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John Bebout, speaker

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Governor Sanford of North Carolina has characterized such constitutions as the drag anchors of state progress and permanent [?] for the protection of special privilege and points of view. The Commission on Intergovernmental Relations reported just a few months before the Alaska Constitution was written that early in its study the commission was confronted with the fact that many state constitutions restrict the scope, effectiveness and adaptability of state and local actions and so make it difficult for many states to perform all the services their citizens require and consequently have frequently been the underlying cause of state and municipal pleas for federal assistance. In striking contrast to many of these older state constitutions the Alaska Constitution in both the making and the working of it is very much for the better as an integral part of the basic law under which the nation is governed. This is because you planned it that way. The convention had from its study of other state constitutions arrived at the same conclusion that had been expressed by Governor Sanford and the Kestenbaum Commission. In a report to the people of Alaska the convention explained that it had determined that the constitution should embody the best of America's 180 years of experience of self-government and should fit the special needs and traditions of Alaska. It determined also that the constitution should be short and flexible to allow for the great changes that the future will bring to Alaska and should provide for a government that is energetic in fostering the growth and development of the whole state and the welfare of all the people. No one would dare to claim that their work was perfect, but in meeting these objectives that it had laid out for itself the Constitutional Convention was remarkably successful. Following the prescription the convention by judicious selection produced a blend of the old and the new. For the basic design they went back to the founding fathers. It adopted the traditional American system of the separations of powers among the legislative, executive and judicial department. These departments were cleanly outlined in the constitution. The convention found that the state governments that worked best were those that conformed most closely to the simple design given to the government of the United States given by the convention of 1787. He talked about the choices of other state governments. This period of the middle of the century to the latter half of the century was an era of expansionism and increasing urbanization. The record shows that the states with the most restrictive constitutions have been plagued with as much scandal and improvidence as those that preserved much of the simplicity of earlier days. He talked about the New York state constitution. The members of the Alaska Convention operated on the essential principles of faith in the future of their great land and trust in those that came after them to cherish and govern it. They had separations of powers and appropriate checks and balances not to prevent government but to prevent the concentration of all governmental power in the same hands. Alaska, one of the newest states, acquired a constitution in the classic American mold because the convention rightly believed that was best suited

to a modern state. The convention worked into this mold a number of provisions derived from recent experience or from its perception of special needs of Alaska. Some of these are important adaptations or inventions that have aroused interest in the rest of the country and mark Alaska as a leader in a trend towards better state constitutions. He noted a few.

The convention strengthened the Bill of Rights in a number of ways. Section one asserts that all persons are equal and entitled to equal rights, opportunities, and protection under the law. He said special point is made of rights made important in recent years hence Section Two and Section Seven. In amending the constitution the people of Alaska have further strengthened the Bill of Rights by including sex in the civil rights provision and adding a new section about right to privacy. A separate article anticipated the national move to allow 18 year olds to vote when the state lowered the traditional voting age from twenty-one to nineteen years. Many state constitutions give lip service to the separation of powers. He said that structure lacks direction or force. The Alaska Constitutional Convention established three strong departments depending on the strength of each to check possible excesses of another. The governor was put in charge by turning away from the long ballot. Alaska pioneered in giving real meaning to the common provision that the governor shall see to the execution of the law. In most states this provision has virtually no effect except in situations in which specific means for carrying out this responsibility have been provided by the legislature and the governor often finds himself in the unenviable position of having what sounds like a constitutional duty which he has no means of discharge. The Alaska Constitution gives the governor direct access to courts to obtain an order that requires any state or local officer or agency to comply with any constitutional or legislative mandate or refrain from violating anybody's right or duty. This gives the governor no arbitrary power, but only the right to call upon the judicial process to adjudicate the power and require public officers to conform to the law. New Jersey has a like provision, but it does not extend to the acts of local officials or agencies. The executive article limits the number of principle departments in the executive branch to twenty and giving the governor the right to make changes in its organization subject to possible veto of executive order by resolution of the majority members of the legislature in joint session. On the judicial side Alaska was one of the pioneers in creating a unified court system that clearly places responsibility in the chief justice and the state supreme court helped by an administrative director for the rules and the administration of all the courts and the efficient use of official man power. Bebout said the most constructive and innovative article in the constitution was that on local government. The first sentence declares a standard that if adopted would bring great benefits to all the state. The sentence: The purpose of this article is to provide for maximum local self-government with a minimum of local government units and to prevent duplication of tax levying jurisdiction. The Constitutional Convention was determined to protect Alaska against the intrusion of second tier government known as counties. The provision of borough government was sufficiently flexible. He commented about his feelings about creation of boroughs and incorporation with city government. Since the convention Alaska has shown a capacity to reverse an error and to keep the number of local governments as sparse as possible. The local government article recognizes the ultimate responsibility of the state for the good government of all its parts. He said local government is the state's biggest business. In the Alaska Constitution there is no power defined as local that can stand against interdiction if the state legislature deems it a matter of state concern. The Boundary Commission, merger, consolidation or dissolution of boroughs or cities clearly establish the state's responsibility for the pattern of local jurisdiction that has much to do with the effectiveness and equity with which its citizens are served and the way which they participate in the governmental process. Thus Alaska recognized the need noted by the Kesslerbaum Commission.

Bebout said another positive recognition of the state stewardship of local government is the constitutional provision for an agency in the executive branch to advise and assist local government. Since the Alaska Constitution was adopted state after state have set up a local government agency or a department of community affairs. He was impressed while at the convention at the meticulous care with which they worked the natural resource article. He said Alaska seemed to be determined to avoid some of the excesses of the older states.

Bebout said not the least of the reasons that the Alaska Constitution is his favorite is the logical organization of the document and the clarity, grace and essential dignity of its language. In these respects it is a fitting companion to the United States Constitution assembly in [17]87 and the language is in striking contrast to much of that of other state constitutions. The excellence of the structure and the writing of the constitution was due to planning. This was due partly to the research of the background materials which focused on the major subject areas which are appropriate to a constitution and didn't go off into other areas which have crept into older state constitutions. The constitution members started out with a smaller number of basic articles. He said there was an excellent committee on style and drafting. A constitution speaks to and for the people.

Bebout said he had a few more observations. He said many of the substantive provisions in the Alaska Constitution have been noted with interest if not always adopted by other states revising their constitutions. The National Municipal League's Model State Constitution is not the real thing. The real thing is the law of the state. He said if any state has a model constitution Alaska comes closest to it and it has been so recognized. The influence of the Alaska constitutional experience on the rest of the country is not to be found only in its substantive provisions. It is also in the manner of the making of the Alaska Constitution. A constitutional convention composed of citizens who are dedicated to an ideal or account of purpose and are ready to put aside transient or secondary considerations for the common good gives everyone something in the nature of a religious experience and this has been noted outside of Alaska. The suggested documents that some of the participants had prepared in advance were a very useful background exercise. The Alaska Constitution developed a clean set of rules. The conduct in the convention in other respects has been passed on elsewhere largely through the Constitutional convention manual. The Alaska experience has extended around the country in a variety of ways.