

FOLDER NO.

420.1

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

ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

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

Respectfully submitted,

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

REPORT OF COMMITTEE ON STYLE AND DRAFTING

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

ALASKA CONSTITUTIONAL CONVENTION

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

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

Inherent
Rights

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

Source of
Government

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

red
action 2

the enjoyment of

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

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

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

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

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

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

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

Double Jeop-
ardy; Self-
Incrimination

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

Treason

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

Rights of
Accused

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

Excessive
Punishment

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

Habeas Corpus

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

Searches
and
Seizures

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

Prohibited
State Action

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

Right to
Bear Arms

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

Quartering
Soldiers

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

Civil Suits;
Trial by Jury

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

*see attached
PS*

Imprisonment
For Debt

13 Section 19. There shall be no imprisonment for
14 debt, *but this does not prohibit civil arrest of*
absconding debtors.

absconding debtors.

Eminent
Domain

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

Construction

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

Amendment No. _____

Constitutional Convention
Preamble and Bill
By of Rights

Date January 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7 (Article I)

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 (I) be amended

as follows:

Delete Section 2 of the Style and Drafting Committee report and insert Section 2 of the first enrolled copy in its place.

Amendment No. _____

Constitutional Convention
Committee on
By Style and Drafting

Date January 26, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7 (Article I)

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 (I) be amended

as follows:

Strike Section 18 and substitute the following:

"In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury, and in courts not of record, may provide for a jury of not less than six or more than twelve."

Section 3, page 2, line 1, after the word "denied" insert "the enjoyment of".

Preamble: Fourth line, after the word "liberty" add "within the Union of States".

Article I, Section 19, strike "except in case of absconding debtors" and substitute: "but this does not prohibit civil arrest of absconding debtors."

Amendment No. 1

Constitutional Convention
By: Committee on Style and
Drafting
Date: January 26, 1956

AMENDMENT TO ~~(COMMITTEE) PROPOSAL NO. _____~~ (Article 1)

Report of committee on Style & Drafting
MR. PRESIDENT:

I move that (Committee) Proposal No. be amended
as follows:

Strike Section 18. and substitute the following:

"In civil cases where the amount in controversy exceeds
two hundred fifty dollars, the right of trial by jury
is preserved to the same extent as it existed at common
law. The legislature may make provision for a verdict
by not less than three-fourths of the jury, and in courts
not of record, may provide for a jury of not less than
six or more than twelve."

*ordered
accepted
7/10*

Amendment No. 2

Constitutional Convention

By Committee on Style & Drafting

Date _____

AMENDMENT TO (COMMITTEE) PROPOSAL NO. _____

MR. PRESIDENT: Article I

I move that ~~(Committee)~~ Proposal No. _____ be amended

as follows:

Section 3, page 2, line 1, after the word "denied" insert "the enjoyment of"

*approved
7/1/68*

Amendment No. 3

Constitutional Convention

By Committee on Style and Drafting

Date _____

AMENDMENT TO (COMMITTEE) PROPOSAL NO. _____

MR. PRESIDENT: ~~Article I~~ the Preamble

I move that ~~(Committee)~~ Proposal No. _____ be amended

as follows:

in fourth line, after the word "liberty" add
"within the union of states"

*approved
M/C*

Amendment No. _____

Constitutional Convention

By Bill of Rights Comm.

Date Jan 26

AMENDMENT TO (COMMITTEE) PROPOSAL NO. Style & Drafting art I

MR. PRESIDENT:

I move that (Committee) Proposal No. I be amended
as follows:

*Strike Section 19 - Strike "except in
case of absconding debtors" and
substitute*

*"but this does not prohibit civil
arrest of absconding debtors"*

*advised
4/2*

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

ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

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its redraft of the Preamble and the Article on Bill of Rights
for consideration by the Convention.

Respectfully submitted,

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REPORT OF COMMITTEE ON STYLE AND DRAFTING

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

ALASKA CONSTITUTIONAL CONVENTION

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

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

Inherent
Rights

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

Source of
Government

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

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

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

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

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

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

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

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

Double Jeop-
ardy; Self-
Incrimination

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

Treason

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

Rights of
Accused

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

Excessive
Punishment

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

Habeas Corpus

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

Searches
and
Seizures

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

Prohibited
State Action

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

Right to
Bear Arms

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

Quartermen
Soldiers

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

Civil Suits;
Trial by Jury

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

Imprisonment
For Debt

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

Eminent
Domain

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

Construction

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

F I R S T E N R O L L E D C O P Y

Constitutional Convention
Committee Proposal/7/Enrolled
January 9, 1956

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 Alaska, conscious of our heritage of
2 political, civil and religious liberty, grateful to God
3 and to those who founded the nation and pioneered this
4 great land, reaffirm our belief in government by consent
5 of the governed within the Union of States and do ordain
6 and establish this Constitution for the State of Alaska.

