

To All Alaskans:

In 2022 there will be a ballot referendum, required every 10 years: “Shall there be a constitutional convention?”

The Alaskan Independence Party certainly thinks so. About 10 years ago a group of like-minded Republicans, conservative independents and AIP citizens met in Nikiski, Anchorage and Fairbanks and began to hammer out ideas.

What is submitted below is acknowledged as an incomplete constitution, but it will begin the process of identifying the woes that have plagued liberty and prosperity that have been Alaska’s lot since before statehood: federal control and the fact that we are not on an “equal footing” with the other states in the Lower 48.

In 1955 a “model state constitution” was borrowed from the Rockefeller-funded University of Chicago and was the template that crafted Alaska’s constitution, with of course many modifications.

I have even left standing **Red Font**, which indicated that our group had not fully investigated certain ideas and would need further discussion. Have at it!

In the upcoming convention at the Mat-Su Resort on October 17, 2020, we hope that our delegates will have scanned this and vote to once again call for a constitutional convention --- a “Con-Con”, to begin ending the “con” that was imposed upon us at statehood.

With best wishes to all,
Bob Bird
Acting Chairman of the AIP
10/8/2020

NEW ALASKA CONSTITUTION

PREAMBLE

We the People of Alaska, grateful to God for the endowment of Liberty and Resources, recognizing Him as the author of Life, Liberty and the Natural Law, eager to claim the proper relationship with the People of the several and original states which has been denied, and which by natural right, belongs to us, recognizing that our rights have been violated within the Union of States, understanding that the Statehood Act did not provide an equal footing with the several and original states, and having endured

numerous usurpations from the government of the United States according to the laws of the 1787 Constitution of the United States, hereby ordain and establish this Constitution for Alaska.

Article I: THE NATURAL LAW

The sole purpose of a republican form of government is to protect the Life, Liberty and Property of the people. This Constitution is dedicated to the principles espoused in the Declaration of Independence of these United States of America. The Natural Law, from whom God is the Author, is the basis of all just law, and may never be violated. Any act, statute, proclamation, resolution or court decision performed or declared by any branch of government, that violates the Natural Law, is to be regarded as null and void, unlawful, of no effect, and not binding upon citizens or the apparatus of any level of government.

Natural rights are not granted by any government, but are given to each of the People by God upon conception, extending even beyond death, as recognized by statutory and the common law. Therefore, any listing of rights within this Constitution should be construed, not as granting or endowing people of their natural rights, but as specifically limiting the powers of the state to interfere with the pre-existing, and irrevocable natural rights.

No international, national, state or local government or power may limit, usurp or deny natural rights. This Constitution is pledged to protect the People from such usurpations, from any entity from within or without of Alaska.

This Constitution recognizes the hierarchy of law, in that within the family of laws there are those that possess authority over others, in such order:

1. Natural Law
2. Constitutional Law
3. Statutory Law
4. Common Law
5. Case Law

If any act, decision, decree or order, by the executive or judicial branches, violates the Natural Law, articles of impeachment shall be introduced, without being laid upon the table, and will supersede any and all business, until the matter be investigated through the proper process of committee, and from there, if passed, to be considered by the legislative body for further discussion, amendment and action.

The executive and judicial branches, being subservient to the legislative, shall have no power in the expulsion or impeachment process, except in enforcement.

Article II: THE UNION OF STATES AND THE GOVERNMENT OF THESE UNITED STATES

Alaska declares its desire to become a state within the proper union of the several states, but recognizes that this union is threatened, not by any act of Alaska or any of its sister states, but by the actions of the government of the United States, through its refusal to obey the limitations imposed upon it by the

states and the people, through the instrument known as the Constitution of the United States of 1787, as lawfully and properly amended.

The People of Alaska hereby declare that the membership in the Union of States, stylized by the name "United States of America", is flawed, and not in conformity with the Constitution of the United States of 1787; nor are given the same rights retained by the people of the several states; they further declare that membership in the union is voluntary, and by Natural Law, as cited in the Declaration of Independence of the united [sic] States of America, reserve the right to withdraw from the Union of States, under such mechanism as may be prescribed by the People, their legislature, and the State of Alaska.

