

FOLDER NO.

203.03

Constitutional Convention
Committee Proposal/7/Enrolled
Style and Drafting
January 25, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents
its redraft of the Preamble and the Article on Bill of Rights
for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

Committee on Style and Drafting - Work File - Act. I

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Style and Drafting/Article I
January 25, 1956

ALASKA CONSTITUTIONAL CONVENTION

RESOLVED, that the following be agreed upon as part of
of the Alaska State Constitution:

PREAMBLE

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil and religious liberty, do ordain and establish this constitution for the State of Alaska.

ARTICLE I

DECLARATION OF RIGHTS

Inherent
Rights

1 Section 1. This constitution is dedicated to the
2 principles that all persons have a natural right to
3 life, liberty, the pursuit of happiness and the enjoy-
4 ment of the rewards of their own industry; that all
5 persons are equal and entitled to equal rights, oppor-
6 tunities and protection under the law; and that all
7 persons have corresponding obligations to the people
8 and to the State.

Source of
Government

9 Section 2. All political power is inherent in
10 the people. Government derives from the consent of the
11 governed and exists solely for the common good.

Civil Rights 1 Section 3. No person is to be denied any civil or
2 political right because of race, color, creed, or
3 national origin. The legislature shall implement
4 this section.

Freedom of Religion 5 Section 4. No law shall be made respecting an
6 establishment of religion, or prohibiting the free
7 exercise thereof.

Freedom of Speech 8 Section 5. Every person may freely speak, write,
9 and publish on all subjects, being responsible for the
10 abuse of that right.

Assembly; Petition 11 Section 6. The right of the people peaceably to
12 assemble, and to petition the government shall never
13 be abridged.

Due Process 14 Section 7. No person shall be deprived of life,
15 liberty, or property, without due process of law. The
16 right of all persons to fair and just treatment in the
17 course of legislative and executive investigations
18 shall not be infringed.

Grand Jury 19 Section 8. No person shall be held to answer for
20 a capital, or otherwise infamous crime, unless on a
21 presentment or indictment of a grand jury, except in
22 cases arising in the armed forces in time of war or
23 public danger. Indictment may be waived by the accused,
24 in which case the prosecution shall be by information.
25 The grand jury consists of at least twelve citizens,

See in Style and Drafting - Work file - Art. I

1 a majority of whom concurring may return an indictment.
2 The power of grand juries to investigate and make recom-
3 mendations concerning the public welfare or safety
4 shall never be suspended.

Double Jeop-
ardy; Self-
Incrimination

5 Section 9. No person shall be put in jeopardy
6 twice for the same offense. No person shall be compelled
7 in any criminal proceeding to be a witness against
8 himself.

Treason

9 Section 10. Treason against the State consists
10 only in levying war against it, or in adhering to its
11 enemies, giving them aid and comfort. No person shall
12 be convicted of treason, unless on the testimony of two
13 witnesses to the same overt act, or on confession in
14 open court.

Rights of
Accused

15 Section 11. In all criminal prosecutions the
16 accused has the right to a speedy and public trial, by
17 an impartial jury of twelve, except that the legislature
18 may provide for a jury of not more than twelve nor less
19 than six in courts not of record. The accused is entitled
20 to be informed of the nature and cause of the accusa-
21 tion; to be released on bail, except for capital
22 offenses when the proof is evident or the presumption
23 great; to be confronted with the witnesses against him;
24 to have compulsory process for obtaining witnesses in
25 his favor, and to have the assistance of counsel for
26 his defense.

Free on Style and Drafting - Work file - Art. I

Excessive
Punishment

1 Section 12. Excessive bail shall not be required,
2 nor excessive fines imposed, nor cruel and unusual
3 punishments inflicted. Penal administration shall be
4 based on the principle of reformation and the need for
5 protecting the public.

Habeas Corpus

6 Section 13. The privilege of the writ of habeas
7 corpus shall not be suspended, unless when in cases of
8 rebellion or actual or imminent invasion, the public
9 safety requires it.

Searches
and
Seizures

10 Section 14. The right of the people to be secure
11 in their persons, houses and other property, papers,
12 and effects, against unreasonable searches and seizures,
13 shall not be violated. No warrants shall issue, but
14 upon probable cause, supported by oath or affirmation,
15 and particularly describing the place to be searched,
16 and the persons or things to be seized.

Prohibited
State Action

17 Section 15. No bill of attainder or ex post facto
18 law shall be passed. No law impairing the obligation
19 of contracts, and no law making any irrevocable grant
20 of special privileges or immunities shall be passed.
21 No conviction shall work corruption of blood or
22 forfeiture of estate.

Right to
Bear Arms

23 Section 16. A well-regulated militia being neces-
24 sary to the security of a free state, the right of the
25 people to keep and bear arms shall not be infringed.

