synonym for something repulsive and intolerable.

We are subject to military service for the nation—a privilege and obligation we accept gladly—yet have not voice in the making and ending of the wars into which our young men are drafted.

In this respect we are worse off than our colonial forefathers. King George III did not impose conscription upon them. They were not drafted to fight for the mother country. Therefore there was no revolutionary slogan "no conscription without representation." But it is a valid slogan for Alaskans today.

The treaty obligation of 1867 is an obligation to grant us the full equality of statehood, for which Alaskans did not press in the first 80 years of their subordination, but which now, overdue, they demand as their right.

But that is only a small part of the evidence of our colonialism under the American flag. Let us submit more facts to a candid world.

First, let us ask, what is a colony? And let us answer that question.

A colony has been defined in a standard college text-book by a Columbia University professor as "a geographic area held for political, strategic and economic advantage."

That, as the facts will show, is precisely what the Territory of Alaska is—"a geographic area held for political, strategic and economic advantage."

The maintenance and exploitation of those political, strategic and economic advantages by the holding power is colonialism.

The United States is that holding power.

Inherent in colonialism is an inferior political status.

Inherent in colonialism is an inferior economic status.

The inferior economic status is a consequence of the inferior political status.

The inferior economic status results from discriminatory laws and practices imposed upon the colonials through the superior political strength of the colonial power in the interest of its own non-colonial citizens.

The economic disadvantages of Alaskans which in consequence of such laws and practices redound to the advantage of others living in the states who prosper at the expense of Alaskans—these are the hall-marks of colonialism.

Let us take a look at these hall-marks of colonialism deeply engraved on the policies of the United States in Alaska in the field of transportation. Transportation is the key to almost all development. None have demonstrated this better than have the Americans within the non-colonial areas of their 48 states where transportation of every kind—railways, highways, airways—have linked, built and developed a dynamic domain of continental dimensions.

First, let us scrutinize sea-borne transportation. It was, for seventy-three years, until 1940, the only form of transportation between Alaska and the states. Alaska suffers a unique discrimination in maritime law.

Thirty-five years ago the Congress passed a merchant marine act which is known officially as the Maritime Act of 1920. In Alaska it is referred to as the "Jones Act," after its sponsor, the late Senator Wesley L. Jones of the state of Washington. The act embodied a substantial modification of existing maritime law. It provided that goods shipped across the United States, destined either for the coastal ports of the Atlantic or Pacific or for shipment across those oceans to Europe or to Asia, could use either American or foreign carriers. The foreign carriers principally involved were Canadian.

For example, a shipper from the Atlantic seaboard or from the industrial cities of the middle west of products destined for points to the west could ship these across the country wholly on American railroads or on Canadian railroads, or partly on either.

And when these goods arrived at their Coast destination, he could send them across the Pacific in either American or foreign vessels, or southward in either. But at that point in the legislation, creating this new beneficial arrangement, two words had been inserted in Article 27 of the Act. Those two words were, "excluding Alaska."

Now what did those two words signify? They signified that Alaska, alone among the nations, or possessions of nations, on earth, was denied the advantages afforded all other areas. The same discrimination, obviously, applies to products shipped from Alaska.

What was the purpose of this discrimination? Its purpose was to subject Alaska to steamship service owned in the city of Seattle. Senator Jones no doubt assumed, and correctly, that this would be most helpful to some of his constituents there, as indeed it proved to be, but at the expense, the heavy expense, from that time on, of our voteless citizens of Alaska.

This was in 1920. Under the limited self-government which Congress had granted Alaska through the Organic Act of 1912, more limited than had been granted any other territory, Alaska was still a youngster. Nevertheless, the fifth Territorial legislature meeting the next year, 1921, protested strenuously against this specific and flagrant discrimination, and ordered the Territorial Attorney-General to take the matter to court. The Territorial legislators believed, and so expressed themselves, that this new legislation enacted by Congress at the behest of Senator Jones of Seattle, was in violation of the commerce clause of the Constitution, which forbids discrimination against any port of the United States.

