Call number: 01-79-09 PT. 1

Name: General discussion

Date and place: 10/17/1976, University of Alaska Fairbanks

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Date of summary's creation: 4/12/16

Notes: Original on cassette tape. Master copy on CD.

Recording begins mid-sentence with a man's voice calling for summary reports from the sessions. First one will be from Jack C. [John C.] Doyle who is the executive director of Alaska legislative affairs agency.

Jack addresses the audience and starts giving an account on the legislative branch workshop that was a good one. They had Steve McCutcheon present. He was the chairman of the legislative article at the convention. Speakers Mike Bradner and Tom Bink [sp?] were there, and a junior member of the legislature, Clark Gruening. Fred Pratt from Fairbanks Daily News-Miner was there too.

- 2:51 Jack talks about the format they followed in the session and mentions things that people talked about in them. Steve McCutcheon's presentation left the impression that the article has held up well. There were several suggestions for changes, but all the changes could be done by changing laws or legislative rules.
- 5:33 They discussed unicameralism and Steve McCutcheon pointed out that they had adopted some features of unicameralism [examples]. No one really rejected nor endorsed unicameralism.

They talked about free conference committee. [Talking about the speaker's views on unicameralism and free conference committee that could be abolished easily but is in place because of public support. They shouldn't adopt unicameralism as a way to get rid of free conference committee.]

8:25 [Talking about handling salaries, time limits, and the electorate.] The speaker says he is discouraged because people don't understand fully, as far as electorate goes, what the government is all about.

[Talking about people who run for office without understanding how everything ties together. Changes in legislative branch won't matter so long as people who are newcomers to the government don't understand them. They are also too boring for people in media to talk about.]

13:12 They have failed to have the enlightened electorate that they hoped for with the

oncoming of the statehood act. The speaker thinks that they aren't equipped to demand the best out of their elected officials and ends his speech.

The chairperson thanks Jake Doyle [sp?] for his summary. He calls Katherine Fanning, editor and publisher of Anchorage Daily News and chairman of human rights and public responsibilities, to speak.

14:40 Katherine thanks Governor Egan. She tells that their panel consisted of Dorothy Holland, Lisa Rudd, Ad Rose [sp?] who is an attorney general, Lee Gorsuch who filled for C. R. Lewis who was supposed to be on the panel, and Sam Kito.

Katherine characterizes their panel as lively but feels that there was a lack for more conservative viewpoints.

16:09 Human rights and public responsibilities panel concluded that the articles in the constitution had provided solid framework for evolution of state law and nobody thought that major changes were needed.

[Talking about Native rights and lack of Native participation at the Constitutional Convention. Summarizes points on their discussion about subsistence, rural education, and people's right to privacy.]

20:00 [Summarizes concerns over grand jury, right to bail, and discusses other suggestions concerning the legal system that were brought up. They also talked about education, structures of higher education, and the need for new constitutional convention.]

Catherine ends her speech, applause.

24:46 The chairperson thanks Catherine for the fine report and calls Tom Morehouse who will provide a summary on the executive branch workshop. Present were: John Hellenthal, John Borbridge, Andy Warwick, John Havelock, Chancy Croft, the president of Alaska State Senate.

[Tom Morehouse summarizes their discussion about the need for a strong executive to represent Alaska in resource development matters, for example. Accountability of a strong executive is enhanced in a small state.]

26:56 Tom tells that they looked at specific sections of the article and they didn't find particular problems, except from the section that relates to selection of lieutenant governor. They agreed that it was a good thing that lieutenant governor was a running mate to the governor, but it wasn't good that their pairing might be accidental after the primaries.

There weren't many more problems with sections. [Talking about some sections that were deemed unproblematic.]

28:47 [Discussing whether strong executive concept has eroded when looking at executive legislative relations. Legislature has been challenging the governor over various issues. They reached a conclusion that the strong executive has forced legislature to be more responsible and the strong executive is balanced by strong legislature.]

30:08 There was some discussion of new institutional elements that arise in state government. [Talking about institutional elements, like palace guards who shield the governor because of his naked power.]

[Summarizing talks about permanent fund and then about need for self-governance that underlied the statehood movement.]

33:23 Governor Egan thanks Mr. Morehouse for the fine presentation. He invites Attorney Andrew Kleinfeld to speak. Andrew starts by summarizing Judge Ed [Edward V.] Davis' review on pre-statehood history of judiciary in Alaska, which explains why Alaska partially uses the Missouri plan for judiciary selection. He also pointed out that judiciary processes don't raise interest in general public. The apathy might indicate public's satisfaction with the judiciary.

Judge Davis said he wouldn't change the judiciary article at all and all the members of the panel felt the same way.

36:51 He was concerned with some administrative developments that have taken place recently. There was controversy about administrative aspects of development of judiciary. Judge Davis thought that appointing superior court judges for "every little hamlet," fragments the court system overlay. [Talks more about the critique and comments about Alaska's judiciary branch.]

39:52 Chief justices aren't chosen for life anymore but they are selected by other justices for three year terms. Also, the administrative director is now appointed by the entire court and not by chief justice. These changes are reactions to having a strong chief justice.

[Talking about rule making in court instead of in the legislature.]

43:33 Judge [Jay] Rabinowitz talked about increasing numbers of appeals because of which it is hard to give enough attention to each case.

Millard Ingram, who is a practicing lawyer and a former president of the bar association, wouldn't change the constitution and he felt that the unified court system was good.

One suggestion that Millard shared, dealt with district courts that should be combined with superior court. In rural areas, that would economically extend judicial services and ease hiring lawyers.

46:18 Millard had questions about retention elections. [Talks about retention elections and terrible judges.]

49:08 Peter Aschenbrenner who's a practicing lawyer and a United States magistrate in Fairbanks thought that retention elections have been a problem because public lacks information about the judges but they are trying to give more information about the judges now. There's hostility toward lawyers.

[Summarizing what Art Hippler talked about providing justice to rural areas. Conciliation panels could provide an arbitration system and they have been experimented with.]

53:41 [Talking about audience members' contributions to the discussion.]

56:00 [Mentions discussion about problem of serving rural areas of Alaska in which people had various suggestions. Talking about the excellent judiciary in Alaska, appointing judges, and having retention elections.]

Talking about selecting state judiciary council, their high mindedness, and the method of selecting judges which includes polling the bar association on applicants. [Talking about dangers of changing the constitution which would prompt changes in unwritten customs. They don't want to change the judiciary article because it's better than anywhere else. End of speech.]

1:01:42 Egan thanks Andy for the presentation and asks Jim Doogan to speak. Doogan says that he wasn't the chairman of the local government committee, but the chairperson had to leave already and asked Doogan to make the presentation.

Doogan says it was an interesting workshop and lists people who were present [see ORAL HISTORY 01-79-06].

1:03:56 Doogan says that they started with history of local government article and thought that it seemed vague in many areas. It could have been more specific but they realized that if it was more specific, it would have caused problems.

[Talking about setting up local government article.]

1:06:12 Rural areas suffered from local government article because of lack of effort in implementing it. [Talking about home rule, and why it hasn't worked as well as it should have.]

1:08:14 Talking about service area concept of the local government article.

[End of the recording is sudden.]