The conflict and imposed resolution stylized by the government of the United States as "The War of the Rebellion, 1861-1865", does not change the fundamental sovereignty of the State of Alaska, or its sister states within the Union of States, or the Natural Law as cited in the Declaration of Independence; that in order for a harmonious relationship to exist between Alaska, the other states within the Union of States, and the government of the United States, that Amendment 9 and Amendment 10 must be obeyed by the government of the United States; that the government of the United States, having willfully and intentionally ignored and violated the Constitution of the United States, must restore its obedience to it; that it exercises many of its powers unlawfully; and has abrogated for itself powers not granted by the states or the people; and that in order for Alaska to maintain a harmonious relationship within the Union of States, it demands redress and correction, and calls upon its sister states to join in renouncing these usurpations by the government of the United States, which threatens the Union of States.

Alaska hereby repudiates all conditions in violation of the Constitution of the United States that were imposed upon it as a requirement for entry into the Union of States. The citations herein listed and defined as violations of the Constitution of the United States are not inclusive, and the Secretary of State of Alaska, through the oversight of the legislature, is empowered to further identify violations committed by the government of the United States, both before and after statehood, by which Alaska has been required to accept and endure, in violation of both Natural and Constitutional law.

1. The State of Alaska declares that ownership of property by the United States, in violation of Article I, Section 8, clause 17, of the Constitution of the United States, is unlawful.
2. The State of Alaska repudiates Article 12, Sections 12 and 13 of the State Constitution of 1956, as unconstitutional and coercive, as noted above in citation #1.
3. The State of Alaska declares that the alleged Amendment 14, the alleged Amendment 16 and the alleged Amendment 17 of the Constitution of the United States, were fraudulently ratified, according to the guidelines of Article V of the Constitution of the United States, and are therefore null and void.
4. The State of Alaska declares that the Supreme Court of the United States has no power to usurp the rights of the State of Alaska, as recognized by Amendment 10 of the Constitution of the United States, and limited only by Article I, Section 10 and Article VI of the Constitution of the United States; and that the Supreme Court of the United States has no power to enforce its interpretations of the Constitution of the United States, or to interfere with state laws, other

than those granted in Article III, Section 2 of the Constitution of the United States; and that therefore any and all decisions by the Supreme Court of the United States, usurping the right of Alaska to decide questions not within the province of the United States Constitution, are null, void and of no effect.

5. The State of Alaska declares that the government of the United States is in violation of Article I, Section 10, Clause 1, by issuing bills of credit and forcing states to use an instrument other than gold and silver coin as a tender in payment of debt.
6. The State of Alaska declares that the government of the United States is in violation of Amendment 10 of the Constitution of the United States, by empowering the private Federal Reserve Bank to issue bills of credit on its behalf, to encumber debts from it, and that must be accepted and borne by the people, the several states, and the State of Alaska.
7. That the statehood act violated the Northwest Ordinance of 1787 by entering the union with boroughs, instead of counties, as local government.

The Secretary of State of the State of Alaska, through legislative oversight, shall be required to report to the legislature, meeting in unicameral session, by February 1 every odd-numbered year, upon the violations committed by the government of the United States against the Constitution of the United States since 1789, and to make recommendations to the legislature, and to the governor, for remedy.

Article III: GOVERNMENT

This Article is meant to repudiate, invalidate and expunge Article 12, Section 8 of the Alaska Constitution of 1956, from any future consideration by the State of Alaska and its legislature, executives, and courts:

There shall be a basic philosophy of limited government within this constitution. No powers may be exercised by any branch of government except as specifically granted herein by this instrument. Any effort by any official of the state, to usurp powers not herein granted, by statutory enactment, executive order, or judicial decision or decree, shall be cause for expulsion, recall or impeachment; and any enactment, executive order or judicial decree to the contrary shall be null and void, of no effect, and the sheriffs of each county are hereby empowered and required to resist any such application or enforcement.

A. Local Government

Alaska shall no longer provide for, nor recognize, the political subdivision known as a "borough".

Within six months of approval of this constitution, and before a new legislature shall have been elected under its mandate, Alaska shall be divided into twenty counties, and encompassing the entire territory of the state, with one Senator, to be duly seated within the state legislature, chosen by each of the respective County Boards.

