

FOLDER NO.

205

Constitutional Convention
Committee Proposal/7
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
PREAMBLE AND BILL OF RIGHTS

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Preamble and Bill of Rights transmits herewith a proposed Preamble, an Article containing a Declaration of Rights, and an Article on Health, Education, and Welfare, and recommends their adoption by the convention. A commentary follows each of the proposed articles.

Two minority reports are attached, one by Delegates McNealy, Armstrong and Hellenthal suggesting an article to prohibit wire-tapping and the other by Mr. Hellenthal suggesting an article on collective bargaining.

The Committee made the following disposition of the delegates' proposals referred to this Committee:

Proposal No. 2: Incorporated in part in the Declaration of Rights and the Article on Education.

Proposal No. 6: Sections 6, 10, 11, 12 and 13 have been referred back to the floor, This Committee felt it had no jurisdiction on these subjects. The remainder of the sections were considered. The Committee adopted sections 3 and 7 with some changes. The rest of the proposal was not considered to be constitutional material.

Proposal No. 9: Section five of this proposal was reported back to the floor as not being within the terms of reference of this committee. Other articles of this proposition were included in the committee report.

~~Proposal No. 13: This proposal was incorporated in the Declaration of Rights with some changes.~~

Proposal No. 16: This proposal was a suggested preamble. The text was considered and was incorporated in part in the report of the committee.

Proposal No. 17: Sections 1, 2, 3, and 5 were adopted in substance in the Proposal on Health, Welfare and Education. Section 4 was rejected as not proper constitutional material. Section 8 is a general provision that will be considered in another section of the Constitution.

Proposal No. 19: The article on the Distribution of Power was rejected as not being necessary in this Constitution. Such an article would attempt to limit the executive, judicial and legislative branches in an unrealistic way. Complete separation has never existed and would not exist under this provision.

Proposal No. 21: Mr. Harris asked that this proposal be amended by the exclusion of the phrase dealing with labor because he did

not intend it to be a right to work provision. The committee considered the proposal as amended and included some of the material in the Declaration of Rights.

Proposal No. 31: This proposal was considered and rejected on the basis that these matters were outside the terms of reference of this Committee.

Proposal No. 38: The committee considered this proposal and included sections 1 and 2 in substance in the Declaration of Rights. Section 3 was partly rejected as not being constitutional material and the balance was included in the Declaration of Rights.

Respectfully submitted,

Dorothy Awes, Chairman

Ada B. Wien

R. Rolland Armstrong

Seaborn J. Buckalew

James P. Doogan

John Hellenthal .

Robert J. McNealy

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 7

~~Introduced by the Committee on the~~

Preamble and Bill of Rights

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

PREAMBLE, Article on Declaration of Rights, and
Article on Health, Education and Welfare.

1 We, the people of the State of Alaska, grateful to Almighty
2 God for our civil and religious liberty, seeking His con-
3 tinued blessing upon our endeavors to secure and transmit
4 these liberties unimpaired to posterity, do ordain and estab-
5 lish this Constitution.

6 ARTICLE

7 DECLARATION OF RIGHTS

8 Rights of Section 1. This constitution is to promote the gen-
9 Man eral welfare of the people, and is dedicated to the
10 principle that all persons have a natural right to
11 life, liberty, the pursuit of happiness and the en-
12 joyment of the gains of their own industry; that all

1 persons are equal and are entitled to equal rights
2 and opportunities under the law. These rights carry
3 with them corresponding duties to the people and to
4 the state.

5 Source and Section 2. All political power is inherent in the
6 Aim of Poli- people. All government originates with the people,
7 tical Power is founded upon their will only, and is instituted
8 solely for the good of the people as a whole.

9 Civil Section 3. No person is to be denied the enjoy-
10 Rights ment of any civil or political right because of race,
11 color, creed or national origin. The legislature
12 shall provide appropriate legislation in accord here-
13 with.

14 Freedom of Section 4. Every person may freely speak, write,
15 Speech and and publish on all subjects, being responsible for
16 Press; Assem- the abuse of that liberty. The right of the people
17 bly and peaceably to assemble and to petition the government
18 Petition or any department thereof shall never be abridged.

19 Freedom of Section 5. No law shall be made respecting an
20 Religion establishment of religion or prohibiting the free ex-
21 ercise thereof.

22 Due Section 6. No person shall be deprived of life,
23 Process liberty or property without due process of law.

24 Grand Juries, Section 7. The grand jury shall consist of twelve
25 Indictments citizens, any nine of whom concurring may find an

1 and Informa-- indictment or a true bill; Provided, that no grand
tion
2 jury shall be convened except upon an order of a
3 judge of a court having the power to try and determine
4 felonies; but when so assembled such grand jury shall
5 have power to investigate and return indictments for
6 all character and grades of crime; and that the power
7 of grand juries to inquire into the willful misconduct
8 in office of public officers, and to find indictments
9 in connection therewith, shall never be suspended.

10 No person shall be prosecuted criminally for felony
11 other than by indictment or information, which shall
12 be concurrent remedies, but this shall not be applied
13 to cases arising in the land or naval forces or in the
14 militia when in actual service in time of war or pub-
15 lic danger.

16 No Double Section 8. No person shall be put in jeopardy
Jeopardy
17 No Self- twice for the same offense. No person shall be com-
Incrimina-
18 tion pelled in any criminal proceeding to be a witness
19 against himself.

20 Excessive Section 9. Excessive bail shall not be required,
Bail, Unusual
21 Punishments nor excessive fines imposed, nor cruel and unusual
22 punishments inflicted.

23 Prohibited Section 10. No bill of attainder, ex post facto
State
24 Action law, nor any law impairing the obligation of con-
25 tracts, nor any law making any irrevocable grant of

1 special privileges or immunities shall be passed, and
2 no conviction shall work corruption of blood or for-
3 feiture of estate. The administration of criminal
4 justice shall be founded on principles of reformation,
5 and not vindictiveness.

6 Searches and Section 11. The right of the people to be secure
7 Seizures in their persons, houses and other property, papers,
8 and effects, against unreasonable searches and seiz-
9 ures, shall not be violated, and no warrants shall
10 issue, but upon probable cause, supported by oath or
11 affirmation, and particularly describing the place to
12 be searched, and the persons or things to be seized.

13 Criminal Section 12. In all criminal prosecutions the ac-
14 Matters: cused has the right to a speedy and public trial, by
15 Trial by Jury, Rights of Accused an impartial jury. In courts not of record the jury
16 may consist of not more than twelve nor less than six
17 persons. The accused is also entitled to be informed
18 of the nature and cause of the accusation; to be re-
19 leased on bail, except for capital offenses; to be
20 confronted with the witnesses against him; to have
21 compulsory process for obtaining witnesses in his favor,
22 and to have the assistance of counsel for his defense.

23 Civil Cases: Section 13. In suits at common law, where the
24 Trial by Jury amount in controversy exceeds two hundred and fifty
25 dollars, the right of trial by jury is preserved, ex-

1 cept that the legislature may provide for a jury of
2 not less than six in courts not of record. The legis-
3 lature may provide for a verdict by not less than ..
4 three-fourths of the members of the jury...

5
6 Habeas Cor-
7 pus

 Section 14. The privilege of the writ of habeas
 corpus shall not be suspended, unless when, in cases
 of rebellion, ^{actual} invasion or imminent peril, the public
 safety requires it.

10 Militia,
11 Right to
12 Bear Arms

 Section 15. A well-regulated militia being nec-
 essary to the security of a free state, the right of
 the people to keep and bear arms shall not be in-
 fringed. The military shall be in strict subordina-
 tion to the civil power. No soldier, in time of peace
 shall be quartered in any house without the consent of
 the owner or occupant, nor in time of war, except as
 prescribed by law.

18 Treason

 Section 16. Treason against the State shall con-
 sist only in levying war against it, or in adhering to
 its enemies, giving them aid and comfort. No person
 shall be convicted of treason, unless on the testimony
 of two witnesses to the same overt act, or on confes-
 sion in open court.

24 Eminent
25 Domain

 Section 17. Private property shall not be taken
 or damaged for public use without just compensation.

1 No Imprison-
2 ment for Debt

Section 18. There shall be no imprisonment for
debt, except in cases where there is a strong pre-
sumption of fraud.

4 Construction

Section 19. The enumeration of rights in this
constitution shall not impair or deny others retained
by the people.

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ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 7

ARTICLE

HEALTH, EDUCATION AND WELFARE

1 Public
2 Educa-
3 tion

Section 1. The State shall establish and maintain by general law a system of public schools which shall be open to all children of the State and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private institution.

*Jack Coshill v. State
Support of educational*

9 Public
10 Health

Section 2. The State shall provide for the promotion and protection of public health.

11 Public
12 Welfare

Section 3. The State may provide for public welfare for persons unable to maintain a standard of living compatible with health and human dignity.

14 Substand-
15 ard Areas
16 and Public
Housing

Section 4. The State may provide for and assist in the clearance, development and rehabilitation of substandard areas and for public housing.

Section 2. ...

ALASKA CONSTITUTIONAL CONVENTION

MINORITY REPORT

BILL OF RIGHTS

1 1. We believe that the following should be inserted as a
2 sentence following the first sentence of Section 10, to-wit:

3 "Wire tapping or obtaining unauthorized informa-
4 tion by other technical means or devices is pro-
5 hibited. Evidence obtained in violation of this
6 section shall be inadmissable in the courts."
7

8 2. We reach this conclusion because we believe that this
9 practice is prohibited by implication by the 4th Amendment to
10 the Federal Constitution. The United States Supreme Court has
11 reached the same conclusion. We are of the opinion that had
12 this practice been possible and prevalent in the days of the
13 founding Fathers it would have been expressly prohibited by
14 name.

R. J. McNealy

R. Rolland Armstrong

J. Hellenthal

MINORITY REPORT

1 1. Persons in society have the moral and legal right to organ-
2 ize and bargain collectively in democratic and peaceful manner.

3 2. The right of man to organize into free associations of his
4 own choosing is necessitated by the common good and is a funda-
5 mental, civil, natural and philosophical right that strengthens
6 the general welfare.

7 3. The right to bargain collectively carries with it the cor-
8 relative right of the majority of the group to bind the minority
9 by and to the provisions of security agreements fairly arrived at.

10 4. Therefore the following section should be included in the
11 Declaration of Rights:

12 "Persons in private employment and those employed
13 by the State or local governments, when engaged in
14 proprietary and non-governmental activity, and
15 groups of persons, shall have the right to organize
16 and bargain collectively. Persons in public employ-
17 ment shall have the right to organize, present to
18 and make known to the State, or any of its political
19 subdivisions or agencies, their grievances and pro-
20 posals through representatives of their own choosing."