The case came to the Supreme Court of the United States on an appeal from a decree of the United States District Court dismissing the suit brought by the Territory and by an Alaskan shipper, the Juneau Hardware Company, which sought to restrain the Collector of Customs in Alaska from confiscating merchandise ordered by the hardware company and others in Alaska from points in the United States shipped over Canadian railroads, through Canadian ports and thence to Alaska by Canadian vessels, or merchandise to be shipped from Alaska to the United States in like manner.

In pleading the cause of the Territory, Alaska's Attorney-General John Rustgard argued that both the Treaty provisions and the specific extension of the Constitution to Alaska by the Organic Act of 1912 rendered the discriminatory clause unconstitutional. It looked like a clear case.

The Government—our government—which was defending this discriminatory maritime Act, was represented by the Solicitor-General of the United States, the Honorable James M. Beck of Pennsylvania.

Let the candid world note well the language of his argument:

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"The immunity from discrimination is a reserved right on the part of the constituent states . . . The clear distinction of governmental power between states and territories must be constantly borne in mind . . . If the fathers had anticipated the control of the United States over the far-distant Philippine Islands, would they, who concern was the reserved rights of the states, have considered for a moment a project that any special privilege which the interests of the United States might require for the ports of entry of the several states should by compulsion be extended to the ports of entry of the colonial dependencies . . .?"

Let the candid world note that the case for the United States was presented on the basis that discrimination against a colonial dependency was proper and legitimate and that "any special privilege" required in the United States would supersede any obligation to a colonial dependency. The colonial dependency involved was and is Alaska.

Mr. Justice McReynolds, in rendering the decision of the court, declared:

"The Act does give preference to the ports of the States over those of the Territories," but, he added, the Court could "find nothing in the Constitution itself or its history which compels the conclusion that it was intended to deprive Congress of the power so to Act."

So it was definitively established by the highest court of the land that Congress had discriminated against Alaska, but that, since Alaska was a colonial dependency, such discrimination was permissible and legal.

Every plea by our Alaska legislatures over a period of 35 years to rectify this grave and unjust discrimination has been ignored by successive Congresses. They have "refused assent" to every attempt by Alaska's delegates to secure remedial legislation.

Now the question naturally arises whether this discrimination imposed by the legislative branch of the federal government, approved by the executive branch, and sanctified by the judicial branch, was to prove to be more than a mere statement of the legality of such discrimination. Was it more than a mere affirmation of the subordinate and inferior status of Alaska's colonials as compared with the dominating and superior status of the American citizens of the states? Did this discrimination also carry with it economic disadvantages? Indeed it did.

Several private enterprises in Alaska were

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immediately put out of business by the action of Congress in 1920 even before the Supreme Court upheld the legality of that Congressional action.

A resident of Juneau had established a mill to process Sitka spruce. He was paying the required fees to the Forest Service and had developed a market for his product in the Middle West where it was used in airplane manufacture. He was shipping it through Vancouver, where it cost him five dollars a thousand to ship by rail to his customers.

The "Jones Act" automatically compelled him to ship his spruce boards by way of Seattle. Here he was charged eleven dollars a thousand, as against the five dollars he had been paying, plus some additional charges, which totalled more than his profit. In consequence his mill was shut down and a promising infant industry, utilizing an abundant but little used Alaskan resource was extinguished. Not only did the "Jones Act" destroy this and other enterprises, but prevented still others from starting and has prevented them ever since. If anyone doubts that political control of the Territory through remote forces and absentee interests does not cause economic damage to the people of Alaska he need but look at the workings of the maritime legislation directed against Alaska and Alaska only.

Its immediate effects were to more than triple the cost of handling Alaska freight in Seattle on purchases made in Seattle, as compared with Seattle-bought cargoes destined for the Orient. Alaska's delegate, at that time, the late Dan Sutherland, testified that the Seattle terminal charges on shipments to Hawaii or Asia were only thirty cents a ton, and all handling charges were absorbed by the steamship lines, the result of competition between Canadian and American railways and steamship lines. But for Alaska, where Congressional legislation had eliminated competition, the Seattle terminal charges on local shipments, that is to say, on goods bought in Seattle destined for Alaska, were one hundred per cent higher, or sixty cents a ton against thirty cents a ton, plus fifty cents a ton wharfage. So Alaskans paid \$1.10 a ton for what cost Hawaiians and Asiatics thirty cents a ton—nearly four times as much.

