

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FORTY-FIFTH CONVENTION DAY, Friday, January 6, 1956

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

The Invocation was given by Chaplain Major Henry A. Foss of Ladd Air Force Base.

Roll call showed all members present except Mr. Armstrong and Mr. Cooper. The President announced that Mr. Cooper was ill. The President declared a quorum to be present.

Mr. Marston asked that a communication received by him from the student body of the University of Alaska on the subject of voting age be read.

The President declared a short recess in order to get a communication he had received on the same subject.

AFTER RECESS

A communication from the President of the Associated Students of the University of Alaska pledging their support to and recommending any resolution of the Convention favoring an eighteen-year-old voting age in the future State of Alaska, was read and ordered filed.

A Communication signed by 121 students of the University of Alaska urging the Convention to set eighteen as the minimum age required as a qualification to vote in the future State of Alaska was read and ordered filed.

SECOND READING OF PROPOSALS

Committee Proposal No. 7 was considered again.

Mr. Davis's amendment to Section 7 to strike the words "or information, which shall be concurrent remedies" on lines 11 and 12 and insert the following in lieu thereof: "unless indictment be waived by the accused. If right to indictment be waived, proceedings may be by information." having been held over was considered at this time. After discussion by Mr. Davis, Mr. Buckalew, Mr. R. Rivers, Mr. Taylor, Mr. Kilcher, Mr. Metcalf, Mr. Hellenthal, Mr. Hurley, Mr. Sundborg, Mr. McLaughlin, Mr. Marston and Mr. McNealy, Mr. Hilscher moved to lay the amendment on the table. Mr. Laws seconded. On voice vote the motion failed.

After further discussion on the Davis amendment by Mr. Robertson, Miss Awes, Mr. Hellenthal, Mrs. Hermann, Mr. V. Rivers, Mr. McCutcheon, Mr. Metcalf and Mr. Davis, a short recess was declared.

AFTER RECESS

The question being, "Shall Mr. Davis's amendment be adopted?", the roll was called with the following result:

Yeas: 39 - Barr, Boswell, Collins, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McNealy, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh and White.

Nays: 12 - Awes, Buckalew, Cross, Hellenthal, Hilscher, Laws, McCutcheon, McLaughlin, McNees, Metcalf, Wien and Mr. President

Absent: 4 - Armstrong, Coghill, Cooper and Doogan

And so the amendment was adopted.

Mr. Buckalew moved and asked unanimous consent for the adoption of the following amendment: Strike all of Section 7 commencing with line 24 on page 2 and including line 9 on page 3. Mrs. Hermann objected. Mr. V. Fischer seconded.

After discussion by Mr. Fischer and Mr. Taylor, a short recess was declared.

AFTER RECESS

Mr. Buckalew asked unanimous consent to withdraw his amendment so that he could submit another amendment. There being no objection, it was so ordered.

The President declared a fifteen minute recess.

AFTER RECESS

Mr. Buckalew moved the adoption of the following amendment to Section 7: Strike Section 7 as amended and substitute the following section: "Section 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, unless waived by the accused, in which event the prosecution shall be by information. The grand jury shall consist of not less than twelve citizens."

Mrs. Hermann seconded. Mr. Robertson suggested the first word "unless" should be changed to "except". After Mr. Barr and Mr. Davis spoke on the amendment, the President declared a short recess so that the amendment could be revised.

AFTER RECESS

Mr. Buckalew asked unanimous consent that with the consent of his second he be allowed to withdraw the amendment to Section 7. There being no objection, it was so ordered.

Mr. Buckalew moved the adoption of the following amendment offered by Mr. Buckalew, Mr. Davis, Mr. Hellenenthal, Mr. Taylor and Mr. McNealy: Strike Section 7 as amended and substitute the following section: "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 when waived by the accused, in which event the prosecution shall be by information, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The grand jury may consist of not less than twelve citizens." Mr. Knight seconded Mr. Poulsen requested a copy of the amendment before acting on it. Action was deferred until copies could be furnished the delegates.