John Hellenthal

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Preamble and the Declaration of
Rights

(Sections 1 and 2 Rights of Man. Sources and Aim of Political Power)

These sections affirm the sovereignty of the people and the origin of government.

(Section 3 Civil Rights)

In this paragraph we have provided for the equal enjoyment of the rights of all people regardless of race, color or national origin. This section obligates the legislature to implement the provision by legislation. At present, we have Civil Rights Legislation in the Territorial statutes, which the legislature shall retain or improve. It is impossible and unwise to enumerate in this Constitution all of the places where and conditions under which civil rights must be guaranteed.

(Section 4 Freedom of Speech and Press; Assembly and Petition.)

This provision, like the provision in the Federal Constitution, guarantees the freedom of speech, press, assembly and the right to petition the government. This right to petition is broader than in the Federal Constitution, which limits the right to petition to grievances.

(Sections 5 and 6 Freedom of Religion. Due Process)

These sections are identical with the Federal Constitution. A statement on use of public funds for religious and other private schools is part of the article on Education.

(Section 7 Grand Jury)

The grand jury is preserved, for all purposes, particularly for investigation of public officials. A grand jury of twelve is provided as adequate for performance of its functions. The article provides for alternative procedure of indictment or information, and allows the judge to call the grand jury at any time. Many states have found the same or similar procedure to be most satisfactory.

(Section 8 Double Jeopardy: Self Incrimination)

This section is the same as the Federal Constitution with one exception. In the clause pertaining to self incrimination, the phrase "criminal proceeding" is used rather than the more limited phrase "criminal case" of the Federal Document.

(Section 9 Excessive Bail, Unusual Punishment)

This statement on excessive bail is identical with the United States Constitution.

(Section 10 Prohibited State Action)

In general the Federal Constitution is followed in this statement. In addition, the section prohibits any law granting any special privilege or immunity. Considerable time was spent on the matter

(Section 11 Searches and Seizures)

The general language of the Federal Constitution is used. A prohibition against wire tapping was reviewed, but was not considered to be constitutional material.

(Section 12 Criminal Matters: Trial by Jury, Rights of Accused)

This section protects the rights of the accused in criminal cases. The legislature may provide for a jury of not more than twelve and not less than six in courts not of record; experience has shown this to be adequate protection of the rights of the accused in such courts. It also gives the defendant the opportunity to be released on bail except in capital offences.

(Section 13 Civil Cases: Trial by Jury)

This section preserves the right to trial by jury in Civil suits where the amount in controversy exceeds two hundred fifty dollars. The legislature may provide for a jury of not less than six in courts not of record and that a verdict may be handed down by not less than $3/4$ of the jury. These qualifications have proven satisfactory in other jurisdictions. Experience shows this to be a desirable provision.

(Section 14 Habeas Corpus)

This section is identical with the Federal Constitution, with the exception of the additional phrase "imminent peril." This addition brings this declaration into conformity with circumstances which may have to be met under modern warfare.

(Section 15 Militia. Right to Bear Arms.)

This section is identical with the Federal Constitution, except for the addition of the provision on the subordination of the military to the civil power, which appears in the majority of state documents.

(Section 16 Treason)

This is identical with Article III, Section 3 of the United States Constitution.

(Section 17 Eminent Domain)

This section is identical with the Federal Constitution, except for the addition of the words "or damaged." These words were added in recognition of the fact that property may be damaged or made worthless as an incident of the taking of other property for public use. It is our belief that the property owner should be compensated for such injury.

(Section 18 Imprisonment for Debt)

Many of the state constitutions provide a prohibition of imprisonment for debt. The qualifying phrase "where there is a strong presumption of fraud", is included to prevent persons having fraudulent intent from incurring debts and fleeing the State without making payment.

Constitutional Convention
Committee Proposal/7
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Health, Education and Welfare

(Section 1 Education)

This paragraph on Education provides for the establishment and maintenance of the system of public schools and other educational institutions. They will be free from sectarian control. These statements follow closely that of H. R. 2535.

This section prohibits the direct use of public funds for religious and other private institutions.

(Sections 2 and 3 Health and Welfare)

These sections authorize the legislature to provide for health and welfare as the need arises.

(Section 4 Substandard Areas and Public Housing)

It is necessary to have a statement relative to these subjects, so the legislature has necessary authority to act when action is desirable.

Not dated. Located in the chronological (Nov 17-21)
order as received by Legislative
Council, Mar 30, 1958. BWS

PREAMBLE

We, the people of the State of Alaska, grateful to Almighty God for our civil and religious liberty, seek His continued blessing upon our endeavors to secure and transmit these freedoms unimpaired to succeeding generations, and do establish this Constitution.

Article I

BILL OF RIGHTS

Promotion of General Welfare

This constitution is intended to promote the general welfare of the people that all members of the human race have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are equal and are entitled to equal rights and opportunity under the law; those rights carry with them corresponding duties to the state.

Source of political power

All political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Rights of persons

No person is to be denied the enjoyment of any civil or military right; nor be segregated nor discriminated against - in the militia, public schools, public places, or employment of any type because of religious principles, race, color or national origin.

**Freedom of Speech
Press and Communi-
cation**

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty. The right of the people to peaceably assemble, and to petition the government or any department thereof, shall never be abridged.

**Freedom of
Religion**

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. No money shall be drawn from the treasury for the direct benefit of any religious, parochial or theological institution.

**Due Process and
Equal Protection**

No person shall be deprived of life, liberty or property without due process of law, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise because of race, religion or national origin.

**Grand Jury
Jeopardy
Self Incrimination**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the armed forces or militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy; nor shall he be compelled in any event to be a witness against himself, nor shall he be compelled in any event to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.

Bail

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

No-Post Facto

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, nor any law making any irrevocable grant of special privileges or immunities shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

**Speedy Trial
Impartial Jury**

In all original prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury which may consist of not more than twelve (12) men nor less than six (6) persons, on all courts not of record; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; ~~and~~ in courts of record, when trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Reformation

The penal code shall be founded on principles of reformation, and vindictive justice.

**Trial by Jury,
Civil Cases**

In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved, except that the

Committee on Preamble & Bill of Rights - 1113C.

legislature may provide for a jury of not less than six in courts not of record. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion, invasion or imminent peril, the public safety require it.

Arms-Military

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The militia shall be in strict subordination to the civil power. No soldier, in time of peace shall be quartered in any house without the consent of the owner or occupant, nor in time of war except as prescribed by law.

Treason

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

Eminent Domain

Private property shall not be taken for public use without just compensation.

Imprisonment For Debt

There shall be no imprisonment for debt, except in cases where there is a strong presumption of fraud.

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Construction

The enumeration of rights in this constitution shall not impair or deny others retained by the people.

November 15, 1955

Constitutional Convention of Alaska

PROPOSAL 2

Introduced by Maurice T. Johnson

TO BE INTRODUCED IN BILL OF RIGHTS

RESOLVED, that the following be agreed

upon as part of the Alaska State Constitution.

- 1 1. No law shall be made respecting an establishment of
- 2 religion or prohibiting the free exercise thereof. No money shall
- 3 be drawn from the treasury for the direct or indirect benefit of
- 4 any religious, parochial, or theological institution. There shall
- 5 be complete separation of church and state.

Referred to Committee on
Direct Legislation
November 17, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 6

Introduced by: Maurice T. Johnson
and John B. Coghill

EDUCATION

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

1 Sec. 1. Every person has a right to education to the fullest
2 extent of the capabilities of each person and to the extent
3 permitted by the facilities of the state.

4 Sec. 2. The State's responsibility for the education of its
5 people is here declared to be clear, positive and final. The
6 Legislature may delegate by statute its responsibility, pow-
7 er and authority to local communities or political subdivi-
8 sions of the State, but such authority when delegated may be
9 extended, withheld or withdrawn at any time the Legislature
10 deems it necessary or expedient. It is the intent and pur-
11 pose of this article that Education shall be free from the
12 domination and control of any branch, department, or official
13 of the state government, or from any professional group or
14 person, and reserving all final control, power and authority
15 to the people of the State, through their chosen representa-
16 tives, the Legislature.

17 Sec. 3. The Legislature shall provide for the establishment,
18 maintenance and support of a uniform system of free public
19 schools, and such other educational institutions for special-
20 ized training and for the education of the physically and

1 mentally handicapped as may be deemed desirable. Such insti-
2 tutions shall be non-sectarian, non-political, and open and
3 available to all without regard to race, color, creed or age.

4 Sec. 4. The Legislature shall provide for the compulsory
5 attendance at some public school, unless other state approved
6 means of education are provided, of all the children in the
7 state who are sound in mind and body between the ages of
8 eight and sixteen, provided, however, the Legislature in its
9 discretion shall have power to require a greater range of com-
10 pulsory attendance, but in no case shall the range herein
11 given be reduced.

12 Sec. 5. The English language shall be the official language
13 of the School System and shall be taught in all schools of the
14 state whether Public, private, denominational or parochial.

15 Sec. 6. The Legislature may provide for the establishment of
16 private schools by individuals, groups, institutions or corp-
17 orations under charter from the State. The State shall estab-
18 lish minimum educational standards for such schools, but such
19 ~~schools shall be secure in the right to teach such principles~~
20 as the governing body shall decide over and above the State
21 requirements, provided such teachings are not otherwise con-
22 trary to the statutes or the constitution of the State.

23 Sec. 7. No public funds from whatever source, local or state,
24 shall be used directly or indirectly for the support, opera-
25 tion or maintenance, including transportation and other auxil-

1 iary services, for any schools or children therein except
2 those Public Schools under the exclusive supervision and
3 direction of the State.

4 Sec. 8. All local and state school property, except income
5 property, shall be exempt from any form of state or local
6 taxation.

7 Sec. 9. The Legislature shall provide for the recall for
8 cause of any elected or appointed person or official connec-
9 ted with the Public School System.

10 Sec. 10. The general appropriations bill shall include ap-
11 propriations for the support and maintenance of Public educa-
12 tion. All funds so appropriated for schools shall have first
13 priority on state funds after funds appropriated for the sal-
14 aries of state officials.

15 Sec. 11. The Teachers' Retirement System shall be deemed a
16 contract between the individual members and the State, and
17 the Legislature shall make no laws or any other provisions
18 which shall diminish or impair this obligation. The Legis-
19 lature shall provide the manner of selecting the securities
20 for the investment of any Retirement Funds, prescribe the
21 rules and regulations and conditions upon which such funds
22 shall be invested, and do all things necessary for the
23 safety of the fund, and the State shall reimburse said Re-
24 tirement fund for all losses thereof which may in any manner
25 occur.

1 Sec. 12. State shall incur no public school debt with-
2 out first obtaining sanction of the people of the State in
3 a state-wide referendum, and no local school unit shall in-
4 cur any debt for any school purpose without first obtaining
5 the approval of the people of the local unit.

