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

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

[Recording begins with unclear talking about Native land rights and land claims.] The man talks about changing Mt. McKinley's name to Denali. [Woman's voice says something unclear.]

4:57 [A man's voice says something unclear.] State constitution has nothing that recognizes Alaska Natives as original inhabitants of the territory. [Unclear talking. Historical and cultural preservation are mentioned.] There has been the whole civil rights and human rights movement in United States that culminated in 1960s. They saw a transition [unclear] rather than urban black [unclear].

Today, there is a great deal of federal legislation that fosters the notion of cultural diversity and numerous laws that provide for [unclear] and programs that foster and preserve cultural diversity. There is a potential constitutional issue on the question of whether [unclear] Indian Education Act that provides federal funds for purposes of educating Indian children is discriminatory for non-Indian children.

7:23 [Unclear talking about state and federal funds.] Some American Indians have treaties while others do not [which complicates the situation]. United States constitution has not been found [unclear]. It should be recognized [unclear]. Interest in cultural diversity has been primarily enacted through various pieces of legislation that provide various minority and ethnic groups more access to the process of the government and public programs.

The speaker thinks that Alaskans ought to [unclear] that are intended for preserving the cultural diversity of the state. In times of rapid economic gain, there are politicians who [unclear].

9:15 Rural and Native lifestyles are facing rapid change. They want to preserve some quality of life [unclear]. There's a question of whether Native residents who

live off the land should be given privileges but the counter argument is that privilege should be economically based [unclear]. That raises a fundamental constitutional question [unclear]. [Unclear talking.]

11:00 [Unclear talking about education system in rural areas.] The man says that too often people look to the court system to enforce civil rights, assuming that if anything goes wrong in the society, the judges will fix it. Then the people wonder why judges are usurping all the power, [but that is] because nobody else is doing anything.

The speaker thinks that civil rights should be equally enforced by the executive and legislative branches as they should be by the judicial branch. There is a question of how to resolve the issue of having schools in rural areas without having judges telling them how to run their schools. They are thinking about how to provide meaningful education for rural students that are mostly Native. [Unclear talking.]

The government submitted [unclear] the legislature to instructs schools in rural district [unclear]. Voters will have a chance to vote directly on how the case will be resolved, politically or judicially. [Unclear.] The speaker hopes it will pass because it represents a political settlement. It's a political decision that should be made by the legislative branch and not the court. It's the first time they are trying to do that.

13:58 Carolyn Bird [sp?] introduces herself and says that she's a correspondent law student and that this morning it was pointed out to her that "this session was for the 55-Club" and that's why she is going to read the general purpose of the [unclear]. She reads a section, and says that her point is that the purpose of the meeting is to include "all of us" and not just the 55-Club.

Carolyn continues that she can hear from Juneau that "our sovereignty has been taken away from us." That's done through 25th Amendment. Carolyn says that 25th Amendment is unconstitutional and in conflict with Article 2 that says that president and vice-president must be elected instead of being appointed. The second section of article 2 says that no senators or representatives or persons in high trust must be appointed an elector. Carolyn explains that an elector means a voter.

16:18 When congress introduced the 25th Amendment and Richard Nixon appointed Gerald Ford, they all appointed themselves electors, which is unconstitutional. In State of Alaska, they have a United States Amendment that's completely unconstitutional and supposedly ratified by the state.

Carolyn thinks that's not right because "we the sovereign citizens" are the principle in the contract with their government. They are paying "for all these people to stay within U.S. Constitution" but they haven't done that. One can't have a mutual contract unless one has principle involved in knowing what has been done. It isn't ratified and "we are challenging it." Carolyn wants everyone to realize that right now, the president of United States isn't an officer of their country and neither is the vice president.

Article 2 was based on New York constitution of 1977 that said that the governor shall be elected by the people and not be appointed by the legislature. Carolyn wants people to realize that it's a part of responsibility. She thanks the audience.

18:14 [Another woman's voice says something unclear.] S. [Seaborn] J. Buckalew, a delegate from Anchorage, introduces himself. He says that first off [unclear]. Grand jury system today is different from grand jury system of when Alaska was a territory. [Unclear talking.] Now the prosecutor's duty is to be an advocate while at the same time they have a duty to [unclear]. Buckalew has reservations about whether the grand jurisdiction should be changed and to what. If there is something wrong with the system, the grand jury could address that. [Unclear talking.]

If grand jury charges a citizen with a crime such as embezzlement, [unclear]. He thinks that what the judge would do is to send the grand jury back and point out [unclear] section and ask them to reconsider [unclear]. Buckalew doesn't think that the situation would really happen, or at least he doesn't hope it would. [Unclear talking.]

21:17 [Unclear talking.] Buckalew doesn't think that not proved verdict would help their situation. He thinks that most Americans accept the idea that a person is innocent until proven guilty and they understand that that isn't overcome until the jury gives the verdict. [Unclear.] The speaker thinks it would be awfully hard to improve on that system and he would be reluctant to tamper with it.

He says that he has observed criminal prosecutions for over 25 years and he thinks that the quality of justice is probably [unclear]. When they talk about the rights of the accused, the whole system is under a saw. [Unclear talking.] They have problems in the society and the judicial system isn't going to be able to cure all the evils. [Unclear.] Buckalew doesn't see people treated differently in the judicial system based on race. Judicial council [unclear] everything that judge says, keeping tabs on how many Natives or Caucasians judge sentences.