Mr. V. Fischer moved the adoption of the following amendment to Section 12: Line 19, page 4, after the word "offenses" insert: "when the proof is evident or the presumption great;" Mr. Hellenenthal seconded. After discussion by Mr. Fischer, Miss Awes and Mr. R. Rivers, the question was called. On voice vote the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment to Section 12: line 22, page 4: change period to semi-colon and insert thereafter the following: "That the accused shall, in no instance, be required to advance money or fees to secure the rights herein guaranteed, nor shall the accused be taxed with any costs of the prosecution." Mr. McLaughlin objected. Mr. Kilcher seconded. After discussion by Mr. Taylor, Mr. Johnson, Mr. McLaughlin, Mr. Buckalew, Miss Awes, Mr. Metcalf, Mr. Buckalew and Mr. McNealy, the question was called. On voice vote the amendment failed.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment: Section 13, line 25, page 4, insert "of twelve" after word "jury". Mr. Taylor objected. Mr. Hellenenthal seconded. After discussion by Mr. Taylor, Miss Awes and Mr. R. Rivers, the question was called. On voice vote the amendment was adopted.

Mr. Kilcher moved the adoption of the following amendment: Section 13, line 24, strike "two hundred and fifty dollars" and insert "a sum set by law". Mr. Barr seconded. After discussion by

Mr. Barr, Mr. Hurley, Mr. Davis and Mr. Kilcher, the question was called. The roll was called with the following result:

Yeas: 26 - Barr, Coghill, Collins, Cross, Emberg, H. Fischer, Hinckel, Kilcher, Knight, Lee, Londborg, McCutcheon, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, V. Rivers, Robertson, Rosswog, Stewart, Taylor, Walsh, White, Mr. President.

Nays: 24 - Awes, Boswell, Buckalew, Davis, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hurley, Johnson, King, Laws, McLaughlin, Mc Nealy, Nordale, Poulsen, Reader, Riley, R. Rivers, Smith, Sweeney, Vanderleest, Wien.

Absent: 5 Armstrong, Cooper, Doogan, Hilscher and Sundborg

And so the amendment was adopted.

Mr. Buckalew moved the adoption of the following amendment: Section 13, line 23, strike "in suits at common law" and insert "in civil cases". Mr. Knight seconded. On voice vote the amendment failed.

Mr. Hellenthal asked unanimous consent for the adoption of the following amendment to Section 13: Page 5, line 4, following the word "jury" insert the words "in any court".

Mr. White requested a five-minute recess. There being no objection, it was so ordered.

AFTER RECESS

There Mr. Hellenthal asked unanimous consent to withdraw his amendment, no objection, it was so ordered.
Mr. Hellenthal moved and asked unanimous consent for the adoption of the following amendment to Section 13: Line 4, page 5, strike the word "the" before the word "jury" and substitute the word "any" and insert the words "in civil causes" following the word "jury". Mr. Buckalew seconded. On voice vote the amendment was adopted.

Mr. Gray asked unanimous consent that a letter he had received regarding the Juneau hearings be read. There being no objection, it was so ordered.

A letter from Mrs. Rolf W. Fremming, expressing pleasure at having had the opportunity to attend the public hearings on the constitutional proposals and confidence in the work of the delegates, was read and ordered filed.

Mr. Gray asked unanimous consent that the Convention recess until 1:30 p.m.

Mr. Cross announced a meeting of the Committee on Resolutions and Recommendations on recess.

Mr. Sundborg announced a meeting of the Committee on Style and Drafting on recess.

There being no objection to the unanimous consent request of Mr. Gray, the Convention recessed until 1:30 p.m.

AFTER RECESS

Mr. V. Fischer moved to amend Section 14 by inserting the word "thereof" after the word "peril" on line 8 of page 5. Mr. V. Rivers seconded. Mr. Kilcher objected and requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

After discussion by Mr. V. Fischer, Mr. Hellenthal, Mr. Buckalew, Mr. V. Rivers, Mr. Barr and Mr. Taylor the question was called. On voice vote the amendment failed.