6 Sec. 13. (a) The State hereby accepts all grants of land
7 and donations of money made by the United States under the
8 provisions of the Enabling Act, any other Acts of Congress,
9 for the uses and purposes and upon the conditions, and
10 under the limitations for which the same are granted or
11 donated; and the faith of the State is hereby pledged to
12 preserve such lands and moneys derived from the sale of any
13 said lands as a sacred trust, and to keep the same for the
14 uses and purposes for which they were granted or donated.

15 (b) All proceeds of the sale of public lands that have here-
16 tofore been or may be hereafter given by the United States
17 for the use and benefit of the Public Schools of the State,
18 all such per centum as may be granted by the United States
19 on the sales of public lands, timber, mineral or petroleum
20 products, the proceeds of all property that shall fall to
21 the State by escheat, the proceeds of all defunct school pro-
22 perty, the proceeds of all gifts or donations to the State
23 for Public Schools not otherwise appropriated by the terms
24 of the gift, and such other appropriations, gifts or dona-
25 tions as shall be made by the Legislature, the United States,

1 any corporation, any person or institution for the benefit
2 of the Public Schools, shall constitute the permanent school
3 fund, the income from which shall be used for the maintenance
4 of the Public Schools of the State. The principal shall be
5 deemed a trust fund held by the State, and shall forever re-
6 main inviolate. It may be increased, but shall never be
7 diminished. The State shall reimburse said permanent school
8 fund for all losses thereof which may in any manner occur,
9 and no portion of said fund shall be diverted for any other
10 use or purpose.

11 (c) The interest and income of the permanent school fund,
12 the net income from the leasing of public lands which have
13 been or may be granted by the United States to the State
14 for the use and benefit of the Public Schools, together with
15 any revenues derived from taxes authorized to be levied for
16 such purpose, any other sums which may be added thereto by
17 law, shall be used and applied each year for the benefit of
18 the Public Schools of the State, and no part of the fund
19 shall ever be diverted from this purpose, or used for any
20 other purpose than the support and maintenance of Public
21 Schools for the equal benefit of all the people of the State.

22 (d) All public lands set apart to the State by Congress for
23 charitable, penal, educational and public buildings purposes,
24 and all lands taken in lieu thereof, may be sold by the State.
25 under such rules and regulations as the Legislature may pre-

1 scribe, in conformity with the regulations of the Enabling
2 Act.

3 (e) The Legislature shall provide for the investment of the
4 permanent school funds and other educational funds, but in no
5 case shall such funds be loaned to the State or any political
6 subdivision of the State. The Legislature shall provide the
7 manner of selecting the securities for such funds, prescribe
8 the rules and regulations, restrictions and conditions upon
9 which such funds shall be loaned or invested, and do all
10 things necessary for the safety of the funds and permanency
11 of the investment. The State shall reimburse said permanent
12 school fund and other educational funds for all losses there-
13 of which may in any manner occur, and no portion of said
14 funds shall be diverted for any other use or purpose.

15 Sec. 14. The enumeration in this article of specific func-
16 tions shall not be construed as limitations upon the powers
17 of the State government. The State government shall have
18 ~~full power to act for the government and good order of the~~
19 State, and for the health, safety and welfare of its citizens,
20 by all necessary and convenient means, subject only to the
21 limitations prescribed in this constitution and in the Consti-
22 tution of the United States.

Constitutional Convention of Alaska

PROPOSAL NO. 9

Introduced by Victor Fischer

AN ARTICLE ON EDUCATION, HEALTH
AND WELFARE

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

- 1 1. Public Education. The State shall provide for a system
2 of public schools which shall be open to all children of the
3 State and may provide for other public educational institu-
4 tions. They shall be free from sectarian control.
- 5 2. Public Health. The State shall provide for the protection
6 and promotion of the public health.
- 7 3. Public Welfare. The State may provide assistance for
8 persons unable to maintain a standard of living compatible
9 with decency and health.
- 10 4. Slum Clearance. The State may provide for and assist in
11 slum clearance, development and rehabilitation of substandard
12 areas, and housing for persons of low income.
- 13 5. Public Sightliness and Good Order. The State may con-
14 serve and develop the natural beauty, objects and places
15 of historic or cultural interest, sightliness and physical
16 good order of the State, and for that purpose private pro-
17 perty shall be subject to regulation.

Referred to
Committee on Preamble
and Bill of Rights
November 21, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL No. 13

Introduced by Maurice T. Johnson

Defining Inherent Rights

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

- 1 Sec. 1. The people of the State of Alaska declare that all men
2 are by nature free and independent, and have certain inherent
3 and inalienable rights - among these are life, liberty, prop-
4 erty and the pursuit of happiness. To secure these rights the
5 State of Alaska is created, deriving its just powers from the
6 consent of the governed.

Bill of Rights - Misc.

Referred to Committee on
Preamble & Bill of Rights
November 22, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 16

INTRODUCED BY MAURICE T. JOHNSON

A SUGGESTED PREAMBLE

- 1 We, the People of the State of Alaska, to preserve
2 freedom of worship, equality under law, life, liberty,
3 property and the pursuit of happiness, with the help of
4 Almighty God, do hereby ordain this Constitution.

Referred to Committee on
Preamble & Bill of Rights
November 22, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 17

INTRODUCED BY WARREN A. TAYLOR

PUBLIC WELFARE

1 Section 1. Public Education.

2 The Legislature of the State of Alaska shall provide for
3 the maintenance, operation and support of a system of free com-
4 mon schools, wherein all children of the State may be educated,
5 and of such other educational institutions, including institu-
6 tions of higher learning as may be deemed desirable.

7 Section 2. Public Health.

8 The protection and promotion of the health of the inhabit-
9 ants of the State are matters of public concern and provision
10 shall be made by the state and by such of its civil departments
11 and in such manner and by such means as the legislature shall
12 from time to time determine.

13 Section 3. Public Relief.

14 The maintenance and distribution, at reasonable rates,
15 or free of charge, of a sufficient supply of food, fuel, cloth-
16 ing and other common necessities of life, and the providing of
17 shelter, for the needy, are public functions, and the state and

1 its civil divisions shall provide the same for their inhabitants
2 in such manner and by such means as may be prescribed by law.

3 Section 4. Inspection of Private Institutions and Agencies.

4 The State shall have the power to provide for the inspec-
5 tion by such state departments, offices or agencies, and in such
6 manner as the legislature may determine, of all private institu-
7 tions and agencies in the state, whether incorporated or not in-
8 corporated which are engaged in charitable, correctional, or
9 health activities.

10 Section 5. Public Housing.

11 The state may provide for low rent housing for persons of
12 low income as defined by law, or for the clearance, replanning,
13 reconstruction and rehabilitation of substandard or unsanitary
14 areas, or for both such purposes, and for recreational and other
15 facilities incidental and appurtenant thereto, in such manner,
16 by such means, and upon such terms and conditions as may be
17 ~~prescribed elsewhere in this constitution, or as may be pre-~~
18 scribed by law.

19 Section 6. Conservation.

20 The conservation, development, and utilization of the
21 agricultural, mineral, forest, water and other natural resources
22 of the state are public functions, and the legislature shall
23 have the power to provide for the same and to enact legislation

1 necessary, requisite and expedient therefor.

2 Section 7. Scenic Beauty and Historical Association.

3 The natural beauty, historic associations, and the physical
4 good order of the state and its parts contribute to the general
5 welfare and shall be conserved and developed as a part of the
6 patrimony of the people, and to that end private property shall
7 be subject to reasonable regulation and control.

8 Section 8. General Powers of the State.

9 The enumeration in this article of specified functions
10 shall not be construed as a limitation upon the powers of the
11 state government. The state government shall have full power
12 to act for the government and good order of the state and for
13 the health, safety, and welfare of its citizens, by all nec-
14 essary and convenient means, subject to the limitations pre-
15 scribed in the Constitution of the United States.

Referred to Committee on
Preamble and Bill of Rights
November 25, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 19

Introduced by Maurice T. Johnson

Dealing with the Distribution of Powers

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

1 Section 1. The powers of the government of this State are
2 divided into three separate departments -- legislative,
3 executive and judicial; no person, or collection of persons,
4 being one of these departments, shall exercise any power
5 properly belonging to either of the others, except as herein
6 permitted.

Referred to Committee on
Preamble and Bill of Rights
November 25, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 21

Introduced by Thomas C. Harris

Right of Self-determination

1 All men are by nature free and independent, and have certain
2 inherent and inalienable rights--among these are life, liberty,
3 the enjoyment of privacy within his home, and the pursuit of
4 happiness. There shall be no abridgment of any man's rights--
5 by reason of sex, color, creed, membership or lack of membership
6 in any social, fraternal, religious or labor organization--to
7 his way of life, in the pursuit of happiness, and, or the choice
8 of his vocation.

Constitutional Convention
Delegate Proposal No. 31
Referred to Committee on
Preamble and Bill of Rights
December 5, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 31

Introduced by R. E. Robertson

BILL OF RIGHTS

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

- 1 Section 1. Every person is granted the enjoyment of the
- 2 right to work, and every two or more persons are granted the
- 3 enjoyment of the right to collective labor bargaining.

DELEGATE PROPOSAL NO. 31

Constitutional Convention
Delegate Proposal No. 38
Referred to Committee on
Preamble and Bill of Rights
December 7, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 38

Introduced by Warren A. Taylor

BILL OF RIGHTS

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

- 1 1. There shall be no imprisonment for debt, except in
2 cases of absconding debtors.
- 3 2. Excessive bail shall not be required, excessive fines
4 imposed nor cruel or unusual punishment inflicted.
- 5 3. In criminal prosecutions, the accused shall have the
6 right to appear and defend in person, and by counsel, to
7 demand the nature and cause of the accusation against him, to
8 have a copy thereof, to testify in his own behalf, to meet the
9 witnesses against him face to face, to have compulsory process
10 to compel the attendance of witnesses in his own behalf, to
11 have a speedy public trial by an impartial jury in the
12 judicial district, division, or political subdivision in
13 which the offense is alleged to have been committed; and the
14 right of appeal in all cases; provided, the route traversed
15 by any railway coach, train, or public conveyance, and the
16 water traversed by any boat, shall be criminal districts; and

1 the jurisdiction of all public offenses committed on any
2 such railway car, coach, train, boat or other public con-
3 veyance, or at any station or depot upon such route,
4 shall be in any judicial district, division or political
5 subdivision through which said car, coach, train, boat
6 or other public conveyance may pass during the trip or
7 voyage, or in which the trip or voyage may begin or ter-
8 minate; and in no instance, shall any accused person
9 before final judgment be compelled to advance money or
10 fees to secure the rights herein guaranteed; nor shall
11 any person be required to pay the costs of a criminal
12 action against him.