24:46 Buckalew says he thinks that most of the judges are aware that every effort must be made to ensure equal rights for all citizens. Buckalew doesn't know how to handle some of the problems in a constitution because theoretically, the basic fundamental task in the system of government is citizenship. If a person is a U.S. and Alaskan citizen, their right should be equal to everyone else's. It looks to Buckalew that if citizenship is [unclear], there's no way the judicial system could look at different ethnicities differently. [Unclear talking.]

As Buckalew recalls, some of the lawyers were [unclear]. [Unclear talking.]

26:49 A woman's voice thanks Judge Buckalew. [Unclear talking, then the recording volume increases.] Two, whether they need another constitutional convention. Three, [unclear] Judge Buckalew's opinion that things are in pretty good shape.

[Another unclear woman's voice says something.] They have been able to deal with all kinds of problems and situations that were probably not conceived by delegates [unclear talking.] The woman's voice says they have talked quite a bit about what has happened in the past and she would now like to look at the future.

32:37 A man says that the answer is academic on all three of them [what?] He says that they don't need another constitutional convention because he doesn't think that the constitution is cluttered by amendments to the extent that they would have misdirected the basic concern that the delegates had in 1955. If they had another constitutional convention, they would open the constitution up for temporary situations and their document would be 50-times than what it is now. There's a definite division between constitutional and legislative law and the speaker will leave that to attorneys.

It [the constitution?] has worked well over the past 20 years but parts of it could use strengthening. One of the areas that need to be strengthened is the educational article that cuts the University completely loose from the administrative and legislative branches. They have the vehicle within the constitution to do it through legislative law.

33:55 The speaker says he was quite interested in the comments about subsistence hunting and the constitution provides for that. The fault lies in effectiveness of legislative enactment and thinking as they tried to pose a solution to a subject. He thinks that they, as humans, weave a web like spiders do, and end up getting tangled in it. They should have had a legislative review every 10 years of the statute. That's one of the areas that they argued about in the legislative side.

On the human rights area, they failed to address the big government – the fact that government has become the focal point of business and private lives whereas when they wrote the constitution, individual lives were the focal point. They didn't write in enough to prohibit rules and regulations by inference that the legislature has lazily bestowed upon some agencies. They have turned the legislative process over to a bunch of bureaucrats.

35:59 The quiet revolution that is going on in the state and in the nation is happening because the three branches of government aren't the ones running the government today but it's the bureaucracy that has, by legislative act, got itself a [unclear] where the general population no longer [unclear] to it. When mandatory fines are imposed, they weaken the declaration of human rights. They should have said "in here" [in the constitution?] "that no law should be passed where they delegated the authority over to an agency that infringes to impose a position against an individual because of an act of misdeed." The speaker thanks the audience.

37:19 A woman's voice says she wants to [unclear]. A man says something unclear about federal legislature.] Government is more complex today and has more problems. [Unclear talking.]

Federal government treats Natives differently than whites, which causes problems. Constitution of United States gives Congress the power to deal with Native groups [unclear] but it also says that states have to give citizens equal protection of law. "What Congress may do, we may not, and we are prohibited by federal law from granting special privileges to any [unclear] group, Native or white."

As a response to a question of whether constitution [unclear]. The speaker thinks that the human rights article has worked very well and it has been amended as needed. In 1970, they were voting whether or not to have a constitutional convention and it [what?] passed. [Unclear talking.]

39:31 The speaker recalls being very leery about being in the constitutional convention because in the 1970s, they had terrible reactions to some U.S. Supreme Court decisions and there was unrest on many university campuses. Civil liberties were pushed to their absolute extreme. Everybody was angry and upset and the speaker was afraid that "this document" might be destroyed.

Now times are calmer and people tend to [unclear] from a more standoffish viewpoint. The speaker isn't afraid of what would happen at a constitutional convention.

40:48 [Unclear cross talking.] A woman's voice says that they are down to last 5-10 minutes of their session. A man's voice says that he wants to comment on [unclear]. He mentions health, education and development section of the University of Alaska and says that there were no papers that were drawn by legislative committee and there were backup papers for many other areas. [Unclear talking.]

If they have a constitutional convention within 10 years, and the speaker hopes they will, there should be some real thought given to "that" [what?] that comes from research. As the university grows, they need to find the best way to administer a state university system in Alaska.

Provisions on property [unclear] according to law. It's important that the Regents be subject to a confirmation by the majority of members who [unclear]. They have to take into an account that "those were really appointed as being responsible people." [Unclear] in accordance to law formulate policy.

They need to examine all of those things in state of New Mexico where they have regents in each of the main campuses. [Unclear] and backup papers within the constitution.

43:06 [The moderator says something unclear.] [Unclear comment.]

The moderator thanks the previous speaker and says that they are ready to close the session after she briefly summarizes what was being talked about. [Unclear talking.]

47:20 A man's voice says that he would like to address a question to the original delegates. He says that in Section 3 that deals with Constitutional Convention, [it says that] if constitutional convention isn't held over a 10-year period and lieutenant governor ask if there is going to be one and the answers are largely negative, the question doesn't need to be placed on ballot until the end 10-year period.

The man says that he addressed the question to the lieutenant governor and his staff interpreters thought that lieutenant governor shall not place the question on ballot until the next 10-year period. The constitution says that the question needs not be placed on ballot but the lieutenant governor has a choice.

The man asks which interpretation was correct. [A woman's voice answers but is unclear.]

[End of the recording.]