This was by no means all. On shipments anywhere in the United States through Seattle, and destined for points in the Pacific other than Alaska, the total handling charges were only thirty cents a ton wharfage, and all other costs were absorbed by railroad and steamship lines. But for identical shipments consigned to

Alaska, an unloading charge of sixty-five cents a ton was imposed, plus a wharfage charge of fifty cents a ton, plus a handling charge from wharf to ship of sixty cents a ton. These charges aggregated over five times the cost to a shipper to other points in the Pacific, and had to be paid by the Alaska consignee or shipper, and of course ultimately by the Alaska consumer.

These damaging figures were presented by Delegate Sutherland at a public congressional committee hearing and made part of the official printed record. No attempt was made by the representatives of the benefitting state-side interests, either then or later, to explain, to justify, to palliate, to challenge, to refute, or to deny his facts.

If there is a clearer and cruder example of colonialism anywhere let it be produced! Here is a clear case where the government of the United States—through its legislative branch which enacted the legislation, the executive branch, through the President, who signed it, and the judicial branch, which through its courts, upheld it—imposed a heavy financial burden on Alaskans exclusively, for the advantage of private business interests in the "mother country."

Nor is even this by any means all on the subject of railroad and steamship discrimination against Alaska, and Alaska alone. In addition to all the above extortions against Alaska's shippers, suppliers and consumers—the direct result of discriminatory legislation—all the railroads of the United States charge a higher rate, sometimes as much as one hundred per cent higher for shipping goods across the continent, if these goods are destined for Alaska.

There is a so-called rail export tariff and a rail import tariff, which apply to a defined geographic area with exceptions made for other areas, which penalizes Alaska and Alaska alone.

Please note that the service rendered by those railroads, for the same articles transported, and for the same distance, is exactly the same, whether the article to be shipped goes ultimately to Alaska or elsewhere in the Pacific or whether it stays on the mainland of the United States. But the charges for Alaska, and Alaska only, on that identical article, for identical mileage, and identical service, are specifically higher, sometimes up to one hundred per cent higher.

This abuse, as well as the others dating from the Jones Act have been the subject of unceasing protest from Alaskans. Alaska's legis-

latures have repeatedly memorialized the Congress and the federal executive agencies asking for equal treatment. Again and again have Alaska's delegates sought to have the discriminatory clause in the maritime law repealed. But each time the lobbies of the benefitting stateside interests have been successful in preventing any relief action.

How powerful these lobbies are and how successful they have been in maintaining these burdensome manifestations of colonialism may be judged from the unsuccessful efforts of the late Senator Hugh Butler of Nebraska to get the discriminatory words "excluding Alaska" stricken from the Act. He introduced a bill for that purpose.

In a speech on the Senate floor on December 4, 1947, he denounced "the discrimination against the territory in the present law", that is the Maritime Act of 1920, and urged that there was "need for the prompt removal of that discrimination if we are to demonstrate that we are in earnest in our determination to promote the development of Alaska."

In a subsequent communication to Senator Homer Capehart, who was then chairman of a sub-committee on Alaska matters of the Committee on Interstate and Foreign Commerce to which Senator Butler's bill was referred, Senator Butler specified the character and extent of the abuse which Alaska was suffering, saying:

"To-day after 27 years of operation under the Jones Act of 1920, the carriers have failed to establish satisfactory service . . . The Territory is still without adequate transportation to meet its needs . . . Most Alaskan coastal towns are not connected with the continental United States, or with each other, by highway or rail. Accordingly they have been at the mercy of a steamship monopoly of long duration. There could be no competition from rail or bus lines which would compel better services or lower rates. American steamship lines have not been able or willing to meet Alaska's transportation requirements. The service has been infrequent and the rates exorbitant."

This caustic language was Senator Butler's. And his testimony and vigorous denunciation are highly significant, not merely because he was very conservative, but because for the first fourteen years of his Senatorial service he was a bitter opponent of statehood for Alaska, a stand which made him the beau ideal of the anti-statehood elements within and without the Territory. He professed conversion to statehood for Alaska in 1954 only a few months

before his death. He was still an unqualified opponent of Alaskan statehood when he issued this devastating indictment of the maritime transportation in 1947 and 8.