Constitutional Convention
Delegate Proposal/43
Referred to Committee on
Bill of Rights
December 14, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 43

Introduced by Irwin L. Metcalf

PROTECTION OF PRIVATE ENTERPRISE

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

- 1 No State Property may be used directly or indirectly in
- 2 competition with any Private Enterprise heretofore licensed
- 3 by the state.

December 17, 1955

Mr. John A. Knoll
Pauloff Harbor, Alaska

Dear Mr. Knoll:

Thank you for your letter of November 23, 1955 concerning a provision in the Bill of Rights with respect to the right to bear arms.

You will be interested to know that the Bill of Rights, as reported out of Committee, contains the following provision:

"A well regulated militia being necessary to the security of a Free State, the right of the people to keep and bear arms shall not be infringed."

Very truly yours,

Dorothy J. Awes, Chairman
Bill of Rights Committee

DJA:eh

Handwritten signature

Pauloff Harbor, Alaska
November 23, 1955

Constitutional Convention
Committee Handling Bill of Rights
Constitution Hall
College, Alaska

Gentlemen:

As a member of the National Rifle Association, and an ardent believer in freedom, I urge your consideration of a constitutional clause guaranteeing the law abiding individual citizen forever the right to own and use rifles, shotguns, pistols, and revolvers. The wording of this clause (Article 11) in the federal constitution was such that creeping restrictive legislation has been allowed in certain parts of the United States.

A dictatorship always disarms the citizens. The first thing to go has usually been the pistol or revolver. The claim always has been made that only the pistol will be taken away. Then the next step is the rifle, even in England.

This problem would not come up in Alaska for some years, but let us head it off before it starts. Any firearm, including a pistol is bad only if the person who owns it is bad. Let us forever protect Alaskan law abiding citizens from restrictive legislation. I urge a clause similar to the following:

The law abiding citizen shall never be denied permission to own and use in a safe manner rifles, shotguns, pistols, and revolvers.

A pistol or revolver is needed by many, as you know, for protecting human life, as well as for sport and developing self control. It is out of its realm, in my opinion, to protect that 4 dollars on the top cupboard shelf. But that is up to its law abiding owner to decide.

Very truly yours,

John A. Knoll
John A. Knoll

COPY FOR

164 JUNEAU
FRONT STREET

AUKE BAY
FRITZ COVE ROAD

FROM

ROBERT N. DRUXMAN

TELEPHONE 891
F. D. 808-8884

JUNEAU, ALASKA

December 27, 1955

TO: Special public hearing
Alaska Constitutional Convention
Juneau, Alaska

SUBJECT: Report of the Committee on Preamble and Bill of Rights
Committee Proposal/7

Section 8. To assure absolute and pure civil rights, the word "criminal" should be stricken from the second sentence of this section. This would prevent any person from being compelled to testify against himself at any time unless he so desired. Anything less is, in my opinion, just half a loaf. In recent years, we have seen some honest liberals sent to jail for contempt of Congress because of their strong convictions on this matter. It is admitted that others were jailed on the same charge who should have been jailed but many people believe that it is better to let a dozen criminals go free than jail one innocent person.

Section 13. Juries have been found in the past to have delivered wrongful verdicts in some cases. They are made up of legally inexperienced humans, subject to error, and, lowering the voting requirements to reach a verdict, would just increase the opportunity for more errors.

Mellenthal Section. This section might be included if it contained two additional provisions. First, that each person shall have the right to work if he so chooses and, second, that no person may strike against the State government or any of its political subdivisions.

HEALTH, EDUCATION AND WELFARE

Section 1. In order to completely clarify the intent of the convention, the word "educational" should be inserted between the words "private" and "institution" in the last sentence of this section. This follows my recommendations for Section 19 of Proposal/5.

Sincerely yours,

Robert N. Druxman

General

Bill of Rights - Misc.

December 27, 1955

TO: Special public hearing
Alaska Constitutional Convention
Juneau, Alaska

SUBJECT: Report of the Committee on Preamble and Bill of Rights
Proposal/7

Section 5. This section might be simplified by striking out the phrase "civil or political" in the second line. Some feel that an enumeration of such specific rights as civil or political, the possibility will always exist that a future judicial interpretation may place a limiting definition on this language even though it is the intent of the delegates to make it all inclusive.

Section 12. In the last line of this section, the word "to" should be changed to "shall" in order to make sure that justice prevails at all times. This would require counsel for the defense rather than make it optional. In the past, many innocent persons have been convicted of crimes they did not commit because there was no counsel to represent and guide them or because they did not know their rights and how to protect them and defend themselves.

Section 16. The definition of "treason" should also include the phrase "advocating the overthrow of the state government by force or violence."

Section 10 - Minority Report. Many wellknown authorities have advanced a solution to this problem which should be answered in the Constitution on the same basis as searching any premises without permission of the owner. Wiretapping or other mechanical means of obtaining evidence should most certainly be permitted IF an order is obtained from a court of competent jurisdiction first. The courts will not issue such an order without reasonable cause as is the case now for a search warrant.

Sincerely yours,

Robert H. Druxman, Chairman
Department Americanian Committee
The American Legion
Department of Alaska

General

January 19, 1956

Mr. E. J. Blom
Palmer, Alaska

Dear Mr. Blom:

Thank you for your fine, thoughtful letter on January 12. As you know, it is now impossible to amend the Article on Bill of Rights. The rules call for a two-thirds vote to amend.

There is, of course, a long debate on record. There can be no question of our feeling on "the invasion of privacy". Those who opposed the inclusion of anti-wire-tapping material did recognize the problem, but felt it was for the Legislature.

We are thankful to you for your thoughtful letter.

Sincerely,

R. Rolland Armstrong
Secretary
Committee on Preamble and
Bill of Rights

RRA:cmo

Wire-tapping

December 17, 1955

Mr. Theodore F. Stevens
United States Attorney
Box 111
Fairbanks, Alaska

Dear Mr. Stevens:

Thank you for your letter of December 13th expressing your views on a wire tapping provision in the Bill of Rights.

You will be interested to learn that the Bill of Rights, as reported out of Committee, does not contain any provision to wire tapping or any scientific instruments. There was a difference of opinion in the Committee and our decision was reached by a vote of four to three. This matter will probably be debated at length in Plenary session.

Very truly yours,

Dorothy J. Awes, Chairman
Bill of Rights Committee

DJA:eh

Wire tapping

December 13, 1955

Chairman
Committee on Bill of Rights
Alaska Constitutional Convention
College, Alaska

Dear Mr. Chairman:

It has come to my attention that your committee is considering a proposal which would prohibit wire tapping or the use of similar scientific instruments. I desire to register with you my personal opinion in regard to this proposal. I am the United States Attorney for the Fourth Division and have served as such since September 1, 1953.

Due to the limited time involved since I heard of the wire tapping proposal, I have not been able to research the matter extensively to determine the situation in regard to other constitutions. To my knowledge the only constitution which contains a provision regarding wire tapping is that of the State of New York. Most of the States have statutes which at least indicate a policy opposed to wire tapping. However, a majority of the States which prohibit wire tapping would permit evidence secured by wire tapping to be used in Court.

I believe that the Constitution of Alaska should contain no provision pertaining to wire tapping because the subject is one for legislation and not constitutional prohibition, it is a subject which may be misunderstood and as a result of such misunderstanding, law enforcement agencies could be denied the right to use scientific ~~investigative apparatus under proper safeguards; finally, a specific prohibition would be unworkable unless it contained lengthy exceptions.~~

The insertion of a wire tapping clause in the Bill of Rights would necessarily leave the inference that the use of scientific apparatus for "eavesdropping," is a violation of a "right." There is no doubt that invasion of privacy is repugnant to all Americans, however, I do doubt that this committee or the people of the new State of Alaska would hold to the opinion that the "right" involved is superior to the right of the public to be protected from organized crime and certain specific crimes such as kidnapping and extortion. Even if the constitution prohibited wire tapping and related devices for securing information, evidence would be admissible in the courts which is obtained by informers, by eavesdropping at a key hole or a window, by an officer concealed in a closet, and perhaps by a transmitter concealed on an agent's person.

All such means of gathering information are against normal usual standards, but are still necessary protection methods. Also a witness could testify to every word of conversation which was carried on over the telephone even though his memory might be defective while the exact recording of his intercepted conversation would not be admissible. In other words, placing a constitutional prohibition against the use of wire tapping and the evidence secured thereby would not really prevent eavesdropping or the use of evidence secured by such means.

I do not want to leave the impression with you that I do not realize that wire tapping can be used in an abusive manner. In the new State of Alaska I hope that wire tapping and the discovery and use of evidence secured by any means of eavesdropping will be regulated. This subject can be adequately covered by legislation which is capable of being amended to meet new developments and new emergencies. Today we are dealing with telephones; tomorrow we will be dealing with telephonic-televisions and unknown forms of communications. Because of the geographic location of Alaska, a great deal of the communication by the criminals will of necessity be carried on over the telephone and whatever instruments take its place in the future. To give criminals the unfettered right to use scientific means of communication and to deny law enforcement agencies the right to use equally scientific means to combat the use of such communication to me seems to place an unwarranted burden upon those to whom you will entrust the safety of your lives, your children's lives, and all of your property. The late Mr. Justice Jackson, when he was Attorney General, observed that the decisions of the Supreme Court of the United States, regarding the use of wire tap evidence secured in violation of Section 605 of the Federal Communications Act, resulted in protecting those engaged in incriminating conversations. Mr. Justice Jackson stated:

"Criminals today have the free run of our communications systems, but the law enforcement officers are denied even a carefully restricted power to confront the criminal with his telephonic and telegraphic footprints."

Too many people believe that wire tapping can only be used for the purpose of harming innocent persons. When in attendance at the conference of public prosecutors held in New York City this past summer, I was told of a situation which developed in New York at the time of the famous Jelke case. All evidence had led to one particular house which, as I recall, was known to be used by those in control of the white slave ring. Pursuant to the New York Constitution and the statutes thereunder, a court order permitting wire tapping was obtained and also a warrant for the arrest of certain individuals in the house. Officers were sent to the house and a monitor was placed on the telephone line. When the arrest was made, one of the individuals in the house secured the use of the telephone

and immediately called Philadelphia to warn a member of their conspiracy. Because of the wire tap, the individual in Philadelphia was arrested before the conversation had ended.

In an extortion or kidnapping case, the victim at first seeks the advice and help of law enforcement agencies, but after the fear of reprisal sets in his main thought is to protect his loved ones or his own person, which, I am sure you will agree, is a human reaction. If a wire tap was available through legal channels, law enforcement agencies could help those victimized by these two heinous crimes to protect themselves. Professor Wigmore, whom we all know as an outstanding authority in the field of evidence, has presented arguments against the contention that wire tap evidence should be inadmissible because it is unethical and dirty business. His answer is:

"But so is likely to be all apprehension of malefactors. Kicking a man in the stomach is 'dirty business', normally viewed, but if a gunman assails you and you know enough of the French art of savatage to kick him in the stomach and thus save your life, is that dirty business for you?"