Mr. Robertson moved and asked unanimous consent for the adoption of the following amendment to Section 16: Line 20, page 5, delete period and insert a comma and add "or in advocating the overthrow of the government by force or violence." Mr. Buckalew objected. Mr. Johnson seconded.

After discussion by Mr. Robertson, Mr. Hellenthal, Mr. R. Rivers, the question was called. On voice vote the amendment failed.

Mr. Johnson moved the adoption of the following amendment to Section 18: Page 6, line 2, strike comma after "debt" and insert a period. Strike balance of line 2 and all of line 3. Mr. Marston seconded. After discussion by Mr. Barr, Mr. R. Rivers, Mr. Johnson, Mr. Doogan, Mr. Kilcher, Miss Awes, Mr. Taylor, Mr. V. Rivers, Mr. Davis and Mr. Hellenthal, the President declared a short recess.

AFTER RECESS

Mr. Doogan moved to lay the amendment on the table. Mr. Metcalf seconded. The roll was called with the following result:

Yeas: 16 - Cross, Doogan, Harris, Hinckel, Mc Cutcheon, McNeese, Metcalf, Nerland, Reader, R. Rivers, Rosswog, Stewart, Taylor, VanderLeest, Walsh, White.

Nays: 34 - Awes, Boswell, Barr, Buckalew, Coghill

Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNealy, Marston, Nolan, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Smith, Sundborg, Sweeney, Wien, Mr. President.

Absent: 5 Armstrong, Collins, Cooper, Hilscher, McLaughlin

And so the amendment was not laid on the table.

After Mr. Kilcher spoke on the amendment, Mr. Coghill moved the previous question. Mr. Buckalew seconded. Mr. Barr stated he wished to be heard. The President stated the motion was not debatable. On voice vote the motion failed.

After Mr. Barr, Mr. McNealy, Mr. Metcalf and Mr. Hurley spoke, Mr. Taylor moved to amend the amendment by adding after the word "except" the words "in case of absconding debtors."

Mr. Taylor's amendment was ruled out of order. After discussion by Mr. Rosswog, Mr. McNealy, Mr. Kilcher, Mr. Rosswog, Mr. Marston, Mr. Londborg and Mr. Riley the question was called. The roll was called on the adoption of Mr. Johnson's amendment to Section 18 with the following result:

Yeas: 34 - Aves, Barr, Boswell, Buckalew, Coghill, Davis, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McNealy, Marston, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Sundborg, VanderLeest, Walsh, Mr. President.

Nays: 17 - Cross, Doogan, Harris, Hinckel, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nolan, Poulsen, Reader, Rosswog, Sweeney, Taylor, White, Wien.

Absent: 4 - Armstrong, Collins, Cooper, Hilscher

And so the amendment was adopted.

Mr. Taylor moved the adoption of the following amendment to Section 18: Line 2, page 6, change the period to a comma and insert the following words, "except in case of absconding debtors." Mr. Buckalew objected. Mr. Riley seconded. The roll was called with the following result:

Yeas: 37 - Awes, Boswell, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hinckel, Hurley, Kilcher, King, Knight, McCutcheon, McLaughlin, McNealy, McNees, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. River, V. Rivers, Rosswog, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Nays: 14 - Barr, Buckalew, V. Fischer, Hermann, Johnson, Laws, Lee, Londborg, Marston, Robertson, Smith, Stewart, Sundborg, VanderLeest

Absent: 4 - Armstrong, Collins, Cooper, Hilscher

And so the amendment was adopted.

Mr. Robertson moved the adoption of the following amendment: Page 6, Insert new Section 19. "Every person shall have the right to work for the gaining of his livelihood". Renumber present Section 19 to be Section 20. Mr. Doogan objected. Mr. Londborg seconded.

After discussion by Mr. Robertson and Miss Awes, Mr. Buckalew moved to lay the amendment on the table. Mr. Stewart seconded. Mr. Sundborg requested a roll call. The roll was called with the following result:

Yeas: 23 - Awes, Buckalew, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hermann, King, Knight, Lee, McNealy, Marston, Metcalf, Nerland, Poulsen, R. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest.