After going into further detail on the injurious effects on Alaska of the Jones Act, and the fact that most of the "merchandise . . . food products . . . and other commodities" shipped to Alaska were "an exclusive Seattle prerogative," Senator Butler continued:

"The passage of this amendment to the Jones Act could well mean the difference between the slow, continued strangulation of Alaska's economy, and the full development of the Territory's vast potentialities."

Senator Butler then spoke of the discriminatory rates in favor of canned salmon, which industry, he pointed out, likewise centered in and around Seattle, saying:

"The people of Alaska have long been subject to higher rates than has the salmon industry, for general cargo. These higher rates are, in fact, a decree penalizing the resident Alaskan for living in Alaska; the lower rates are, in effect, a decree requiring the Alaska resident to make up for whatever deficits accrue from the costs of shipping canned salmon and salmon-cannery needs . . . The strangling provisions of the present laws would be eliminated by the enactment of S. 1834."

S. 1834 was Senator Butler's bill to remove this manifestation of colonialism.

And Senator Butler concluded:

"The development of Alaska would be accelerated, and justice would be done to those permanent residents of our northwestern frontier, who have, for so many years, struggled valiantly against discouraging circumstances to develop that area."

Despite Senator Butler's powerful position as the Chairman of the Committee on Interior and Insular Affairs when his party controlled the Congress, this legislation failed. It did not even come out of committee. Eight more years have passed since that time; the tragic situation as far as Alaska is concerned, in its key transportation, has further deteriorated. Steamship freight rates have continued to go up and up, far above the levels that Senator Butler termed "exorbitant."

Invariably, whenever the operators announced another rate increase, the Alaska territorial authorities used to request the maritime regulatory agency to secure an audit of

the company's books in order to demonstrate that the increases requested were justified. But almost invariably the increases were granted without such audit and often without question. It may well be asked whether, if Alaska were not a colony, but a State, its two Senators might not be reasonably effective in at least securing a demonstration from the carrier that its financial situation justified the rate increases demanded and promptly acceded to by the federal maritime bureau.

But actually, if Alaska were a State, the whole discrimination in the Jones Act would go out of the port-hole. Alaska would then get the same treatment in the transportation of freight that is accorded to every other area under the flag and to foreign countries. But as a colony it gets no consideration in this matter either from the legislative branch, the Congress, or from the executive branch, in this instance the Federal Maritime Board, successor to other agencies similarly subservient to the vested interests within the colonial power.

The net result of those cumulative charges—50 to 100 per cent higher railroad freight rates to Seattle, higher unloading and transfer charges in Seattle, higher wharfage and higher long-shoring charges, and finally higher maritime freight rates to Alaska ports—all higher than anywhere else for any but Alaskans, has been and is greatly to increase the cost of living in Alaska. This in itself has been and continues to be a great hindrance to settlement and permanent residence in Alaska, a heavy burden on private enterprise in Alaska, a forecloser of new enterprise, and obviously a great obstacle to development.

How absurd in the light of these facts—and others similar to be submitted to our candid world—is the allegation of the small minority of Alaskans and of others "outside" that we are not ready for statehood. How shall we get readier with these handicaps? How can we cope with what conservative Senator Butler described as "the slow, continued strangulation of Alaska's economy," if the throttling grip of colonialism is not loosened?

To complete the maritime picture, beginning last year all passenger travel on American boats has ceased. The Alaska Steamship Line has eliminated it. This is a blow to an infant and potentially great industry in Alaska, the tourist industry, which four years ago the Alaska 1951 legislature sought to develop by establishing the Alaska Visitors' Association, financed jointly by territorially appropriated and publicly subscribed funds.

One postscript remains on the subject of maritime transportation before we pass on to other of Alaska's colonial disadvantages. Though it is invariably pointed out by Congressional opponents of statehood that Alaska is a non-contiguous area, separated from the main body of the 48 states by some 700 miles of foreign territory, or 700 miles of either international or foreign coastal waters, the United States persists in maintaining the coast-wise shipping laws against Alaska. Their removal would make a steamship line eligible for the subsidies which American flag ships in the European, African or Asiatic trade receive. That might, were Congress sufficiently interested, induce some competition in the Alaska steamship trade from other American carriers. That the imposition of the coastwise shipping laws is not a necessary corollary to being a colony, it proved by the fact that the United States has suspended the coastwise shipping laws for the Virgin Islands. But it has declined to do so for Alaska.