If this committee does insert in the Alaska Constitution a wire tapping clause, I would ask that you specifically except evidence secured by wire tapping and related means when the wire tap has been made with the approval of the Attorney General at the request of the District Attorney in the division in which the tap has been made.

This essentially has been the position of the Attorney General of the United States for the past 23 years. Wire tapping was generally considered illegal by the Department of Justice until 1931. Beginning in 1931, Attorney General Mitchell authorized the use of wire tapping. Wire tapping has been authorized by every Attorney General since that time. In 1940, Attorney General Jackson ordered that wire tapping no longer be used. However, later in the same year President Franklin D. Roosevelt, in a confidential memorandum to Attorney General Jackson, authorized the limited use of wire tapping. Thus, the subject of wire tapping, in my opinion, presents a nonpartisan issue.

It was President Roosevelt who first suggested that the control of wire tapping should be given to the Attorney General rather than to the Court. In the first place, in order to get a court order to secure a wire tap, a District Attorney would have to provide the court with sufficient information to justify such procedure. This in itself would be contrary to the best interests of the defendant in the event a criminal case was presented to the court at a later date. In addition, the interests of secrecy, uniformity, speed, and better supervision can be protected to a greater extent when only the approval of the Attorney General is required. If an application for a wire tap must be made to the court, in addition to the Judge, the evidence concerning the wire tap must be disclosed to a

Mr. Chairman

4

December 13, 1955

clerk, court reporter, stenographer, law clerk, the bailiff, and many others who are concerned with the operation of the courts. If wire tapping is to be permitted, it should be permitted in a manner which would require that control be exerted to protect the interests of innocent people who may be involved and the unwarranted release of information secured. Also, no evidence secured by the use of the wire tap should be released until an indictment is returned by a Grand Jury or similar body and the defendant is actually in Court.

There are other exceptions that I would like to present to you, but in the interests of conveying these thoughts to your committee I limit my comments to those above. Also, I would like to state that my opinions apply only to the criminal field. I do not believe there is an instance in which a wire tap or use of other eavesdropping devices can be justified for securing evidence for civil cases or for business competitors. Even in the criminal field, wire tapping should be authorized only in connection with those crimes which are the most heinous and against which the people can only be protected by use of such means.

Yours very truly,

Theodore F. Stevens
THEODORE F. STEVENS *by B.H.*
United States Attorney

Enclosures

Mr. Chairman:

I have signed the above for Mr. Stevens due to the fact that he left Fairbanks last night to attend a conference in Washington, D. C., and was not here to approve the final typewritten letter. However, he did dictate and approve the rough draft from which the above was taken.

Bette Holcombe
BETTE HOLCOMBE
Clerk-Stenographer

Unalakleet, Alaska
Dec 12 1955

Dear Col Muktuk Marston

I have recive a letter on December 3rd which contains newspaper Clipping. Which I let our Mayor Henry Nashalook bring up during our Village meeting to the people. I hope each and everyone here have in their mind something to say that might be helpfull during Alaska Constitutional Convention at our University of Alaska. During Native land problems. I hope they send a written letter too.

I have some to bring up myself in conection with our land problems. Mostly of our fishing camps and our homes. Around here in Unalakleet also around outlaying Villages. We have fishing Camps from way back without anything to show in papers Claims or Clear titles. Only fish racks tent frames and cash stands to show. and these are particular places for fishing and camping wather they are in the beach on rivers. They are the main places we are to catch our winter needs each year. By what I have gone through I can say this much. Its pretty hard winter, when some outfit gets into fish camp and use it for nothing. I haven't fish at my camp site, **for three season's** ~~because some out fit is working in it. I would sugast strongly we need to have our fishing camp rights and settle it. Settle to have any out fit or any orgainizations as grup to pay for using any camp sites. Instead of dcing anything as they plase with any camp site. This part of Alaska is still hard living. It is not developed yet no roads build yet to go any place where we want to or to go nar our trap lines. We still use dogs to go places in winter. We need to have our seasonal lively hood to get by each year til something is done to this part of country.~~

General - Equal Rights

Also our homes here in Unalakleet in other Villages too.
We dont own lots for our homes. We don't have any clear title for our
homes. We have been under reservation too long most of us young people
beginning to relise that. reservations are Just getting us behind on
many ways of living as an average Americian Citizen live. We begin to
relise that we have been put aside as Natives too long. We young people
would like to see our Children grow up as any average American citizen
live with equal rights as white man. We are Just as good human as any
body from White to Black. .

Heres Wishing you lots of luck.

Your frend

Mr George Lockwood
Unalakleet, Alaska

COPY _ COPY _ COPY _ COPY _ COPY _ COPY _ COPY _ COPY _ COPY _ COPY

MEMORANDUM

FROM: Jack Greenberg
For: The National Association for the Advancement of Colored People

October 27, 1955

PROPOSED ANTI-DISCRIMINATION PROVISIONS

FOR ALASKA CONSTITUTION

A. Neither discrimination nor segregation based upon race, color, religion or national origin shall exist within this territory; but religious institutions may be maintained exclusively or primarily for member of their own religious faiths.

This Article may be enforced by actions at law or equity and the Legislature shall have power to enforce this Article by appropriate legislation.

B. All persons shall be entitled to education, employment, housing, goods or services offered to the public, participation in sports competition, enjoyment of places of public accommodation, and rights or privileges afforded by law without discrimination or segregation based upon race, color, religion or national origin; but religious institutions may be maintained exclusively or p primarily for member of their own religious faiths.

This Article may be enforced by actions at law or equity and the Legislature shall have power to enforce this Article by appropriate legislation.

Above are two articles either of which may be adopted for the Alaska Constitution as an anti-discrimination provision. There is no statute or constitutional provision like these on the books at present. They represent somewhat different approaches to the same problem; provision A is couched in extremely general language; provision B is

Equal rights

somewhat more specific. They are designed to cover state action as well as individual action. For this purpose provision A follows rather closely the 13th. Amendment to the United States Constitution which is not limited to state action.

In attempting to forbid discrimination by individuals as well as by the government certain laws and constitutional provisions held to fall short of this end may be recalled. The New York Constitution has an equal protection clause in Article 1, section 11:

"(Equal protection of laws; discrimination in civil rights prohibited.) No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. (Newly adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; McKinney's Consolidated laws of New York Annotated, Book 2.)"

But despite the fact that it is susceptible of being interpreted as governing private action, the New York Court of Appeals in Dorsey v. Stravaganant Town, 229 N.Y. 512, 87 N.E. 512, 87 N.E. 2d 541, cert. den. 339 US 981 (1950) held that reference to civil rights meant to confine the article to rights secured by law. A similar interpretation occurred in Collins v. Hurdman, 341 US 651. Title 8 USC section 47(3), directed against conspiracy for the purpose of depriving persons of equal protection of the laws or equal privileges and immunities under the law was held not to cover a mob attack on a public meeting in California for the reason that the plaintiffs' "rights under the laws and protection of the laws remain untouched and equal to the rights of every other Californian and may be vindicated in the same way and with the same effect as those of any other citizen who suffers violence

at the hands of a mob." Therefore, in the drafts presented herewith it has seemed wise not to merely protect "civilrights" or rights to "equal protection of the law" or "rights under law" for the reason that such language may be interpreted to cover state action only.

Draft No. 2 is more specific than draft No. 1 and it is believed that it covers every type of activity in which discrimination, private or governmental, may be encountered. However, the human mind is finite and quite possibly there areas of discrimination which have been omitted. It does have a possible advantage in putting would-be offenders clearly on notice as to what types of discrimination are prohibited.

The saving clause dealing with religious institutions has been modeled on the New York Fair Education Practices Law which contains such a clause. It is believed that it would be unreasonable, for example, to compel Catholic schools to employ Protestant instructors, etc. As this is an objection which would surely be raised if it were not included in the proposed article, and since there is no legitimate purpose to be served in omitting the exception, it is recommended. However, for bargaining or tactical purposes, it may be wise to save this clause as a concession to be offered sometimes during the convention.

Dec. 28, 1955

MEMORANDUM

Regarding: Proposed articles in the Alaska Constitution prohibiting the expenditure of public funds for the direct aid or benefit of religious or private institutions. (Section 1 of Proposal No. 7, Health, Education, and Welfare and Section 19 of Proposal No. 5 on the Legislative Branch.)

By: Lois M. Jund, Administrative Director
Alaska Department of Health

Date: December 28, 1955

The Alaska Department of Health is quite concerned regarding the proposed articles in the Alaska Constitution which prohibit direct grants of public funds beneficial to religious or other private institutions.

There have been several Territorial legislative acts over the years designed to aid non-profit hospitals in the construction, renovation, repair and equipping thereof, as well as assisting in meeting hospital operational deficits. A total of \$296,143.00 was expended by the Board of Health to aid institutions operated by religious groups during the 1953-55 biennium. (See Table I) The Board of Health has authorized the expenditure of \$275,000.00 to hospitals operated by such groups during the 1955-57 biennium, for the same purposes. (See Table II).

Many of these same groups were aided in hospital construction through Federal Hill-Burton construction funds (P.L. 725) which are administered by the Alaska Board of Health. When these funds are made available to the Alaska Board of Health, they become subject to all Territorial laws and regulations governing the expenditure of Territorial funds. Since 1948, a total of \$1,238,842.19 Hill-Burton funds have been expended for hospitals operated by religious groups. (See Table III).

It is extremely expensive to operate hospitals in the Territory, hence most communities enlist the support of a religious organization which underwrites the cost of operation. Many communities which have tried to operate hospitals have failed and have turned the operation over to a religious group. Of the seventeen presently operating non-Federal hospitals throughout Alaska, only five are community-operated and one of these is now trying to enlist the aid of a religious group for operational purposes. Two of the community-operated hospitals receive grants from the Territory to help underwrite their operational deficits.

The inclusion of articles such as are proposed in Proposals 7 and 5 of the Alaska Constitution, would probably result in the closing of many hospitals throughout Alaska since, although the various religious groups can underwrite operational deficits, few if any can raise all of the money necessary for hospital construction, renovation, repair and purchase of major items of equipment. Thus, too, Federal Hill-Burton funds up to the amount of \$200,000 per year would be lost to the State since a restriction on the use of State funds for private or denominational institutions would preclude the use of Federal funds in the same manner.

Health Ed. - Welfare

December 28, 1955

There is one other effect these articles would have. Alaska desperately needs chronic disease hospitals, rehabilitation centers and nursing homes. Most frequently, these facilities are operated by private or denominational groups. Without State or Federal funds, it is extremely doubtful that such facilities would become a reality in the foreseeable future.