Nays: 28 - Barr, Boswell, Coghill, Cross, Davis, V. Fischer, Hinckel, Hurley, Johnson, Kilcher, Laws, Londborg, McCutcheon, McLaughlin, McNees, Nolan, Nordale, Peratrovich, Reader, Riley, V. Rivers, Robertson, Sweeney, Taylor, Walsh, White, Wien, Mr. President.

Absent: 4:- Armstrong, Collins, Cooper and Hilscher.

And so the amendment was not laid on the table.

After discussion by Mr. Robertson, Mr. Londborg, Mr. Doogan, Mrs. H. Fischer, Mr. Hellenthal, Mr. Johnson and Mr. Boswell, the question was called. Mr. Robertson requested a roll call.

The question being, "Shall Mr. Robertson's amendment be adopted?", the roll was called with the following result:

Yeas: 4 - Laws, Londborg, Reader, Robertson.

Nays: 47 - Awes, Barr, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulson, Riley, R. Rivers, V. Rivers, Ross-wog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 4 -Armstrong, Collins, Cooper, Hilscher

And so the amendment failed.

Mr. White rose to a point of parliamentary inquiry whether if he gave notice of reconsideration of his vote on the Robertson amendment could he withdraw his request before the vote came up for reconsideration.

The President stated that he could withdraw the request at any time.

Mr. White gave notice of reconsideration of his vote on the Robertson amendment.

Mr. Sundborg moved that the rules be suspended and that Mr. White's reconsideration be taken up at this time. Mr. V. Fischer objected. Mrs. H. Fischer seconded. The roll was called with the following result:

Yeas: 10 - Buckalew, H. Fischer, Metcalf, Peratrovich, Poulson, R. Rivers, Sundborg, Taylor, Walsh, Mr. President.

Nays: 41 - Awes, Barr, Boswell, Coghill, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Reader, Riley, V. Rivers, Robertson, Ross-wog, Smith, Stewart, Sweeney, VanderLeest, White, Wien.

Absent: 4 Armstrong, Collins, Cooper, Hilscher.

And so the rules were not suspended.

Mr. Robertson gave notice to reconsider his vote on the Kilcher amendment to Section 13 changing "two hundred and fifty dollars" to "a sum set by law".

Mr. V. Rivers moved and asked unanimous consent for the adoption of the following amendment proposed by Mr. V. Rivers, Mr. Sundborg, Mr. White, Mr. V. Fischer, Mr. Kilcher, Mr. R. Rivers, Mrs. H. Fischer, Mr. Emberg, Mr. Poulsen, Mr. King, Mr. Riley and Mr. Hellenthal, amendment of Article on Preamble and Bill of Rights:

Strike lines 1 through 5 on page 1 and substitute the following:

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

Mr. Taylor objected. Mrs. H. Fischer seconded.

Mr. White moved to amend the amendment by striking "to God and". Mr. Laws seconded.

After discussion by Mr. White, Mr. Doogan and Mr. Hellenthal, a recess was ordered.

AFTER RECESS

Mr. McLaughlin moved the previous question. Mr. V. Fischer seconded. On voice vote the previous question was ordered.

On voice vote Mr. White's amendment to the amendment failed.

Mr. Harris moved the adoption of the following amendment to the amendment: Insert "Almighty" before the word "God". Mr. Hinckel objected. Mr. Coghill seconded. The roll was called with the following result:

Yeas:	24 - Armstrong, Awes, Coghill, Davis, Doogan, H. Fischer, Harris, Hellenthal, Hermann, Johnson, King, Knight, Londborg, McNees, Metcalf, Nerland, Nolan, Peratrovich, Reader, Robertson, Sweeney, VanderLeest, Walsh, Wien.
Nays:	24 - Barr, Boswell, Buckalew, Emberg, V. Fischer, Gray, Hinckel, Hurley, Kilcher, Laws, Lee, McCutcheon, McLaughlin, Marston, Nordale, Poulsen, Riley, R. Rivers, V. Rivers, Smith, Sundborg, Taylor, White, Mr. President.
Absent:	7 - Collins, Cooper, Cross, Hilscher, McNealy, Rosswog, Stewart

and so the amendment failed.