Let us now turn to a third form of transportation: highways. These catchwords of colonialism, "excluding Alaska", likewise apply to our highway transportation. For Alaska is denied inclusion in the Federal Aid Highway Act. From this beneficent legislation enacted in 1916, and repeatedly amended and amplified, Alaska, alone among the States and incorporated territories, is excluded. Even Puerto Rico, which pays no federal taxes whatever, is included. Yet Alaskans pay all taxes, including the federal gas tax.

The Congressionally wrought substitute—annual appropriation—is a witness to colonialism expressed in cold figures. The results are visible in the lack of an adequate Alaskan highway system. After 88 years of colonialism and 40 years after the enactment by Congress of the joint federal aid and state highway program, Alaska has only some 3,500 miles of highway. This is a negligible amount for an area one-fifth as large as the 48 states and with only one railroad.

For the first 38 years after the cession of Alaska no roads were built by any government agency. With Alaska almost totally public domain, highway construction was clearly a federal responsibility. In the next 36 years beginning with the first federal construction in 1905 and the outbreak of World War II, in 1941, the federal government appropriated about nineteen and a half million dollars, an average of a trifle over half a million dollars a year—a pittance. During that same period Alaska contributed some nine million dollars. Thus the federal contribution was 68.4 per cent of the

total of twenty-eight and a half million dollars, and Alaska's was 31.6 per cent, a far greater proportion than Alaska with its virtual totality of public domain would have had to pay under the Federal Aid Highway Act. It is fair to say, however, that under the Highway Act, federal funds go for construction and not for maintenance.

After road construction had been transferred from the War Department to the Department of the Interior in 1930, for the next decade or more throughout the nineteen thirties, when the federal government and the States were jointly expanding the national highway network, Alaska was given no new highway construction. Maintenance only was granted. Military requirements brought the Alaska Highway and the Glenn Highway, and in the later 1940's a highway program to satisfy defense needs was begun and carried out for five years. But even that has been brought to a virtual halt. For the past three years the federal program has contained no new highway project. This year a token appropriation was included for the desirable Fairbanks-Nenana road, but at the price of halting construction of the important Copper River Highway. In fact the present greatly reduced program spells little more than slow completion and paving of the military highways begun eight years ago. The federal government seems to be heading us back to mere maintenance.

In contrast the federal aid program in the mother country is being handsomely increased, reaching the largest sums in its history in the current biennial appropriation enacted in the second session of the 83rd Congress.

If Alaska were a State it would be automatically included in the expanding highway program. But as a colony it continues to be discriminated against, and that discrimination, instead of lessening is being aggravated.

By the same token Alaska has been excluded from the administration's one hundred and one billion dollar federal highway program. One of its principal justifications, perhaps the principal justification, for this lavish, yet important and valuable proposal, is that it is in part a civilian defense measure to aid evacuation and dispersal in the event of a shooting war with atomic weapons. Yet the same administration that excludes Alaska from this defense measure wishes to keep Alaska in colonial bondage because of alleged national defense reasons.

The enactment of this multi-billion dollar program was deferred in the last session of

Congress because of differences of opinion on how to finance it. But in one respect there was no difference of opinion: Alaska would be taxed for the program even if not included in it. The Eisenhower program, presented by General Lucius Clay, called for long term bonding to be repaid out of general funds. Congressional substitutes, on a more nearly "pay-as-you-go" basis, called for increased taxes on gasoline, tires, and other automobile accessories. Efforts to include Alaska in both programs failed, as did subsequent efforts to exclude Alaska from the tax provisions. So Alaskans will be taxed for benefits accruing solely to the residents of the mother country. What else is this but colonialism, crude, stark, undisguised and unashamed?

When both the presidential and congressional drafts failed of passage, President Eisenhower declared he was "deeply disappointed" and added:

"The nation badly needs good roads. The good of our people, of our economy, and of our defense requires that the construction of these highways be undertaken at once."