The following counties shall be recognized upon commencement of this constitution, and shall be stylized or named according to the preference of their respective county boards, and comprised from

within the boundaries of the former pre-existing organized or unorganized boroughs, with such combination as noted:

1. Ketchikan-Gateway/Prince of Wales-Outer Ketchikan, *Provided* that the people of the former Borough of Outer Ketchikan-Prince of Wales shall have the option of joining the Wrangell-St. Petersburg county, or the Sitka county
2. Wrangell-St. Petersburg
3. Juneau
4. Sitka
5. Haines/Skagway-Hoonah-Angoon/Yakutat
6. Valdez-Cordova
7. Anchorage
8. Kenai Peninsula
9. Matanuska-Susitna
10. Fairbanks-Northstar
11. Denali/Southeast Fairbanks
12. Yukon-Koyukuk
13. North Slope
14. Arctic-Northwest
15. Nome
16. Bethel/Wade Hampton, *Provided*, that the people of the former Wade Hampton Borough shall have the option of joining with the Nome county.
17. Dillingham/Bristol Bay
18. Kodiak
19. Lake and Peninsula
20. Aleutians

The County Boards shall be chosen by the eligible voters within each county within 2 months of the referendum that has approved this Constitution. Until a charter has been approved by the people, each county board shall contain five members. A presiding officer shall be chosen from amongst the five, and by the five, whereupon each board shall immediately choose one state senator.

The county boards shall draw up their own charters within six months of their first assembly, to be submitted to the people of the county for approval.

Each county shall have one sheriff, chosen by, and solely responsible to, the people thereof, for a term no longer than four years.

Each sheriff shall have such powers as recognized by the common law, unless restricted by amendment to this constitution.

No municipality shall be permitted to be within the confines of more than one county.

[Needs further discussion, below]

Two years after the legislature has assembled under this constitution, the legislature may increase the number of counties, but only by a 2/3 vote in unicameral session, upon application of a proposed newly formulated county, by a special vote of the people, conducted under the oversight of the state and the Lieutenant Governor, within the proposed new boundaries; or, a new county may be formulated by a special vote of the people within proposed new boundaries, which also enjoys the consent of any and all County Board(s) from which a new county may be drawn, and accepted by a majority vote of the legislature in unicameral session.

B. Legislative Branch

There shall be a rank of authority within the branches of government, in such order: 1. The Legislative, 2. The Executive and, 3. The Judicial.

This constitution is formed upon the premise of a balance between the popular will and local government. Therefore, all legislative powers herein granted are vested in a legislature, consisting of the House of Representatives, chosen by the people; and a Senate, chosen by the counties.

The legislature shall have power in both a bicameral and unicameral fashion, herein described.

The Legislature is required to meet every second year, but may meet annually upon request of the governor, or by a call of the majority of all its members in a unicameral count, whenever the President of the Senate and the Speaker of the House concur. The legislature shall assemble within 30 days of a call at such location prescribed below:

The legislature shall rotate the location of its deliberations equitably between Anchorage, Fairbanks and Juneau, as may be prescribed by law; reserving the residence for the governor, records, and other state government functions, at a new capital, according to the Referendum of 1974.

The legislature is empowered, by statute, to waive their deliberations from including Anchorage and Fairbanks, to meet at the designated new capital, according to the Referendum of 1974, but never from Juneau; whereupon the legislature shall assemble on an equitable and alternate basis between the new capital and Juneau.

Whenever meeting in unicameral session, the Speaker of the House, or its other officers as the Speaker may designate, shall preside, and such sessions shall be held in the chambers of the House of Representatives.

No privilege or immunity from the law is granted to any legislator while in office, except that no legislator may be arrested while going to, coming from, or while in attendance of any official legislative function, except for treason or felony.

All legislation must pass a majority of both the Senate and House of Representatives when meeting in bicameral session, within their properly designated chambers, and when a quorum is present. **[Lynette suggests 2/3 for all legislation]**

A quorum shall consist of a majority of the whole number of each chamber. When meeting in unicameral session, a quorum shall consist of a majority of each chamber. **[Lynette suggests 2/3]**

The legislature shall convene in regular session at least every odd-numbered year, on the third Monday in January for the House of Representatives, and on the third Tuesday in January for the Senate, but the day and month may be changed by law. **[Why different days?]**

All bills must be confined to one subject unless it be an appropriation bill, or one for codifying, rearranging or revising existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Each house shall create a journal for its proceedings, and establish the procedure for enactment of bills into law. No bill, resolution or proposed amendment to the Constitution of the United States may become law or be otherwise approved unless it has passed three readings in each house on three separate days, no exceptions permitted. And no law may pass by voice vote, but the yeas and nays of each bill shall be recorded in the journal.