For the above reasons, the Alaska Department of Health strongly recommends that these sections or parts of sections be struck from the proposed State Constitution and that no clause be inserted in the constitution which would restrict the legislature from appropriating monies to private and denominational institutions, if a public purpose was served thereby.

See Tables I through III on following pages.

LMJ:jb
Attachments (3)

Table I

TERRITORIAL GRANTS TO PRIVATE AND RELIGIOUS INSTITUTIONS (1953-55 BIENNIIUM)

Alaska Board of Health

Chapter 107, SLA 1953 (Providing for financial assistance and/or furnishing necessary equipment for municipalities, communities, and associations operating non-profit hospitals)

<u>Facility</u>	<u>Operator</u>	<u>Date Paid</u>	<u>Amount</u>
St. Ann's Hosp. (Juneau)	Catholic	7-17-53	\$100,000.00
Cordova Community Hosp.	Baptist	2-26-55	110,000.00
Cordova Community Hosp.	Baptist	4-21-55	44,214.00
Cordova Community Hosp.	Baptist	6-30-55	2,304.00
Glenallen Hosp.	Gen. Alaskan Missions	9-29-55	<u>35,000.00</u>
			\$291,518.00

Chapter 141, SLA 1953 (Supplementing Chapter 96 SLA 1949, to provide financial assistance in cases of operational deficits of community-operated non-profit hospitals)

<u>Facility</u>	<u>Operator</u>	<u>Date Paid</u>	<u>Amount</u>
Saldovia Hosp.	7th Day Adv.	2- 2-55	3,000.00
Valley Hosp. (Palmer)	Presbyterian	12- 2-55	<u>1,625.00</u>
			4,625.00

GRAND TOTAL \$296,143.00

Table II

TERITORIAL GRANTS TO PRIVATE AND RELIGIOUS INSTITUTIONS (1955-57 BIENNIIUM)

Alaska Board of Health

Chapter 142, SLA 1955 (relating to Construction, Repair, and Equipping of Health Centers, Quarters for Personnel, and Hospitals)

<u>Facility</u>	<u>Operator</u>	<u>Amount Authorized</u>
St. Joseph's Hosp. (Fbks.)	Catholic	\$100,000.00
Faith Hosp. (Glenallen)	Gen. Alaskan Missions	25,000.00
Seward General Hosp.	Methodist	<u>150,000.00</u>
		\$275,000.00

Table III

HILL-BURTON ALLOTMENTS FOR HOSPITAL CONSTRUCTION IN ALASKAPRIVATE AND RELIGIOUS INSTITUTIONS

<u>Fiscal Year</u>	<u>Facility</u>	<u>Operator</u>	<u>Amount</u>
1948	Maynard-MacDougall Hosp. (Nome)	Methodist	99,846.00
1949	Maynard-MacDougall Hosp. (Nome)	Methodist	99,846.00
1950	St. Joseph's Hosp. (Fairbanks)	Catholic	47,318.81
	Seward San. - Nurses' Residence	Methodist	152,681.19
1951	Seward San. - Nurses' Residence	Methodist	11,458.81
	Valley Presbyterian Hosp. (Palmer)	Presbyterian	188,541.19
1952	Valley Presbyterian Hosp. (Palmer)	Presbyterian	155,958.81
	St. Ann's Hosp. (Juneau)	Catholic	44,041.19
1953	St. Ann's Hosp. (Juneau)	Catholic	200,000.00
1954	St. Ann's Hosp. (Juneau)	Catholic	5,958.81
	Cordova Community Hosp.	Baptist	194,041.19
1955	St. Ann's Hosp. (Juneau)	Catholic	1,399.24
	Cordova Community Hosp.	Baptist	37,750.95
		TOTAL	<u>\$1,238,842.19</u>

Anchorage, Alaska
January 5, 1956

Miss Dorothy Awes, Chairman
Committee on Bill of Rights
Constitutional Convention
College, Alaska

Dear Miss Awes:

I was very much disappointed to find myself snowbound during most of the recent public hearings in Anchorage and unable to attend. During the brief period the first afternoon of the hearings that I was present I was much impressed by the quality of the work that had been done and also by the evident desire of the delegates to have an expression of opinion from the public. On reading through Committee proposal #7 and some of the other proposals I have been wondering whether education is getting enough attention. I would like to take this opportunity to express some of my views to the members of your committee.

As a member of the territorial board of education I sat in on the meetings held this fall by the Superintendents of the Alaskan schools and was pleased to find that they had had a committee working for some time on the basic principles of a sound system of education for presentation to the constitutional convention. Subsequently I have been a little disturbed to find many who are inclined to disregard these basic points as "legislative matters." While some of them probably can be handled by legislation I do not think we should overlook the fact that laws passed by the one legislature can, and often are, repealed by the next one.

It is inconceivable to me that anything but English could be the official language of Alaskan schools, yet I am told that there are areas in the States in which it is not. Compulsory school attendance also seems to need no champion yet there are statistics which say that of 150,000 youths called up for Army duty some 57,000 of them were rejected because they couldn't write their own names. Obviously there must be some areas in the states which do not have compulsory school attendance. Ideally no state legislature would abolish the teacher's retirement system, sell off school lands and pocket the profits, or borrow from educational funds and then refuse to pay the loan. Alaskan legislatures are traditionally generous with education funds but can tradition alone protect us for all legislatures to come? ⁴⁴ out of 48 states now have a state board of education. 6 of these were established within the past 10 years and no state with a board in 1945 has since abolished it. No school district in Alaska would think of abolishing its board of education to vest all powers in its superintendent. Should it be any more right for the state of Alaska to have an appointed commissioner of education responsible only to the governor?

Education

I realize that all of these basic principles of education are not within the scope of your committee but I do hope you will expand your bill of rights to include those which are and that you will work for the inclusion of the others in other sections of the constitution.

Sincerely yours,

Helen M. March

Helen M. March

cc: William Egan
Mrs. Helen Fischer

HEW 2

TERRITORY OF ALASKA
DEPARTMENT OF EDUCATION

ADDRESS ONLY:
COMMISSIONER OF EDUCATION
Box 1841
JUNEAU, ALASKA

December 21, 1955

President William Egan
Alaska Constitutional Convention
College, Alaska

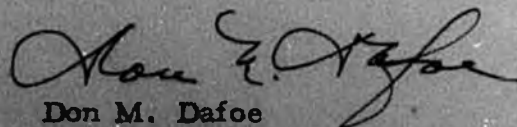
Dear Mr. Egan:

On November 4, 1955, I wrote to the Territorial Board of Education submitting to them copies of the Basic Principles of Education, which had been jointly formulated and approved by the Alaska School Boards Association and the Superintendents' Advisory Commission meeting in Anchorage October 17 to 19, and which those groups recommended for inclusion in the Constitution for the State of Alaska. I requested that the Board review the basic principles and indicate their approval or disapproval of the same. Further, I requested that they indicate their approval or disapproval of the Notes of Explanation and Clarification which were attached to the basic principles, and which were also jointly formulated as above indicated. The Board of Education unanimously approved the principles and the notes of explanation and clarification.

In addition, I asked the Board to indicate whether or not they desired that the basic principles, as approved by a majority of the Territorial Board, and the notes of explanation and clarification, as approved by a majority of the Board, be submitted to the Constitutional Convention. The Board unanimously approved the submission of the basic principles and notes of explanation and clarification to the Convention.

I am therefore transmitting several copies of the principles and notes of explanation and clarification and request that they be transmitted to the appropriate Convention Committee together with this letter, which will indicate that the Territorial Board of Education has approved the same and desires that they be considered by the Convention.

Yours sincerely,



Don M. Dafoe
Commissioner of Education

DMD:vd
Encl: Basic Principles

File:

Education

BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

* * *

Jointly Formulated and Approved
by the
Alaska School Boards Association
and the
Superintendents' Advisory Commission
meeting in Anchorage October 17 - 19, 1955

* * *

1. Education is a paramount duty and responsibility of the State.
2. There shall be complete separation of Church and State.
3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.
4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.
5. The State shall require compulsory school attendance.
6. The English language shall be the official language of all schools within the State.
7. The appropriations made by the Legislature for the operation and maintenance of Public Schools shall be contained in the general Appropriations Bill, and this School Appropriation shall have priority over all other appropriations after the payment of salaries of personnel engaged in general administration of State affairs.
8. The Teachers Retirement System shall be deemed a contract between the State and the individual teacher.
9. The Constitution shall provide for a permanent school fund consisting of monies derived from the sale of lands granted by the several acts of Congress and by the State of Alaska and from other sources and shall provide for the investment, safety and perpetuation of the fund.
10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.
11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.
12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.

BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

* * *

Notes of Explanation and Clarification

* * *

1. Education is a paramount duty and responsibility of the State.

The State's responsibility for the education of its people must be made clear, positive and final. The Legislature may delegate by statute its responsibility, power and authority to local communities for political sub-divisions of the State but such authority, when delegated, may be extended, withheld or withdrawn at any time the Legislature deems it necessary or expedient. Our Federal Constitution makes no mention of education and at least by implication in the Tenth Amendment education is made a responsibility of the State. It is the intent and purpose of this principle that we should make it unmistakably clear that the chief and compelling responsibility for education rests upon the State. The United States has become industrial, scientific and democratic and as far as anyone can foresee, this type of social order will prevail for the next 50 or 100 years. The nation is committed to democracy wherein, as Robert M. Hutchins puts it "Every man is a ruler". If we are to solve the problems of an industrial, scientific and democratic society every person must learn to think for himself about the fundamental issues of human life and organized society. For a democratic society the alternatives are education, or the abandonment of universal suffrage. A democratic State must educate or die. In a democratic State then, education becomes a right as sacred and fundamental as the freedom of speech, freedom of the press and an impartial judiciary. For these reasons the constitution must proclaim and reiterate the right of every person to as much education as his capabilities will permit. So vital to the life of a democratic society is education that it cannot be left to the discretion of local Governments. It must be a compelling and positive responsibility of the State.

2. There shall be complete separation of Church and State.

The Constitution must positively prohibit the use of public funds - either State or local for private, denominational or parochial schools. This prohibition must be so air-tight as to eliminate any possibility of the use of public funds by private schools or non-public schools for textbooks, transportation, school lunches or any other purpose whatsoever, regular, auxiliary or incidental. This prohibition does not arise from any prejudice against private schools nor from any lack of appreciation of the work done by the Church in the history of education. The history of education in the United States shows clearly the unfortunate circumstances that arise when private schools are subsidized from public funds. Private or non-public schools thrive and multiply as a result of public subsidy. By this means, or in this way, public funds, always limited, are so divided that standards of all schools are thereby

reduced. The public schools, wholly dependent upon public funds are the ones most affected. In the early part of the 19th century in many eastern cities, and some States, Church schools did share in public funds. When grants were once made to any one Church school, then all other denominations immediately applied for their share. The result was so disastrous that public schools were established and public funds were forbidden to any school in which "any religious sectarian doctrine or tenant should be taught, inculcated or practiced".