As colonials we can merely note that Alaskans are, in the consideration of our President, apparently not part of "our people, our economy and our defense."

There is yet more of humiliating disregard. The federal administration while patently uninterested in developing Alaska through its highways is strongly in favor of completing the Inter-American Highway.

On March 31, last, President Eisenhower in a letter to Vice-President Nixon requested an increase in the current appropriation for the central American portion from five million to seventy-five million dollars, a more than thirteen-fold increase. The President gave several reasons for this massive amplification. Three of them emphasized the important economic contribution to the countries through which this highway passes, and a fourth stressed the security aspects of the road.

We may applaud the purpose to complete the Inter-American Highway, with its economic benefits to Guatemala, Honduras, Salvador, Costa Rica, Nicaragua and Panama. We may even enjoy our participation in this philanthropy to these good neighbors, remembering that it is more blessed to give than to receive, and that every Alaskan is paying his share of that 75 million dollars. Still, some of us may wonder why similar consideration is not vouchsafed to Alaska, whose highway and economic needs are great, whose trade is almost exclu-

sively with the United States, and whose relation to national security is certainly much closer than that of the Central American republics. This wonder on our part would be particularly natural since President Eisenhower seems to exhibit concern about Alaska's defense in connection with statehood.

We have now viewed three flagrant examples of colonialism in three of the major means of transportation, shipping, railways and highways. Let us now look at the fourth—airways.

It is superfluous to signalize our air-mindedness to any group of Alaskans. But the candid world should know that Alaskans fly thirty to forty times more than other Americans, and starting with our bush pilots, early developed a fine system of intra-Alaskan aviation. It was almost wholly an Alaskan enterprise—flown and financed by Alaskans—though for a time without airports, aids to aviation and other assistance provided in the mother country. The Air Commerce Act of 1926—a sort of federal aid act for air—did not supply any of these aids to Alaska, although Alaska was included in the legislation. Nevertheless Alaska again suffered the penalty of being a colony, this time at the hands of the federal executive agency entrusted with administration of the Act. This time it was the bureaucrats who "excluded" Alaska. But the Alaskan bush pilots flew anyhow and what we have in the way of airways in Alaska is largely due to their courageous and skilful pioneering.

However, air service between Alaska and the States, which required the approval of federal bureaus and investment of outside capital, lagged far behind. The first commercial service connecting Alaska with the mother country did not take place till 1940, long after American commercial air carriers had spanned the rest of the hemisphere and had established regular service across the Pacific.

Meanwhile the newly created bureaucracies of the Civil Aeronautics Board and the Civil Aeronautics Administration moved into Alaska. They began restricting local enterprise. In the late 1940's, over the widespread protests of Alaskans, the C.A.B. began cracking down on non-scheduled operations, and finally eliminated the "non-scheds" completely. It did not do so in the forty-eight states. Alaska was again the victim of its colonial status. We had no Senators or voting representatives to fend for us.

The successive certification cases which for over a decade have dealt with transportation between the states and Alaska, have been

desperate, and not wholly successful, struggles by Alaskans to overcome the inadequate understanding of the Civil Aeronautics Board that air transportation is relatively much more important in Alaska than in the states with their well-established alternative forms of transportation, by railways and highways. Five years ago interior Alaska was saved from insufficient service only by President Truman's overruling the Board and granting certification to one of the two Alaskan carriers which the Board had denied.

For the last two years our two Alaskan carriers, in the face of steadily mounting traffic, have managed by heroic, all-out effort at least to retain what they had. But it is noteworthy that while the two international carriers serving Alaska, both "mother country" enterprises, have been granted permanent certificates, the certificates for our two Alaskan carriers are only temporary—a handicap to their financing and to their ability to expand.

Alaska's statehood case could rest here. Yet no account of its 88 years of territorialism would be complete without some notice of the salmon fishery. It comes, this year, pretty close to being an obituary notice.

Here was Alaska's greatest natural resource.

Here was the nation's greatest fishery resource.

For nearly half a century, the federal government has totally ignored, has "refused assent" to the petitions, pleas, prayers, memorials, of legislatures, delegates, governors, and of the whole Alaskan people for measures that would conserve that resource.