When an amendment to the Constitution of the United States is considered, the legislature shall meet in bicameral session, and each house shall separately deliberate the amendment, and approval of the amendment shall require a two-thirds majority vote of each house, and the signature of the governor, as in the case of a bill.

The legislature may be convened in Special Session by the Governor, within thirty days of his call, or by the legislature, in a manner to be prescribed by law, and for not more than ten days, Sundays excepted, unless by a majority vote of both chambers, may be extended for never more than five days, whereupon the legislature shall be required to adjourn, and may not be convened for another 30 days, unless by a 2/3 vote of the whole number of legislators, meeting in unicameral session, may extend the Special Session indefinitely, provided that a 2/3 vote of the whole number of legislators, in unicameral session, be taken every 5 days, to confirm extension.

Upon election of the first legislature under this constitution, and only until a Speaker is chosen, the Governor shall preside in the House of Representatives, but only for that purpose. The House of Representatives shall be required immediately to choose the Speaker of the House, from amongst its members, and once chosen, the Governor shall immediately vacate as presiding officer. The House shall then choose their other officers, from amongst its members.

On those years when the term of the Lieutenant Governor shall have expired, and upon assembly of the first legislature under this constitution, the House of Representatives shall choose a Lieutenant Governor **from amongst its members, immediately following the selection of its Speaker and other officers, and the Oath of Office shall be immediately administered by the Speaker of the House, with the previous seat becoming vacant, to be filled according to the requirements of this constitution.**

Upon election of the first Senate under this constitution, and until a President is chosen, the Speaker of the House shall preside in the Senate, but only for that purpose. The Senate shall be required immediately to choose a President from amongst its members, and once chosen, the Speaker of the House shall immediately vacate as presiding officer. The Senate shall then choose its other officers, from amongst its members.

Upon the convening of the first Senate under this constitution, and on those years when the term of the Secretary of State shall have expired, the Senate shall choose one, immediately following the selection of its President and other officers, and before the Oath of Office has been administered, a bond of ten ounces of gold, or one hundred and sixty ounces of silver, shall be posted. The Oath of Office shall then be immediately administered by the President of the Senate.

Each senator shall serve a four year term, except as noted below according to their respective class, and the Senators shall be chosen by their respective County Boards.

In preparation for the first legislature under this constitution, they shall be elected in such a manner as near as may be, such that half the senators are chosen every two years, into classes designated as "Gold" and "Blue". The classes are to be determined by drawing lots under the authority of the outgoing Lieutenant Governor of Alaska chosen from the most recent election under the Constitution of 1956, and while still in office. The Senators of the "Gold" class are to be granted four year terms from the commencement of the first legislature of this constitution, and Senators of the "Blue" class are to be granted two year terms from the commencement of the first legislature of this constitution. If and when additional counties are created, the Secretary of State shall draw lots, under his authority, for the designation of any new senator(s) into the "Gold" or "Blue" class.

No senator shall be subject to recall by the County Board at any time during his designated term, except after being found guilty of a felony.

Senators shall be required to have attained 28 years of age, been a legal citizen of Alaska for at least 10 consecutive years immediately prior to election, and a resident of their own county for at least 3 consecutive years immediately prior to election.

Members of the House of Representatives shall be subject to recall as provided for by this constitution.

The House of Representatives shall be chosen by the legally qualified voters within their own legislative district. Their numbers shall never exceed more than twice the total number of senators. Each representative shall serve a two year term, under such districts as existed before this constitution became effectual, and to be later modified as the legislature may direct.

Members of the House of Representative shall be required to have attained 23 years of age, been a legal citizen of Alaska for at least 5 years, and been a resident of their legislative district for at least two years immediately prior to their election.