Office on Style and Drafting - Work file - Art. I

Quartermen
Soldiers

1 Section 17. No member of the armed forces shall
2 in time of peace be quartered in any house without the
3 consent of the owner or occupant, or in time of war
4 except as prescribed by law. The military shall be in
5 strict subordination to the civil power.

Civil Suits;
Trial by Jury

6 Section 18. In suits at common law, where the
7 amount in controversy exceeds two hundred fifty dollars,
8 the right of trial by a jury of twelve shall be preserved.
9 The legislature may provide for a jury of not less than
10 six in courts not of record. The legislature may pro-
11 vide for a verdict by not less than three-fourths of
12 the members of any jury in a common law suit.

Imprisonment
For Debt

13 Section 19. There shall be no imprisonment for
14 debt, except in case of absconding debtors.

Eminent
Domain

15 Section 20. Private property shall not be taken
16 or damaged for public use without just compensation.

Construction

17 Section 21. The enumeration of rights in this
18 constitution does not impair or deny others retained
19 by the people.

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Style & Drafting
January 21, 1956

ALASKA CONSTITUTIONAL CONVENTION

RESOLVED: That the following be agreed upon as part
of the Alaska State Constitution.

PREAMBLE

We the people of Alaska, grateful to God, ^{and to those who founded} ~~to the founders of~~
our nation and ~~the~~ pioneers ^{of} this great land, in order to secure
and transmit to succeeding generations our heritage of political,
civil, and religious liberty, do ordain and establish this Consti-
tution for the State of Alaska.

ARTICLE I

DECLARATION OF RIGHTS

- 1 ~~Constitutional~~ ^{Section 1.} ~~The purpose of This Constitution is the promotion~~
- 2 ~~Principles~~ ~~of the general welfare of the people. It is dedicated to~~
- 3 ~~Inherent~~ ~~Rights~~ the principles that all persons have a natural right to
- 4 life, liberty, the pursuit of happiness and the enjoyment
- 5 of the rewards of their own industry; that all persons are
- 6 equal and entitled to equal rights, opportunities and pro-
- 7 tection under the law; and that all persons have corres-
- 8 ponding obligations to the people and to the State.
- 9 ~~Source of~~ ^{Section 2.} All political power is inherent in the people.
- 10 ~~Government~~ Government derives from the consent of the governed and
- 11 exists solely for the common good.
- 12 ~~Civil Rights~~ ^{Section 3.} No person is to be denied any civil or political
- 13 right because of race, color, creed, or national origin.
- 14 The Legislature shall implement this section, ~~by appropriate~~
- 15 ~~legislation.~~

Committee on Style and Drafting - Work file - Art. I

Freedom of Speech

1 ^{Section 5} Every person may freely speak, write, and publish
2 on all subjects, being responsible for the abuse of that

Assembly and Petition

3 ~~liberty.~~ ^{Section 6.} The right of the people peaceably to assemble,
4 and to petition the government shall never be abridged.

Freedom of Religion

5 ^{Section 4} No law shall be made respecting an establishment
6 of religion, or prohibiting the free exercise thereof.

Due Process

7 ^{Section 7} No person shall be deprived of life, liberty, or
8 property, without due process of law. The right of all
9 persons to fair and just treatment in the course of
10 legislative and executive investigations shall not be
11 infringed.

Rights of Accused

Grand Jury Indictment

12 ^{Section 8} No person shall be held to answer for a capital,
13 or otherwise infamous crime, unless on a presentment or
14 indictment of a grand jury, ~~this right~~ may be waived by
15 the accused, in which case the prosecution shall be by in-
16 formation. The grand jury consists of at least twelve
17 citizens, ⁸¹³ a majority of whom concurring may return an
18 indictment. The power of grand juries to investigate
19 and make recommendations concerning the public welfare
20 or safety shall ~~not~~ ^{never} be suspended. ~~This section does not~~
21 ^{except in} ~~apply to~~ cases arising in the armed forces in time of war
22 or public danger.

Double Jeopardy; Self-Incrimination

23 ^{Section 9} No person shall be put in jeopardy twice for the
24 same offense. No person shall be compelled in any criminal
25 proceeding to be a witness against himself.

Excessive
Punishment

~~of IV 1~~

~~IV 13~~

1 ~~Section 12~~ Excessive bail shall not be required, nor ex-
2 cessive fines imposed, nor cruel and unusual punishments
3 inflicted. Penal administration shall be based on the
4 principles of reformation and the need for protecting the
5 public.

Prohibited
State Action

~~of VI 1~~

6 ~~Section 15~~ No bill of attainder, ^{or} ex post facto law, ^{shall be passed.} law
7 impairing the obligation of contracts, ^{and no law} ~~or any law~~ making
8 any irrevocable grant of special privileges or immunities
9 shall be passed. No conviction shall work corruption of
10 blood or forfeiture of estate.