The result is written in figures that spell tragedy for Alaska's fishermen and for many others in Alaska's coastal communities whose economy has long depended on the fisheries. The tragedy has deepened year after year. So grave has become the plight that the administration found it necessary to proclaim the fishing villages to be disaster areas. It is a disaster caused by colonialism, and the federal government may charge the costs of disaster relief and loss of federal tax income to its own policies.

From over eight million cases twenty years ago the salmon pack has fallen year by year until in 1955 it has reached the incredible low of 2,382,131 cases, the lowest in 46 years.

Nowhere, as in the Alaska fisheriesiasco, is the lesson clearer or the superiority, in



purely material terms, of self-government to colonialism. In neighboring British Columbia and Washington State, where the fisheries are under home rule, and where fish traps have been abolished, the identical resource has not only been conserved but augmented.

It is colonialism that has both disregarded the interest of the Alaskan people and caused the failure of the prescribed federal conservation function. Colonialism has preferred to conserve the power and perquisites of a distant bureaucracy and the control and special privileges—the fish traps—of a politically potent absentee industry. Alaska has been the victim, but the entire nation has also lost heavily.

Let us by way of a footnote make crystal clear how and why this is colonialism—because some defenders of the *status quo* may deny it is, and we don't want the candid world to be confused.

The people of Alaska have repeatedly and unchangingly manifested their overwhelming opposition to fish traps. It isn't necessary to rehearse all their reasons—the results have amply justified the Alaskans' position. But fish trap beneficiaries, residents of the mother country, want to retain their Alaska traps. So the traps are retained. And it is the power and authority of the federal government which retains them. In a clear-cut issue between the few, profiting, non-colonial Americans and the many, seriously damaged, colonial Alaskans, the state-side interest wins hands down. And it wins because the government, which is also supposed to be *our* government, throws its full weight on their side and against us. That is colonialism.

It would be impossible in any one address, even one that assumed the length of a Senate filibuster, to list all the wrongs, disadvantages and lack of immunities that Alaska has endured in its 88 years as a territory. They constitute an incredible story. Even for those who know it, it is hard to believe. It is hard for us as Americans who long ago established our faith in American intelligence, competence, good sense, and above all in American fair play, to contemplate the story of American colonialism in Alaska. It has been part of our faith, an abiding faith, that to right deep-seated wrongs in America, one but had to make them sufficiently widely known. And our best hope, does lie, I am convinced, in making the facts known widely—and especially the overshadowing fact of our colonialism—to our fellow-Americans and to the rest of the candid world. They should know that what progress has been made in Alaska, and it has been substantial and

praiseworthy, has been made in spite of these colonial impositions, and largely because of the character and fibre of the colonials themselves. Coming here from the forty-eight states, following the most cherished American trend, the westward march in search of greater freedom and greater opportunity, they brought to the last frontier and to its friendly native population, the very qualities that have made America. Only distantly man-made problems, the problems created by a remote, often unseen officialdom and its beneficiaries in the mother country, have remained unresolved.

Alaskans have striven consistently to resolve them. Let it be recorded that for 43 years, since the first legislature, and before that by individuals and groups, they have pleaded for relief from the abuses a part of which have been detailed.

Yet after two generations not a single one of these pleas, all of them fair and reasonable, has been granted.

How applicable to Alaska's plight the words of the Declaration of Independence:

"In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered by repeated injury."

Lest these frequent citations from the Declaration of Independence lead anyone to the conclusion that there are any among us who now desire our independence, let such a totally erroneous assumption be promptly corrected. We desire and demand an end to our colonialism. But we seek it through a re-affirmation in deeds for Alaska of the principles which launched the American experiment, and re-application of the practice that has been followed in 35 states.

We Alaskans believe—passionately—that American citizenship is the most precious possession in the world. Hence we want it in full measure; full citizenship instead of half-citizenship; first class instead of second class citizenship. We demand equality with all other Americans, and the liberties, long denied us, that go with it. To adapt Daniel Webster's famous phrase uttered as a peroration against impending separatism, we Alaskans want "liberty and union, one and inseparable, now and forever."