All vacancies are to be filled within 6 weeks after the vacancy in the House of Representatives, and only by special election, provided that the vacancy occurs at least 200 days prior to the next general election.

All vacancies in the Senate are to be filled by the County Board within 2 weeks after the vacancy has occurred.

Each house shall adopt uniform rules of procedure, and choose their own officers, as well as the Sergeant at Arms and other unelected assistants. Each house shall be the judge of its own elections. Disputed elections considered by the House of Representatives must be resolved within 2 months after an official notice of a contested election has been received by the Lieutenant Governor. Each house shall be the judge of the qualifications of its members.

No legislator may hold any other office or position of profit under the United States or the State of Alaska. During the term for which elected, no legislator may be nominated, appointed or elected to any other office or position of profit which has been created, or the salary and emoluments increased, while he was a member, *provided*, that upon assumption of a previously existing office by which the emoluments have been increased, the legislator forego the increased salary, and accept the office at the former level of compensation, until his term of office would have expired.

Discipline

All discipline, except for impeachment, shall be conducted in unicameral session. All civil officers of the state are subject to reprimand, censure, impeachment and expulsion by the legislature.

Impeachment shall originate in the House of Representatives, which upon majority vote shall send the issue to the Senate. The House of Representatives shall prosecute the case and a two-thirds vote of the members present in the Senate shall result in removal from office. When a member of the judiciary has been impeached, the Secretary of State shall preside. In all other cases, any member of the state judiciary may preside, subject to the choice of the Chief Justice.

Upon impeachment proceedings, no member of the Senate shall discuss the case until prosecution and defense are completed, according to the rules at common law, as in trial by petit jury. Should any member of the Senate, during an impeachment proceeding, be in violation of the rules at common law as in trial by petit jury, he shall be automatically expelled from further participation in the impeachment proceeding, according to the judgment of the Secretary of State, and shall be liable for further discipline, according to the rules of the Senate.

The judgment of the Secretary of State may be challenged by any member of the Senate, excluding the accused Senator or Senators, and may be overturned by a 2/3 vote of the whole number of Senators, excluding the Senator or Senators who stand[s] accused.

Impeachment, and subsequent expulsion from office, shall extend to any member of the executive and judicial officers investigation of felony, treason, malfeasance or misfeasance in the performance of their duties. Malfeasance may consist of, but is not limited to: bribery, use of public office for the benefit of themselves, or any private individual or entity. Misfeasance shall consist of incompetence, or improper interpretation of their duties, this constitution, or the Natural Law.

The legislature may discipline in unicameral session any civil officer, short of impeachment, by majority resolutions of reprimand or censure. If a reprimand, the legislature shall notify, in writing, the offending party, and the signatures of the Speaker of the House and President of the Senate shall be required, whether or not in personal agreement, upon pain of automatic constitutional expulsion, and enforced by the Sergeant-at-Arms; as well as the signatures of those members who voted for the reprimand. The reprimand shall be read into the legislative record, and the offending party must be given notice, that a second reprimand within their term of office will automatically require censure.

Censure may be initiated without prior reprimand, and requires a 2/3 vote of the legislature in unicameral session, unless for a second reprimand during the same term of office. The offending party must appear before the legislature in unicameral session, the roll will be called, and members of the legislature may respond accordingly. Censure may not include any fine or other bill of attainder, but the legislature shall require a compilation, for remuneration to the state, of all legal fees accrued at public expense by the party suffering censure.

Each chamber of the legislature shall judge only its own members. Discipline may include reprimand and censure, according to the rules for the other branches of government. Censure may also have additional penalties as each chamber may decide, according to its rules, but may not include a fine or any bill of attainder.

Expulsion shall be by a two-thirds vote of the number of members present in each chamber, providing a quorum is present.

Compensation

Compensation for all officials of the state shall remain at the levels of the previous constitution of this state, until otherwise determined by law. The pay of any member of the executive or judicial departments may not be reduced during their continual tenure of office. Upon renewal of their terms, pay may not be reduced, unless their terms have expired by failure of re-election or reappointment, resignation, or expulsion, and upon subsequent assumption of office, are subject to the new level of compensation.