3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.

The schools must be non-sectarian and non-political. The non-sectarian aspect must be positively and unequivocally stated in the Constitution. Our trust in Divine Providence and our allegiance to the Christian principles can be stated but sectarianism must be prohibited in the public schools. The schools must be free and open to all races. There must be no "Jim Crow" legislation in Alaska.

4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.

The Constitution should permit the establishment of private, denominational and parochial schools and such schools should be secure in their right to teach such things as the governing body shall decide in addition to the States' minimum requirements. The State has a stake in every child as a future citizen regardless of the type of school he attends, and consequently the State has the right and must set the minimum standards for all schools whether public or non-public. All private schools should be chartered by the State, and no school should be allowed to exist that does not maintain State minimum standards.

5. The State shall require compulsory school attendance.

Every State in the Union, has by its Constitution, or by statute, provided for compulsory school attendance. Education is so important to the State that it has the right and the responsibility to require compulsory attendance at a public school or a state approved private, denominational or parochial school. It is perhaps unwise to state in the Constitution or to give in the Constitution a particular age range. This can be done by statute, but the principle that the State has the right to compel parents to send their children to school should be included in our Constitution.

6. The English language shall be the official language of all schools within the State.

A common language is one of our greatest unifying forces. Here in Alaska we have experienced little difficulty with this problem, but in some States settlements of foreign born have continued to use the native tongue in its parochial schools. By Constitutional decree, English should be made the official language of all schools of the State of Alaska.

7. The appropriations made by the Legislature for the operation and maintenance of Public Schools shall be contained in the general Appropriations Bill. This School Appropriation shall have priority over all other appropriations after the payment of salaries of personnel engaged in general administration of State affairs.

The States' appropriation for the support and maintenance of schools should be included in the general Appropriations Bill as the most important social institution of the State. The school appropriations should be given first call upon State monies. The appropriations should not be subject to freeze orders or any other restrictions during the time that the Legislature is not in session. This principle is not new to Alaska. Our Organic Act, given us by the Congress of the United States, provided that the school appropriations, along with some other appropriations, should not be subject to freeze orders and should have first call upon the State funds. Therefore, it is important that our Constitution safeguard the schools by making it positively clear that appropriations for the schools should have first call after the salaries for the personnel which are operating the affairs of the State.

8. The Teachers Retirement System shall be deemed a contract between the State and the individual teacher.

The 1945 Legislature created a retirement system for Alaska teachers. This retirement system is, or should be, a contract between the individual teacher and the State of Alaska. Many teachers who have given long and faithful service to Alaska have built their financial security around this retirement salary, and the Legislature should have no power to diminish or impair the obligation.

9. The Constitution shall provide for a permanent school fund consisting of monies derived from the sale of lands granted by the several acts of Congress and by the State of Alaska and from other sources and shall provide for the investment, safety and perpetuation of the fund.

Every State admitted to the Union since Ohio has been granted certain public lands for the benefit of Public Education. Some States by wise constitutional safeguards have now a permanent school fund amounting to hundreds of millions of dollars, the income from which is used to equalize educational opportunity.

Since the nature and extent of the constitutional provision for Alaska will depend upon the nature and extent of the Federal grant, an acceptable section covering this subject cannot be written until the Enabling Act has been passed by Congress. Whatever the nature of the grant, the Constitution should pin down the manner in which such grants or donations shall be used by the State. The unfortunate experiences of two or three States should be sufficient warning to Alaska that the Legislature cannot always be depended upon to act wisely in regard to its permanent school fund.

10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.

This principle implies that each school district created by the State shall be a fiscally independent unit. It assumes that the Constitution will provide for some intermediate collecting agency. The governing body of each taxing unit then should have the power to certify its millage tax levy to the collecting agency without reference to any other taxing unit. It implies that each taxing unit, whether it be a municipality, school district or public utility district shall be fiscally independent and subject only to restrictions and limitations set by the State Legislature.

11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.

The history of education in the United States and some 22 years of experience in Alaska indicates clearly that an appointive State Board of Education is superior to an elected board. This appointed Board of Education should have the power to appoint a Commissioner of Education who will be selected on the basis of professional qualifications. Our experience with the present or Territorial plan of an appointive board has been so satisfactory that we believe that the plan should be adopted by the State Government. The schools must be kept free from any sort of political or partisan influence, and the appointive board is the best means of achieving this goal. The Board of Regents of the University of Alaska, as an appointive Board, has worked well, and the present plan, under the Territorial form of Government should be continued into the State Government. Under no circumstances should public education and higher education be combined under one Board. Experiences in the States with this type of organization has not always been successful. Alaska's experience over the last 22 years with an appointive Board of Education and a separate appointive Board of Regents for higher education has been so productive of good results that we believe that the State Government should adopt and continue the Territorial plan of organization. If the Territorial plan for education is adopted by the State, the transition from the Territorial form of Government to the State Government can be made with the same personnel and without confusion or difficulty.

12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.

This recommendation, that the Constitutional Convention give serious consideration to the use of the recall, initiative and referendum, in reality has no place under these recommendations for education, but it is felt that it is so important that the recommendation should be made although, it is a general provision of the Constitution and not specifically educational in nature.

January 25, 1956

Mr. David B. Carlson
Box 3
Dillingham, Alaska

Dear Mr. Carlson;

Thank you for your letter of December 7, 1955.

The section of the Constitution pertinent to the matter discussed in your letter provides that "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." The bus law passed by the previous legislature would be valid under this provision.

Sincerely yours,

Dorothy J. Awes
Chairman
Bill of Rights Committee

Private education

Box 3
Dillingham, Alaska
December 7, 1955

Chairman
Committee on Education
ALASKA CONSTITUTIONAL CONVENTION
College, Alaska

Gentlemen:

I understand there is going to be a difference of opinions with regard to transportation of private and parochial school students on busses operated by the Department of Education.

I am four-square in favor of retaining the law allowing such transportation which was passed by the last legislature, and I hope my viewpoint will be considered by the committee when the time comes to take definite action.

I would like to make it clear that I am not a member of any church or group which maintains any private or parochial school, and neither have I any children or other relatives who would benefit by this provision, and furthermore, I am a graduate of the public school system myself.

It is my thought that people in Alaska should recognize the peculiar problems of climate and distance and expense that prevail here, and even though they may be strongly inclined to favor the rigid traditional separation of Church and State in the educational field, they should allow transportation of pupils to all schools in the public school busses.

It is my conviction this should be done, and I hope it will be done.

Respectfully yours,

David B. Carlson
David B. Carlson

cc.
Truman Emberg



ALASKA TERRITORIAL FEDERATION OF LABOR

CHARTERED BY AMERICAN FEDERATION OF LABOR

Box 2601

JUNEAU, ALASKA

December 28, 1955

Dorothy J. Awes, Chairman
Preamble and Bill of Rights Committee
Constitutional Convention
Convention Hall
University of Alaska
College, Alaska

Dear Miss Awes:

This will acknowledge receipt of your letter under date of December 17, 1955, informing me of the position taken by your committee with respect to "Right to Work" and similar type provisions of the proposed Bill of Rights.

On behalf of the officers and members of this Federation I wish to extend our thanks and appreciation for the consideration and decision of your committee to the effect that there will be no such provision in the Bill of Rights as reported out by your committee.

We were most happy to receive this assurance by your committee since such an inclusion would have made it impossible for us to support the Constitution for ratification. We have long been an ardent advocate of Statehood for Alaska and wish to continue our efforts in this matter.

With best wishes for a successful convention and a Happy Holiday Season, I remain

Sincerely yours,

(Mrs.) Cledamae Seaman,
Executive Secretary

"Right to Work"

December 17, 1955

Alaska Territorial Federation of Labor
Box 2601
Juneau, Alaska

Attention: Mrs. Cledamae Seaman, Executive Secretary

Gentlemen:

Thank you for your letter of December 5, 1955 in which you protest certain language in the proposal introduced by Delegate Thomas C. Harris of Valdez.

You will be interested to know that Mr. Harris appeared before the Bill of Rights Committee and explained to us that the language which could be interpreted as a "Right to Work" clause was inadvertently included in his proposal and that he would like to have the proposal amended by the exclusion of such language. The Committee considered his proposal as so amended. Further, I may add that it was the unanimous opinion of the Committee on Bill of Rights that no "Right to Work" or similar provision should be included in the Constitution and, consequently, no such provision appears in the Bill of Rights as reported out of the Committee.

Very truly yours,

Dorothy J. Awes, Chairman
Preamble and Bill of Rights
Committee

DJA:eh



ALASKA TERRITORIAL FEDERATION OF LABOR

CHARTERED BY AMERICAN FEDERATION OF LABOR

Box 2801

JUNEAU, ALASKA

December 5, 1955

Honorable William Egan, President
Constitutional Convention
Convention Hall
University of Alaska
College, Alaska

Dear Sir:

On behalf of our membership, which is the largest segment of Alaska's working force, the Alaska Territorial Federation of Labor wishes to advise the Delegates to the Convention that we strongly and vigorously oppose the inclusion of certain language contained in a proposal introduced by Delegate Thomas C. Harris of Valdez.

The proposal states in part, "There shall be no abridgement of any man's rights--by reason of sex, color, creed, membership or lack of membership in any social, fraternal, religious or labor organizations--to his way of life, in the pursuit of happiness and or the choice of his vocation". We are fully aware of and firmly believe in the inherent and inalienable rights of the American principle declaring the dignity of the individual as a member of the State and that there should be no abridgement of his rights to life, liberty, the enjoyment of privacy within his home and the pursuit of happiness. The proposal does not end there, however, but the additional language indicates that membership or lack of membership in a labor organization is an abridgement of these rights, as well as the right of choice of a vocation. The language implies that the State of Alaska must protect the individual against labor organizations and that it is necessary to, in some manner, underwrite an assurance of employment in his chosen vocation.

We submit that this portion of the proposal appears as an intended version of mis-named "Right to Work" legislation and would tend to obscure the right to bargain for union security to the largest segment of Alaska's population.

Our organizations have long opposed discrimination because of sex, race, color or creed and our adherence to this principle is definitely demonstrated by the fact that among our membership, individuals of most every race, color and creed are to be found.

Our labor organizations were among the first to advocate and support Statehood for Alaska and have continued to do so through the years. We would not want to see this convention come forth with a proposed constitution that we of labor could not wholeheartedly support for ratification.