The question being "Shall the amendment to the Preamble be adopted?", the roll was called with the following result:

Yeas: 49 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Lomborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Mr. President.

Nays: 2 - Laws, Wien

Absent: 4 - Collins, Cooper, Hilscher, Stewart

And so the amendment was adopted.

Mr. Johnson moved the adoption of the following amendment to Section 1: Page 2, lines 1 and 2, insert a comma after word "rights", strike word "and" on line 2 and after "opportunities" insert "and equal protection". Mr. Robertson seconded.

After discussion by Mr. Johnson, Mr. Sundborg suggested that the amendment be amended to strike the word "equal". Mr. Johnson asked unanimous consent that Mr. Sundborg's proposed amendment to the amendment be adopted. There being no objection, it was so ordered. Mr. R. Rivers asked unanimous consent for the adoption of Mr. Johnson's amendment. Mr. Hellenthal objected. On voice vote the amendment was adopted.

Mr. Buckalew moved the adoption of the amendment to Section 7 which had been held while copies were made available. Mr. Taylor seconded. After a suggestion from Mr. McLaughlin, Mr. Buckalew asked unanimous consent to amend the amendment by striking the words "land or naval" and inserting the word "armed". There being no objection, it was so ordered.

Mr. Metcalf moved and asked unanimous consent for the adoption of the following amendment: Strike last sentence of amended Section 7 and substitute the following: "The grand jury shall consist of at least twelve citizens, three-fourths of whom concurring may find an indictment or true bill." Mr. Buckalew objected.

After Mr. R. Rivers and Mr. Hinckel spoke, Mr. Taylor rose to a point of order that the amendment was out of order. The President stated the amendment was in order.

After discussion by Mr. Sundborg, Mr. Robertson, Mrs. Hermann and Mr. Taylor, a short recess was declared.

AFTER RECESS

Mr. Metcalf asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Mr. Metcalf moved the adoption of the following amendment to the amendment: Delete last sentence of amended Section 7 and add: "The grand jury shall consist of at least 12 citizens, three-fourths of whom concurring may return a true bill." Mr. Buckalew seconded. Mr. R. Rivers asked unanimous consent for the adoption of the amendment. Mr. Hellenthal objected. The roll was called with the following result:

Yeas: 23 - Boswell, Buckalew, Coghill, Cross, Davis, H. Fischer, V. Fischer, Gray, Hermann, Hinckel, Hurley, Mc Cutcheon, Metcalf, McKees, Marston, Metcalf, Merland, Nolan, Riley, R. Rivers, V. Rivers, Sweeney, Mr. President

Nays: 29 - Armstrong, Awes, Barr, Doogan, Emberg, Harris, Hellenthal, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, Nordale, Peratrovich, Poulsen, Reader, Robertson, Rosswog, Smith, Stewart, Sundborg, Taylor, VanderLeest, Walsh, White, Wien.

Absent: 3 Collins, Cooper, Hilscher

And so the amendment to the amendment failed.

Mrs. Hermann moved the adoption of the following amendment to the amendment. Delete the last sentence of amended Section 7 and add: "The grand jury shall consist of at least 12 citizens, a majority of whom concurring may return a true bill." Mr. Hellenthal seconded. On voice vote the amendment was adopted.

Mr. R. Rivers asked unanimous consent for the adoption of the following amendment: Insert the word "section" after the word "this" on the fourth line of the proposed Section 7. There being no objection, it was so ordered.

Mr. Barr moved and asked unanimous consent for the adoption of the following amendment to the amendment: at the end of Section 7, as amended, add the following paragraph: "The power of grand juries to investigate and make recommendations concerning conditions detrimental to the public welfare or safety shall never be suspended." Mr. Buckalew objected. Mr. Johnson seconded.

Mr. Sundborg moved and asked unanimous consent to amend the amendment to the amendment offered by Mr. Barr by striking the words "detrimental to" and inserting the word "involving".