Any raise in pay for legislators shall be subject to approval by the people, in a referendum at the next immediate statewide general election

C. Executive Branch

The last Governor and Lieutenant Governor, chosen under the Constitution of 1956, shall complete their duly elected terms, should those terms extend beyond the commencement of this constitution, but shall be bound by oath or affirmation to support this constitution by Noon on the day that it takes effect. And they shall facilitate the commencement of this constitution, in all respects as may be required herein, as if they were elected under it, provided that the Lieutenant Governor shall resign by Noon of the day of the assembly of the first session of the House of Representatives. [NOTE: terms expire with the old constitution]

The executive power shall be divided: there shall be a Governor, a Lieutenant Governor and a Secretary of State.

The chief executive officer of the state shall be the governor, elected by the legally qualified voters of Alaska, for a term of four years. No governor may serve more than two consecutive terms, and no citizen may have acted as governor longer than 10 years within his lifetime.

The Governor and Lieutenant Governor shall be at least 35 years of age and been a citizen of Alaska for at least 10 consecutive years immediately prior to election.

The Lieutenant Governor shall be elected for a term of four years, and shall be chosen by the House of Representatives.

The Governor, Secretary of State, Lieutenant Governor, members of the legislature or members of any elected or appointed office of the state, its political subdivisions, counties or city governments, shall not hold any other office or position of profit or trust under the United States, the State, or its political subdivisions.

In case of vacancy in the Office of Governor, the Lieutenant Governor shall assume the duties of governor. In case of vacancy in the Office of Lieutenant Governor or Secretary of State, the respective branches of the legislature, whose duty it is to elect those officers, shall immediately choose one.

If the Governor-Elect dies, fails to qualify, or chooses not to assume office prior to the commencement of his term, the Lieutenant Governor, chosen by the House of Representatives, shall assume the duties of the office as soon as he is elected, but not before he is first sworn in as Lieutenant Governor. In the event of a simultaneous vacancy of the Offices of Governor and Lieutenant Governor, the Secretary of State shall become Acting Governor, until the House of Representatives shall have chosen a new Lieutenant Governor, who shall assume the duties of Governor, as described above.

In case of the temporary inability of the governor to perform the functions of his office, the same shall devolve upon the Lieutenant Governor as Acting Governor. The Governor may submit a temporary resignation of duties, and resume them upon his own authority; and upon the inability of the Governor to do so, due to physical or mental incapacity, the Lieutenant Governor shall assume the duties as Acting Governor whenever the legislature, meeting in unicameral session called by the Speaker of the House and the President of the Senate, concurs with the Lieutenant Governor, by three-quarters vote of the whole number of members.

The Secretary of State shall be chosen by the Senate, need not be a member of the Senate, but if so must resign the position; shall be at least 40 years of age and 15 years a citizen of Alaska.

The Lieutenant Governor shall be chosen by the House of Representatives and need not be a member of the House of Representatives, but if so must resign the position.

The Secretary of State shall hold all official communication between the State of Alaska and the government of these United States, including the United States Congress, President and federal courts;

receive Alaska's United States Senators and Representatives, and all United States Senators and Representatives whose official duties might require them to visit Alaska; and advise them regarding federal legislation; shall communicate to the legislature, the governor and the lieutenant governor, in all respects regarding the government of these United States; shall represent the state at all official ceremonies, and whenever possible, at unofficial and private ceremonies wherein the state shall be an interested party, or upon invitation.

The governor shall be chosen by the qualified voters of the state at an election prescribed by the legislature. The candidate receiving the greatest number of votes shall be governor, providing that that candidate has received at least 50 percent, plus one, of the total number of votes cast. Failing that, the two candidates with the most number of votes shall be submitted for consideration at a special election, to be held within thirty days.

The term of office for the governor shall be for four years, beginning at Noon on the first Monday in December following his election, and ending at Noon on the first Monday in December four years later.

Upon election, and before assuming office, the governor-elect shall take the following oath or affirmation: "I do solemnly swear (or affirm) to defend the rights and liberties of the people of Alaska, to faithfully abide by the principles of the Natural Law and the Declaration of Independence of 1776. And I promise to defend the Constitution of the United States and the State of Alaska, assuming responsibility whenever those instruments may conflict with the rights and liberties of the people. And I ask for the prayers of the people of Alaska, for the strength to faithfully discharge my duties with a pure heart and a clear conscience, so help me God." **[Make him post a bond!]**

The governor may veto bills passed by the legislature. He may, by veto, completely strike or reduce, but never increase, specific items, but only in appropriation bills. He shall return all vetoed bills, together with his objections, to the house of origin.