But the keepers of Alaska's colonial status should be reminded that the 18th century colonials for long years sought merely to obtain relief from abuses, for which they—like us—vainly pleaded, before finally resolving that

only independence would secure for them the "life, liberty and pursuit of happiness," which they felt was their natural right.

We trust that the United States will not by similar blindness to our rights and deafness to our pleas drive Alaskans from patient hope to desperation.

We have been challenged in the course of Congressional debates to show as a pre-requisite that admission of Alaska to statehood would be beneficial to the nation. That test was never applied to earlier territories seeking and securing statehood. But we gladly accept that challenge and willingly subscribe to it as a condition.

The development of Alaska, the fulfillment of its great destiny, cannot be achieved under colonialism. The whole nation will profit by an Alaska that is populous, prosperous, strong, self-reliant—a great northern and western citadel of the American idea. Statehood would automatically bring us far along that high road.

Nothing could more pathetically reveal the lack of understanding regarding Alaska, and the poor advice concerning Alaska that is given and accepted in the highest places, than the presidential pronouncement in the last state-of-the-union message:

"As the complex problems of Alaska are resolved that Territory should expect to achieve statehood."

Bless us! The complex problems of Alaska are inherent in its territorial status; they are derived from its colonial status; they will be largely resolved by statehood and only by statehood.

As was promptly called to President Eisenhower's attention this was like the old story of telling a youngster he must learn to swim before going into the water!

So we return to the proposition that America can scarcely afford to perpetuate its colonialism. Our nation is attempting to lead the world into the pathway of peace. No goal could be more worthy. But to lead effectively, it must not only practice what it preaches. It must carry out its solemn commitments. It can scarcely be critical of nations that break their pledges and break its own. It must first cast the beam out of its own eye before attempting to pull the motes of its neighbors' eyes.

For the United States has pledged its good name and good faith in treaties and agreements far more recent than the Treaty of Cession of 1867. Not that our nation's responsibility for not carrying out those original pledges in regard to Alaska is diminished by the passage of time. But there are recent and even contemporary commitments which demand fulfillment.

Article 73 of the United Nations Charter, dealing with non-self-governing territories—and that includes Alaska which must make annual reports to the U.N.—pledges the signatories:

"To the principle that the interests of the inhabitants of these territories is paramount," and further pledges them

"To insure . . . their political, economic, social, and educational advancement, their just treatment, and their protection against abuses," and, finally, and this is most pertinent, it pledges them

"To develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions. . ."

The United States pledged itself to that ten years ago. If the English language has not lost its meaning and the United States its integrity, it should some time ago have, and should now, in any event, "take due account of the political aspirations" of Alaskans and enable them to develop the self-government which they seek.

There is an even more recent commitment—the Pacific charter—signed a year ago, in which the signatory nations, including the United States, pledged themselves "to uphold the principle of equal rights and self-determination of peoples," and to re-enforce that principle the signatories further pledged that they were "prepared to continue taking effective practical measures to insure conditions favorable to orderly achievement of the foregoing purposes", namely self-government.

We are agreed that there is only one form of self-government that is possible for Alaska. And so we are drawing up the constitution for the State that we fervently hope will soon come to be. That hope, it is encouraging to note, is shared by the great majority of Americans. If our 88-year experience inevitably leads to strictures of the colonialism that has ruled us, let us remember that it is a course not sanctioned by American public opinion. The Gallup polls, which last recorded an 82 per cent

support of Alaskan statehood, the endorsement of virtually every important national organization, demonstrate clearly that the forces in and out of government which would deny Alaska statehood—in fact the government itself—do not represent prevailing American sentiment.

But while we may derive satisfaction and hope therefrom, let us not delude ourselves that victory is at hand. It ought to be. But too many solemn pledges to Alaska have been honored in the breach to assure that what ought to be will be.

It may be regrettable—or not—but every generation must fight to preserve its freedom. We have twice in a life-time participated in our nation's fight to preserve them. In Alaska we still have to win them.

This Constitutional Convention is an important mobilization. But the battle still lies ahead, and it will require all our fortitude, audacity, resoluteness—and maybe something more—to achieve victory. When the need for that something more comes, if we have the courage—the guts—to do whatever is necessary, we shall not fail. That the victory will be the nation's as well as Alaska's—and the world's—should deepen our determination to end American colonialism.