7 ARTICLE

8 DECLARATION OF RIGHTS

Rights of
Man

9 Section 1. This constitution is to promote the
10 general welfare of the people, and is dedicated to the
11 principle that all persons have a natural right to life,
12 liberty, the pursuit of happiness and the enjoyment of
13 the gains of their own industry; that all persons are
14 equal and entitled to equal rights, opportunities and
15 protection under the law. These rights carry with them
16 corresponding duties to the people and to the state.

Source
and Aim
of Political
Power

1 Section 2. All political power is inherent in the
2 people. All government originates with the people, is
3 founded upon their will only, and is instituted solely
4 for the good of the people as a whole.

Civil
Rights

5 Section 3. No person is to be denied the enjoyment
6 of any civil or political right because of race, color,
7 creed, or national origin. The legislature shall provide
8 appropriate legislation in accord herewith.

Freedom of
Speech and
Press;
Assembly
and Petition

9 Section 4. Every person may freely speak, write,
10 and publish on all subjects, being responsible for the
11 abuse of that liberty. The right of the people peace-
12 ably to assemble and to petition the government shall
13 never be abridged.

Freedom of
Religion

14 Section 5. No law shall be made respecting an
15 establishment of religion or prohibiting the free exer-
16 cise thereof.

Due
Process

17 Section 6. No person shall be deprived of life,
18 liberty or property without due process of law. The
19 right of all persons to fair and just treatment in
20 the course of legislative and executive investigations
21 shall not be infringed.

Grand
Juries,
Indictments
and
Information

22 Section 7. No person shall be held to answer for
23 a capital or otherwise infamous crime, unless on a pre-
24 sentment or indictment of a grand jury, except when
25 waived by the accused, in which event the prosecution

1 shall be by information, but this section shall not be
2 applied to cases arising in the armed forces or in the
3 militia when in actual service in time of war or pub-
4 lic danger. The grand jury shall consist of at least
5 twelve citizens, a majority of whom concurring may re-
6 turn a true bill. The power of grand juries to inves-
7 tigate and make recommendations concerning conditions
8 involving the public welfare or safety shall never be
9 suspended.

No Double Jeopardy
No Self-Incrimination 10 Section 8. No person shall be put in jeopardy
11 twice for the same offense. No person shall be compelled
12 in any criminal proceeding to be a witness against
13 himself.

Excessive Bail,
Unusual Punishment 14 Section 9. Excessive bail shall not be required,
15 nor excessive fines imposed, nor cruel and unusual
16 punishments inflicted.

Prohibited State
Action 17 Section 10. No bill of attainder, ex post facto
18 law, nor any law impairing the obligation of contracts,
19 nor any law making any irrevocable grant of special
20 privileges or immunities shall be passed, and no con-
21 viction shall work corruption of blood or forfeiture of
22 estate. The administration of criminal justice shall
23 be founded upon the principle of reformation as well as
24 upon the need to protect the public.

Searches
and
Seizures

1 Section 11. The right of the people to be secure
2 in their persons, houses and other property, papers,
3 and effects, against unreasonable searches and seiz-
4 ures, shall not be violated, and no warrants shall
5 issue, but on probable cause, supported by oath or
6 affirmation, and particularly describing the place to
7 be searched, and the persons or things to be seized.

Criminal
Matters:
Trial by Jury,
Rights of
Accused

8 Section 12. In all criminal prosecutions the
9 accused has the right to a speedy and public trial,
10 by an impartial jury of twelve, except that in courts
11 not of record the jury may consist of not more than
12 twelve nor less than six persons. The accused is also
13 entitled to be informed of the nature and cause of the
14 accusation; to be released on bail, except for capital
15 offenses when the proof is evident or the presumption
16 great; to be confronted with the witnesses against him;
17 to have compulsory process for obtaining witnesses in
18 his favor, and to have the assistance of counsel for
19 his defense.

Civil Cases:
Trial by Jury

20 Section 13. In suits at common law, where the
21 amount in controversy exceeds two hundred and fifty
22 dollars, the right of trial by jury of twelve is pre-
23 served, except that the legislature may provide for a
24 jury of not less than six in courts not of record. The
25 legislature may provide for a verdict by not less than

1 three-fourths of the members of any jury in civil
2 causes.

Habeas
Corpus

3 Section 14. The privilege of the writ of habeas
4 corpus shall not be suspended, unless when, in cases of
5 rebellion or actual or imminent invasion, the public
6 safety requires it.

Militia,
Right to
Bear Arms

7 Section 15. A well-regulated militia being neces-
8 sary to the security of a free state, the right of the
9 people to keep and bear arms shall not be infringed.
10 The military shall be in strict subordination to the
11 civil power. No soldier, in time of peace shall be
12 quartered in any house without the consent of the owner
13 or occupant, nor in time of war, except as prescribed
14 by law.

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

Eminent
Domain

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

No Imprisonment
For Debt

23 Section 18. There shall be no imprisonment for
24 debt, except in case in absconding debtors.

Construction

25 Section 19. The enumeration of rights in this con-
26 stitution shall not impair or deny others retained
27 by the people.