Hon. William Egan, Pres.
Constitutional Convention

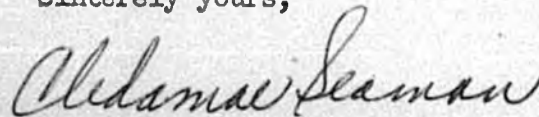
December 5, 1955
page 2

We feel that any connotation of so called "Right to Work" legislation does not properly belong in the constitution and in our opinion would amount to usurpation of the legislative function of government.

In view of the above stated reasons, we of labor sincerely hope that the honorable delegates to this Constitutional Convention, will give earnest consideration to our opposition to that portion of the proposal which we consider to be an abridgement of our rights to bargain collectively through representatives of our own choosing, for economic and union security, by omitting any language that could be construed to be adverse to these rights.

With all good wishes for a successful convention and a Happy Holiday Season, I remain

Sincerely yours,



Cleodamae Seaman
Executive Secretary

CS/bb

cc: ATFL Executive Board
" Central Labor Councils
" Building Trades Councils

December 17, 1955

Central Labor Council
Box 552
Anchorage, Alaska

Attention: Mr. Henry Hedberg, Chairman
Political & Civic Affairs Comm.
Anchorage Central Labor Council

Gentlemen:

Thank you for your letter of November 23, 1955
in which you express opposition to the "Right to
Work" provision in the Constitution.

You will be interested to know that it was the
unanimous opinion of the "Bill of Rights" Committee
that the "Right to Work" provision should not be in-
cluded in the Constitution, consequently, our Bill
of Rights proposal, as reported out of Committee,
contains no provision of that nature.

Your interest in the Convention and our efforts
here is appreciated.

Very truly yours,

Dorothy J. Awes, Chairman
Preamble and Bill of Rights
Committee

DJA:eh

"Right to Work"

CENTRAL LABOR COUNCIL

BOX 552

ANCHORAGE, ALASKA

November 23, 1955

Dorothy J. Awes
Delegate, Constitutional Convention
College, Alaska

Dear Miss Awes:

There is an old adage, "Where there is smoke, there is fire."

Thus, I find it necessary to put myself in the position of a fireman and be attentive to the smoke.

For some days now there has been a notable increase in public reference to possible inclusion of a so-called "Right to Work Law" in the constitution you are drawing for presentation to the people of the Territory.

There have been no stauncher supporters or advocates of statehood than the American Federation of Labor, and especially the Alaska Territorial Federation of Labor and the Anchorage Central Labor Council.

But--the inclusion of a so-called "Right to Work Law" in the proposed constitution would result in a complete reversal of these positions--and turn the entire movement throughout the United States and Territory against the adoption of the constitution.

There has never been a more vicious anti-labor law conceived than suggested right to work laws--and the members of the labor movement throughout the Territory, and especially in the Anchorage Central Labor Council, ask your support in defeating any attempt to include such a provision in the proposed constitution.

With best personal regards and deepest appreciation for your endeavors in behalf of all of the people of the Territory, I am,

Sincerely,

Henry Hedberg

Henry Hedberg, Chairman
Political & Civic Affairs Comm.
Anchorage Central Labor Council

CENTRAL LABOR COUNCIL

BOX 552

ANCHORAGE, ALASKA

November 29, 1955

Mr. Ralph J. Rivers
Delegate, Constitutional Convention
College, Alaska

Dear Mr. Rivers:

There is an old adage, "Where there is smoke, there is fire."

Thus, I find it necessary to put myself in the position of a fireman and be attentive to the smoke.

For some days now there has been a notable increase in public reference to the possibility of the inclusion of a so-called "Right to Work Law" in the constitution you are drawing for presentation to the people of the Territory.

There have been no stauncher supporters or advocates of statehood than the American Federation of Labor, and especially the Alaska Territorial Federation of Labor and the Anchorage Central Labor Council.

But--the inclusion of a so called "Right to Work Law" or any hidden phrase, paragraph, or combination of words suggesting the possibility of such legislation in the proposed constitution would result in a complete reversal of these positions--and turn the entire labor movement throughout the United States and Territory against the adoption of the constitution.

There has never been a more vicious anti-labor law conceived than suggested right to work laws--and the members of the labor movement throughout the Territory, and especially in the Anchorage Central Labor Council, ask your support in defeating any attempt to include such a provision in the proposed constitution.

With best personal regards and deepest appreciation for your endeavors in behalf of all of the people of the Territory, I am,

Sincerely,



Henry Hedberg, Chairman
Political & Civic Affairs Comm.

December 5, 1955

Mr. Henry Hedberg, Chairman
Political and Civic Affairs Committee
Central Labor Council
Box 552
Anchorage, Alaska

Dear Mr. Hedberg:

I have read your letter with interest.

As far as I know, there is no intention to include a "right to work provision" in the Constitution. However, I will turn your letter over to the committee which is handling the Bill of Rights.

Very truly yours,

RALPH J. RIVERS

RJR:m

SITKA CENTRAL LABOR COUNCIL

AMERICAN FEDERATION OF LABOR
SITKA, ALASKA

December 11, 1955.

Hon. William Egan, President
Alaska Constitutional Convention
University of Alaska
College, Alaska

Dear Mr. Egan:

We have noticed in the public press, a proposal introduced by Delegate Thomas C. Harris of Valdez, and reintroduced by Delegate R.E. Robertson of Juneau, for inclusion in our new state constitution, to which not only our organization, but we honestly feel, a large majority of fair minded Alaskans, will most strenuously object.

The proposal partly states, "There shall be no abridgement of any man's rights-by reason of sex, color, creed, membership or lack of membership in any social, fraternal, religious or labor organizations-to his way of life, in the pursuit of happiness and of the choice of his vocation." We are of the firm and solid opinion that every American, and particularly every Alaskan is entitled to life, liberty and the pursuit of happiness, and we are also firm believers and advocates of the inherent rights of every American as a citizen of the state, and that certain of these rights should not be abridged. We do decidedly object to inclusion of the words labor organizations being included in the proposal above quoted. The language used, implies that the new state of Alaska must protect some of it's citizens against labor organizations, and that the new state must underwrite an assurance of employment in his chosen profession.

The language used in this proposal appears to us to be a version of the mis-named "Right To Work" legislation, now in effect in eighteen states of the Union, a large majority of these states being in the southern part of the U.S., and having adopted this legislation in the last ten years, either by statute or constitutional amendment.

Essentially, these laws so far passed, seem to have one thing in common. Instead of supporting the the right of all to work, they seem to be legislative devices to protect the "right" of any individual not to join a union-under any and all circumstances. Significantly, these laws also make illegal any union shop or union security arrangement, even though the Employer and all of his employees have agreed to such an arrangement.

Superficially looked at, such legislation may seem quite proper, as a "protection" for the fellow who wants to go it alone. Hasn't John Doe the right not to be a union member if that's the way he feels? Before answering, one needs much more information than "how John Doe feels."

}
"Right to work"

protect

Acting as isolated individuals, most workers have found it impossible to/ their vital interests and right to a decent livelihood and family life. Yet even in the U.S. until well into the present century, workers' associations were opposed by most employers. Unions were hampered and hamstrung in the courts. Slowly, however, some employers, judges, and state legislatures recognized the legitimacy of the labor movement.

In late years, having large industries moving into the southern part of the U.S., these southern states have been flooded with cleverly worded "Right To WORK" acts. A good many of us wonder, and particularly in Alaska, why they were sponsored, not by workers organizations, but by employer associations, and by special lobbying organizations which often use "American" and "Christian" in their titles.

Actually, the mislabelled "Right To Work" laws do not protect against so called unfair union discrimination. They do of course, protect many "free loaders" against bearing a fair share of the load of his occupational group's legitimate expense. They also protect the sponger, or the individual who has a whim that he does not care to belong. These same individuals live in practically each of our Alaskan communities, and are of the firm belief that they have the "right" not to pay school or playground taxes because they have grown up and have no further personal use for schools or playgrounds.

We have always been firm believers in, and advocates of statehood for Alaska, and we would certainly not desire to have our constitutional convention come before our people with a constitution for ratification which we cannot whole heartedly support.

We sincerely feel that any so called "Right To Work" legislation does not properly belong in our proposed new constitution, which would be practically usurping a function of government properly belonging to the legislative branch.

We sincerely hope that the delegates to our Constitutional Conventional gathering will give consideration to our opposition to this portion of the proposal of Mr. Harris and Mr. Robertson, which we honestly feel to be an abridgement of our constitutional rights to bargain collectively through representatives of our own choosing, and with all good wishes for a successful convention,

c/o/ William Knight
B.D. Stuart

Respectfully yours,

Dan R. Doyle
Dan R. Doyle, Secretary.

SITKA CENTRAL LABOR COUNCIL

Dec. 8 Right

December 17, 1955

Mr. Cyril A. Coyne
Mayor of Skagway
Skagway, Alaska

Dear Mayor Coyne:

Thank you for your letter of November 15th in which you state your opposition to a "Right to Work" provision in the Constitution.

A proposal on this matter was referred to the Bill of Rights Committee and it was the unanimous opinion of the Committee that such a provision was not desirable; accordingly, the Bill of Rights, as reported out, contains no reference to "Right to Work" or any similar provision.

Very truly yours,

Dorothy J. Awes, Chairman
Bill of Rights Committee

DJA:eh

Right to Work

CITY OF SEAGWAY

Seagway, Alaska

Air Mail

November 15, 1955

P. O. Box 300

**The Delegates
Alaska Constitutional Convention
In Meeting
College
Alaska**

Dear Friends and Neighbors;

My attention has been called to the possibility that a "right to work" clause may be considered in framing our proposed Constitution.

This is a vicious, anti-labor move which has been enacted in some states. Some of these states have already repealed such legislation, while all of the others have repeal moves in process.

In one state it is possible for clerk in office to protest business agent of union in shop and call an election whereby everyone in the organization would have a vote on the matter; too, right of appeal extends to a three man board, none of which are connected with labor, or labor problems, and from which there is no appeal to the courts.

The Bill of Rights, Taft-Hartley Act, Railway Labor Act, the National Mediation Board apply protect both capital and labor. In fact, there are some elements of these which are very rough on labor.

It is suggested that if your body desires to investigate the matter further that you have your research organizations make exhaustive study of matter.

It is my opinion that if such a clause is inserted in our proposed Constitution that the hurdles in the Territory and in the Congress will prove insurmountable, as labor, and the friends of labor, would be 100% against it.

This is a matter which can easily be left to normal legislative processes.

It appears prudent that a practical, workable, acceptable and non-controversial Constitution be developed by you.

With kindest personal regards to all delegates and to all personnel connected with your Convention, I remain,

**Respectfully yours,
/s/ Cyril A. Gayne
Cyril A. Gayne
Mayor of Seagway**