Upon receipt of a veto message of an appropriation bill during a regular session of the legislature, the legislature may meet in unicameral session upon concurrence of the Speaker of the House and the President of the Senate and consider passage of the vetoed bill. Entire bills to raise revenue and/or appropriation items that have been completely struck, or reduced, may become enacted by affirmative vote of three-fourths of the legislature.

Other vetoed bills will become law only after a two-thirds vote of both houses. Bills vetoed after adjournment of the legislature may be considered only within five days, Sundays excepted, of the next legislative assembly, whether in special or regular session.

A bill becomes law if, while the legislature is in session, the governor neither signs or vetoes it within fifteen days, Sundays excepted, of delivery to his office, and within twenty days, Sundays excepted, when the legislature is not in session.

Laws passed by the legislature become law ninety days after enactment, unless such an enactment be challenged as a violation of Natural or Constitutional Law.

Challenges to statutes for alleged violations of the Natural or Constitutional Law may be done by receipt of the Lieutenant Governor of a petition signed by a majority of the County Boards within the ninety days after enactment, citing the specific Article/ Amendment and clause in this constitution that is alleged to have been violated; or the violation of the Natural Law.

The Lieutenant Governor shall announce when a majority of the County Boards have objected, provided that certified notices have been received by him within ninety days after legislative enactment. He shall prepare a fair, full and just characterization of the law, together with a fair, full and just characterization of the objections, for a referendum. The statute shall be ineffective until the Lieutenant Governor has submitted the legislation to a popular referendum at the next general election. If approved by a majority of the electors, it shall become law within one week after certification of the vote.

The governor may not introduce legislation, but may be consulted in an official capacity by any legislative committee, and shall be required to respond, except to subcommittees, either in person, by written statement, or by any deputy of his choosing.

The Governor shall be responsible for the faithful execution of the laws, through his Attorney General. He may enforce compliance with any constitutional or legislative mandate through the local sheriffs. He may restrain the violation of any constitutional, legislative or judicial power, by any officer, department or agency of the state, or any of its political subdivisions. This authority shall not extend to authorize any action or proceeding against the legislature.

The Governor may convene the legislature, either house, or the two houses in unicameral session.

[We need to research the role and powers of the att’y general: appointed, elected, scope of powers, etc.]

D. Judicial Branch

There shall be a supreme court, superior courts and any other inferior courts that the legislature may establish.

Qualifications of judges and justices shall be determined by law, and shall not be limited to only those persons from credentialed institutions, but open to all citizens who otherwise meet the statutory qualifications.

Whenever a vacancy shall occur in the supreme, superior or inferior courts that have been established by law, the governor shall make appointment, to be confirmed by a majority of both houses of the legislature.

Judges to the supreme, superior and inferior courts shall possess their office for five years, provided that they serve under good behavior, and only once in their lifetime. Each judge and justice shall post a bond for their term of office. **[need to insert here how to post the bond, the amount, and how it can be forfeited. Should the legislature permit differing amt’s according to ability to pay?]** Judges of the superior and inferior courts shall remain eligible for appointment to a higher court.

The judicial branch is to be the least influential of all branches of government, and is to adjudicate only between contending parties, and to interpret statutes written by the legislature, on behalf of the contending parties. Its decisions will only be as effective as the willingness of the governor, as chief enforcement officer through the Attorney General and the Department of Law, to enforce any decision. The executive will reserve the right to review any and all decisions in regards to conformity to Natural, constitutional, statutory and common law.

Any interpretation by the judiciary of this constitution, or the statutes written by the legislature, shall be merely their own, and applicatory only to the contending parties upon executive concurrence, and not to the legislature, the executive, or the people.

The executive shall also have power of interpretation, by refusal to enforce a law or judicial decision, but only when in writing, and delivered to the Speaker of the House and President of the Senate, within thirty days after a judicial decision is rendered and sealed, or immediately when a statute becomes effective, and is limited only to violations of the Natural Law, or of this constitution.