Mr. Riley rose to a point of order to state there was already an amendment to the amendment on the floor.

The President stated Mr. Riley was correct and asked Mr. Barr if he would withdraw his amendment to the amendment and submit a revised amendment in its place.

Mr. Barr asked unanimous consent to withdraw his amendment to the amendment. There being no objection, it was so ordered.

Mr. Barr asked unanimous consent for the adoption of the following amendment to the amendment: At the end of Section 7, as amended, add the following paragraph: "The power of grand juries to investigate and make recommendations concerning conditions involving the public welfare or safety shall never be suspended." Mr. Johnson seconded. After voice vote was taken, the President announced that the amendment to the amendment was adopted.

Mr. V. Rivers appealed from the ruling of the chair and requested a roll call vote.

Mr. Johnson moved that the ruling of the chair be sustained.

The President stated that Mr. Johnson's motion was not necessary; that the Chair is required to put the question whenever anyone requests an appeal from the ruling of the chair.

The question being, "Shall the ruling of the chair be sustained?", the roll was called with the following result:

Yeas: 44 - Armstrong, Awes, Barr, Boswell, Coghill, Cross, Davis, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Lomborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Merland, Nolan, Nordale, Peratrovich, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien.

Nays: 8 - Buckalew, Doogan, H. Fischer, Laws, Riley, V. Rivers, Smith, Mr. President.

Absent: 3 - Collins, Cooper, Hilscher

And so the ruling of the chair was sustained.

Mr. Robertson asked unanimous consent to move the previous question. There being no objection, the previous question was ordered.

The question being, "Shall the proposed amendment to Section 7 as amended be adopted?". On voice vote the amendment was adopted.

Mr. Buckalew called attention to the presence in the gallery of Speaker of the House of Representatives Wendell P. Kay and Representatives Raymond Plummer and Ken C. Johnson. The President stated that the Convention was pleased to have them visit and a hearty greeting was extended by the delegates.

Mr. Hellenenthal moved the adoption of the following amendment to Section 10: Following the first sentence insert "Wire tapping or obtaining unauthorized information by other technical means or devices is prohibited. Evidence obtained in violation of this section shall be inadmissible in the courts." Mr. Doogan objected. Mrs. H. Fischer seconded.

After discussion by Mr. Doogan, Mr. Hellenenthal and Mr. McLaughlin, Mr. Metcalf stated he had an amendment to offer to the proposed amendment. Mr. V. Rivers also stated he had an amendment and requested a recess so that the matter could be discussed. There being no objection, the President declared a short recess.

AFTER RECESS

Mr. Hellenenthal asked unanimous consent to withdraw his original amendment. There being no objection, it was so ordered.

Mr. V. Rivers moved the adoption of the following amendment to Section 11 as offered by Mr. McNealy, Mr. Hellenenthal, Mr. Armstrong and Mr. V. Rivers: Page 4, line 12, at end of line 12 add the following: "The right of privacy of the individual shall not be invaded by use of any electronic, or other scientific transmitting, listening or sound recording device for the purpose of gathering incriminating evidence. Evidence so obtained shall not be admissible in judicial proceedings or legislative hearings." Mr. Armstrong seconded.


After discussion by Mr. White, Mr. Davis, Mr. Armstrong, Mr. McLaughlin, Mr. Johnson, Mr. R. Rivers, Mr. Doogan, Mr. Barr and Mr. Metcalf, Mr. Sundborg moved and asked unanimous consent that, subject to committee and other announcements, the Convention adjourn until 9:00 a.m. Saturday.

Mr. V. Fischer requested that the amendment just introduced be mimeographed before the Saturday plenary session. Without objection, it was so ordered.


Mr. Coghill moved to recess until 8:00 p.m.

The President stated that since Mr. Sundborg's unanimous consent request was before the Convention, action would have to be taken on it first. In view of the objection from Mr. Coghill, Mr. V. Rivers seconded Mr. Sundborg's motion to adjourn. On voice vote the motion carried.

The Convention adjourned at 5.40 p.m. until 9:00 a.m. Friday.


THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President