Searches and
Seizures

11 ~~Section 14~~ The right of the people to be secure in their
12 persons, houses and other property, papers, and effects,
13 against unreasonable searches and seizures, shall not be
14 violated, ~~and~~ ^{No} warrants shall issue, but upon probable
15 cause, supported by oath or affirmation, and particularly
16 describing the place to be searched, and the persons or
17 things to be seized.

~~Criminal~~
~~Trials~~
~~by Jury, Rights~~
~~of Accused~~

18 ~~Section 11~~ In all criminal prosecutions the accused has the
19 right to a speedy and public trial, by an impartial jury of
20 twelve, except that (in courts not of record, the legislature
21 may provide for a jury of not more than twelve nor less than
22 six persons. The accused is entitled to be informed of the
23 nature and cause of the accusation; to be released on bail,
24 except for capital offenses when the proof is evident or
25 the presumption great; to be confronted with the witnesses

1 against him; to have compulsory process for obtaining wit-
2 nesses in his favor, and to have the assistance of counsel
3 for his defense.

Civil Suits:

Trial by Jury

4 ~~Section 18~~ In suits at common law, where the amount in con-
5 troversy exceeds two hundred fifty dollars, the right of
6 trial by a jury of twelve ^{shall be} is preserved, ~~except that in~~
7 in courts not of record. The Legislature may provide for a
8 jury of not less than six, ~~In these suits~~ The legisla-
9 ture may provide for a verdict by not less than three-
10 fourths of the members of any jury ^a in Common Law Suit.

Habeas Corpus

11 ~~Section 13~~ The privilege of the writ of habeas corpus shall
12 not be suspended, unless ^{when} in cases of rebellion, ^{or} actual ~~in-~~
13 ~~vasion,~~ or imminent invasion, the public safety requires it.

Militia, Right

to Bear Arms

14 ~~Section 10~~ A well-regulated militia being necessary to the
15 security of a free state, the right of the people to keep
16 and bear arms shall not be infringed. The military shall
17 be in strict subordination to the civil power. ~~No member~~
18 of the armed forces in time of peace shall be quartered in
19 any house without the consent of the owner or occupant, or
20 in time of war except as prescribed by law.

Quartering
Private
Soldiers

Treason

21 ~~Section 10~~ Treason against the State consists only in levy-
22 ing war against it, or in adhering to its enemies, giving
23 them aid and comfort. No person shall be convicted of trea-
24 son, unless on the testimony of two witnesses to the same
25 overt act, or on confession in open court.

~~Section 19~~ 20

Eminent 1 ~~19~~ Private property shall not be taken or damaged

Domain 2 for public use without just compensation.

~~Section 18~~ 19

Imprisonment 3 ~~18~~ There shall be no imprisonment for debt, except

For Debt 4 in case of absconding debtors.

~~Section 17~~ 21

Construction 5 ~~17~~ The enumeration of rights in this Constitution

~~of XIII~~

6 does not impair or deny others retained by the people.

Convention
Committee on Style and Drafting - Mark file - Art. I

- Section 1 Inherent rights
- 2 Source of Gov't
- 3 Civil rights
- 4 Freedom of speech
- 5 Freedom of religion
- 6 assembly; Petition
- 7 ~~Grand jury~~ Due Process
- 8 Grand jury
9. Double jeopardy; self incrimination
10. Treason
11. Rights of accused
- ~~12 Criminal trials~~
- 12 Excessive punishment
- 13 Habeas corpus
- 14 Searches and seizures
- 15 Prohibited state action
- 16 Right to bear arms

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- 17 Quarters, Soldiers
- 18 Civil Suits, trial by jury
- 19 Imprisonment for debt
- 20 Eminent Domain
- 21 Construction.

See on "Style" and Drafting - work the

We the people of ^{the State} Alaska, grateful for our great
American heritage of political, civil, and religious liberty, ~~and~~ in order
to secure and transmit these liberties ~~unalienable~~ ^{unalienable} to
posteriority, ~~to establish a more perfect government~~ ^{reaffirm}
our belief in government by ~~the~~ consent of
the governed and in order to establish a more
perfect government do ordain and establish
the Constitution.

We the people of the State of Alaska, grateful for
our great American heritage of political, civil
and religious liberty and to secure and
transmit ~~to~~ these liberties ~~to~~ ^{unalienable}
to posteriority, reaffirm our belief ~~belief~~ in the
principle of government by consent of the governed and in
order to establish a more perfect government
founded upon that principle do ordain
and establish this Constitution.

Proposed by: Victor Brown

Mr. [unclear] (C-2)

Work File - Art. I