

Call number: 01-79-05 PT. 1 SIDE A

Name: Human Rights and public responsibilities – Katherine Fanning, Dorothy Haaland, Lisa Rudd, Avrum Gross, Edward Gorsuch, and general discussion.

Date and place: 10/16/1976

Summary created by: Varpu Lotvonen

Date of summary's creation: 10/05/15

Notes: Original on 10-inch reel. Master copy on CD.

[Recording begins with an unclear woman's voice speaking.] [Unclear] is the president of the Social and Economic Research at UAF [unclear talking, laughter].

5:07 [The speaker changes? Unclear talking until 31:55.]

31:55 A man's voice says that human rights articles such as the Bill of Rights are a little different than other portions of the constitution while the rest of the constitution talks about government powers and how the government works. The human rights article talks about what the government can't do and what rights the people have that can't be [unclear] by the government. As a result, the human rights article, more than any other article, [unclear] as courts interpret it. Individuals and the government end up in court. [Unclear talking.] [Unclear] new ground in human rights interpretation. The speaker doesn't agree with that [unclear]. They live in a society in which there has to be more and more rules, as large numbers of people try to live together, so that they don't step on each other's toes. One of the inevitable consequences of that is that individual freedom has to give way to mass rule in the society. [Unclear talking.]

33:48 Bills [?] 5, 6, and 7 of the human rights act talk about the same basic kind of a thing. Section 5 is the right of people to speak [unclear] use of that right. Section 6 talks about the right to assemble [unclear] government and section 7 talks about [unclear] and the right of citizens to fair and just treatment in court of legislative and executive investigation.

[Unclear article] written in 1950s, when congress [?] and civil rights were coming under serious attack primarily under fear of communism. There were congressional investigations going on and [unclear] so when Alaska constitution was written, they wanted to state the rights of an individual in the political process, free of

unnecessary government interference especially in congressional, legislative and executive investigation. Right after that [unclear talking].

Rights to association and rights to gather for political purposes that were specifically affirmed in Section 6 and they have led to different kinds of problems that stem from public disclosure law.

36:00 During the 1950s, when they were talking about the right to assemble, they were talking about situation in Alabama where government monitored membership lists of civil rights groups. The Supreme Court made a clear decision that right to association was guaranteed and the government didn't have right to have the membership lists. That law lasted until recently when public disclosure law required candidates to disclose the sources of their funding and how the funding was used.

That is causing a dilemma for the state [of Alaska] right now. [Unclear talking.] Advocate a position rather than a candidate. U.S. Supreme Court has thought about the issue but the state Supreme Court never has. Supreme Court said that they can require people to disclose [unclear] candidates. Government agrees that voters have the right to know where candidates get their money from but that's different from asking organizations to publish their membership lists. [Unclear talking.]

People quickly wonder that if they [who?] are a political group, why don't they disclose who they are, but because they are a political group in a larger sense and not candidates, they don't have to disclose that. [Unclear talking.]

38:37 The grand jury [unclear talking.] They are wondering if the grand jury truly is effective in protecting the public [unclear]. The speaker questions their effectiveness.

Second function of the grand jury is unfortunately often viewed [discontinues the thought.] What grand jury does is absolutely [unclear]. If they choose to investigate a public official or anything else, [unclear talking.] [Unclear talking.] They can destroy someone's reputation without the person being able to do anything about it.

41:49 [Unclear talking, discussion.] A woman's voice asks if there are alternatives to grand jury. The previous speaker says that right now, the grand jury is the executive arm of [unclear]. People can require them to disclose what they know. [Unclear talking.]

Section 11-12 has to do with right to [unclear] in criminal cases, especially in [unclear]. Right to bail is an absolute right in Alaska except in capital offences. Bail is the least understood of all civil rights and every once in a while, [unclear]. [Unclear talking.] In the system where a person is innocent until proven guilty, even serious offenders have the right to bail. If the court is convinced that an individual wouldn't show up for hearing, they have the right to deny bail. [Unclear talking.]

45:00 Section 12 also talks about [unclear] that are supposed to protect the public. The executive article of the constitution also contains [unclear]. It requires legislators [unclear]. [Unclear talking.]

The most important thing in their bill of rights is the [unclear]. The speaker thinks that they are going to get more dependent on their right to privacy than in any other section in the bill of rights because the power of the state is more sophisticated and complicated, [unclear] under radar of electronic surveillance. [Unclear] invasions of privacy. [Unclear] communication devices in their homes so the government knows what they are doing. The right to privacy reflects the citizen's concern about it.

48:07 The only time [unclear] has been to a very emotional area has been the right to smoke marijuana in one's own home and that has [unclear] all kinds of other motions. The basic right of people to do things in their own homes unless the government concludes that they have a substantial interest in coming into one's home, is going to be remembered a long time after people forget that marijuana was even involved in that case.

[A woman's voice asks something unclear. Unclear talking.]

[End of the recording.]