

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

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

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

The recording begins with unclear talking about Native land claims. A man's voice says that there's a basic acculturation theme underlying the constitution. It says that all the citizens should be able to read and speak English, but there's a large Native population who do not. [Unclear] 1972. In a sense, there's a melting pot theory that [unclear talking]. There's the question in American Indian community about the applicability of Native ways to Western ways and whether or not American Indians and Alaska Natives are treated justly by the U.S. system of justice.

2:19 Alaska is somewhat different from many American Indian groups in that they don't have the series of treaties that bind many other tribes. In Alaska, where those treaties between sovereign powers don't exist, the question of whether the Alaska Constitution should [unclear] any freedom of culture provisions that would bestow upon [unclear] certain rights. Concerning right to subsistence, the U.S. constitution and state constitution prohibit discrimination based on race, color, or creed. Giving special subsistence rights to some groups would be in clear violation of U.S. Constitution.

The issue is hotly debated in Northwest where some Native groups have been bestowed with fishing rights according to treaties that were signed by the Native group and U.S. government. It is thought that they should be treated equally as other United States citizens. [Unclear talking.]

4:30 In Alaska, the question is not about any treaty but of whether or not they, as a society, see some value in [unclear] that should be preserved and if it should be preserved, how it could be done without infringing upon basic human rights that are governed by U.S. Constitution and Alaska State Constitution.

[A woman's voice says something unclear. Unclear talking and discussion.]

9:01 A man's voice says that shortly after the constitution was adopted, [unclear] constitutional convention delegates allowed it. [Unclear discussion.]

A woman's voice says that she wants to follow up on support for education [unclear]. [Unclear discussion].

12:37 [More unclear talking.] A man's voice says that they had WNCP and NCP, people voting [unclear]. They didn't know "what human rights would be 20 years from now" and the speaker is glad that they decided to have "a living human rights section." [Unclear talking.]

They still have old buildings from the time when [Charles E.] Bunnell kept the place [University of Alaska Fairbanks] together. He would call [Austin E.] Cap Lathrop and ask for money to pay salaries.

15:00 Sheldon Jackson was still in high school and the speaker got "there" in 1956, when one couldn't call it a college. [Unclear] in minds of Methodists. [Unclear talking.]

[A woman's voice says something unclear.]

17:31 A man's voice says that it's been 20 years, but he still remembers the emotions that they had towards the institution. They argued about whether the Lions or the Elks should have a fire department or if public services should be built with public money. They addressed the issue that public money was going to go to selected few and wouldn't be governed by the people who paid public money. The speaker "took whiplash" from saying that at constitutional convention [unclear].

He thinks that the amendment that they are facing is good, but also that they have to stand on the governing body or the people who are paying the tax dollar to support that student and have the right to dictate how the student is supported. The speaker says that if they do that, the tax dollar has to build nice libraries and such for the institutions. They might have private institutions upgrading over and above what the public institutions in the same area can build.

20:01 They were only talking about kindergarten-high school area because during the territorial days, they had situations where laws weren't strong enough for being able to regulate things like kindergarten. In one instance in Anchorage, a 7th Day Adventist group had a kindergarten and 1-2 grades and there was no way the commissioner of education could make their curriculum stick because Organic Act didn't provide for that to happen. The speaker thinks that lots of the things they

wrote in the constitution were a result of what was written in the Organic Act of 1912.

They had the privilege of the society because the society thought that they were playing games with the University of Alaska, which wasn't true.

A woman's voice asks people to identify themselves when they speak. [Unclear talking.]

22:47 A man's voice says he's not sure if higher education can survive without some form of public custody and that maybe they should rather talk about what form public education is going to have.

Another man's voice says that that's true and that they've also gone a long way in civil liberties in their society. In "those days," there were strict rules imposed upon the people who would go into those private institutions. That has changed and the institutions have changed. If they give aid to students as an amendment, there also has to be some form of responsibility upon the institution to guarantee the public that they are getting their dollars' worth.

Don Hopkins introduces himself and says he wants to change subject. He says that one of their objectives is to have equal justice for all. Almost everyone can admit that they don't have equal justice for all and there haven't been many suggestions to attempt to create more justice.

Don has one idea that he'd like to present and have comments for. He continues that the common belief is that everyone is innocent until proven guilty. [Unclear.] He wants to suggest that there should be a third option: A person could be indeterminate.

25:39 When a person is determined to be guilty, he shouldn't be punished and if found innocent, he shouldn't have special privileges. The cost of justice is very high on the public. Don thinks that the person who is found innocent should be reimbursed for his time, and the person who is found guilty should pay for damage that his actions have caused everybody.

28:15 Don says that he also has other ideas about the justice system. Civil cases are difficult for poor people to pursue and the matter of rehabilitation is another issue. He'd like the panel to comment on the idea that he presented about adding indeterminate as a category in addition to guilty and innocent.

[Unclear talking by several people.]

30:08 John Pauling [sp?] from Nome introduces himself and says that he thought that they had a legal aide system that would reimburse people who are victims of crime. He thinks that under their present system, they could realize everything “this man has presented” without changing anything. [Unclear comment.]

Joe Kilcher from Homer says that his contributions to the convention are small and often overlooked, but that he’s proud of [unclear] martial law. Martial law has [unclear], but it has a direct bearing on human rights. The combination [unclear]. [Unclear talking.]

He was never in accordance with the strong executive article but was trying to strengthen the legislature as much as possible and in future he’s intending to [unclear].

33:46 As it was originally passed, the martial law article said very innocently that in case of imminent war and rebellion, the government shall [unclear]. He managed to convince his colleagues that the wording should be changed into “in case of imminent war and actual rebellion.” [Unclear.]

37:15 A man says that the words the constitution used were “war or actual or imminent invasion.” It’s interesting [unclear] after the earthquake in 1964 [unclear]. The attorney general flew to Anchorage and everybody [unclear]. He was being asked by the media when the governor was going to declare martial law and if he could do that. People instantly look to the military in situations where they are [unclear]. That’s a problem and they were sensitive to that when they wrote the constitution.

[Unclear talking.] It gave the governor the right to declare disaster, to confiscate property, and to draft able bodied [unclear]. It is a federal government. [Unclear talking.]

41:16 [A man’s voice, probably Joe Kilcher, says something unclear.] A woman’s voice says they are going to take a 5 minute coffee break.

[End of the recording.]