The refusal to enforce a law does not remove the law from its statutory integrity, and the legislature may, but is not required, to use such refusal as grounds for impeachment.

Article IV: EDUCATION

This constitution maintains that education is the responsibility of the family and of the individual, and not the state. Local school districts may provide for public education, but the financing shall originate only from those who utilize the service directly, or from the revenues accrued within each school district, **and upon the application of the school district, by subsidy from the legislature.**

The state recognizes the responsibility and genius of local control in education, and as such cannot mandate a statewide uniform curriculum.

The state shall not subsidize private or home education, but shall not deny the use of public facilities to any user group, subject to the discretion of local control, and outside the jurisdiction of the courts.

The certification of instructors, administrators and other employees, the formulation of curriculum and its management, shall reside completely within each school district. Each school district is responsible for raising its own revenue, **but is permitted to apply to the legislature for supplemental funding.**

The state may subsidize school districts, but only if they lack sufficient revenue, through surplus revenue; by land sales; or through private contribution encumbered for that purpose, which may be designated by the donor for specific school districts.

Article V: TAXATION

As per Article I, Section 10 of the Constitution of the United States, the state may not make anything but gold and silver coin as a tender in payment of debts. It shall be lawful for the people to conduct free

market transactions with gold and silver in all its forms of specie. It shall be the policy of the state that taxation is a threat to personal freedom, and as such must be limited, and not invasive to personal privacy. **[corporate tax OK --- corporations are not tax payers, but tax collectors]**

Recognizing that property taxes threaten personal sovereignty, presume partial ownership of the state over private property, and that the conservation of estate wealth is a natural system that provides personal and family security, neither the state, nor any political subdivision thereof, shall levy a property or inheritance tax.

No tax on personal income shall be permitted. Capital gains, or income derived supplemental towards a principle livelihood, shall be taxable.

Revenue for state usage shall be lawful only in the following manners: royalties from natural resource extraction and development; sales, conveyance, and excise taxes; fines levied from violation of the law; and capital gains tax on corporations, never to exceed five per cent of net annual corporate income.

Court-ordered taxation, or a court order demanding subsidy of a particular public or private activity, shall be deemed misfeasance of duty by any member of the judiciary, and grounds for immediate impeachment.

Any debt incurred by the state is one that must be borne by the people. As such, the annual budget may never exceed revenues.

Article VI: NATURAL RESOURCES

It is the policy of this constitution that natural resources are a gift from the Creator, given to the people, not as owners, but as stewards. Therefore, the legislature is to encourage settlement of the land and the utilization of resources, by making them available to the maximum benefit of the people. Furthermore, it is the responsibility of the state to dispose of land under its title, into the possession of the people, under such terms as the legislature may direct.

Preoccupation with preservation of wilderness shall be a secondary goal to the question of the development of resources and the settlement of the land. There shall be a proper and responsible harmony with the goal of stewardship, development, settlement, preservation and reclamation.

Whenever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.

Fish, forests, wildlife, grasslands, water and all other replenishable resources shall be utilized, developed and maintained upon the principle of sustained yield.

All surface and subsurface waters are reserved to the people for common use.

Fish and game resources are not the property of the State of Alaska. As such, the state shall act only to control the harvest of fish and game for maximum benefit and sustained yield, for subsistence, commercial and sport purposes.

Recognizing the important economic and nutritional role that the harvest of wild fish and game has played for all residents, urban and rural, the state may require proof of harvest, residency and qualification for the harvest of fish and game, but without fee, other than to provide for the cost of the production of harvest tags, the printing of regulations, and record-keeping.

Punishment for violations of fish and game regulations shall be by fine only. The state may not withhold the harvest of fish and game from any person as punishment for a crime; or as a civil penalty; nor require licensure. However, the state may withhold from any person, the right to harvest fish and game, for any violation of the regulations thereof, for refusal or inability to pay a fine, until the fine is paid in full.

Delayed payment for any fine shall not accrue interest by the state.

The state recognizes that all harvest of fish and game, other than for sport or commercial purposes, is of subsistence value. It shall be unlawful to separate the harvest of fish and game between “subsistence” and “sport” for Alaskan residents, if the resource is to be used for nutritional purpose.

The state will categorize all non-resident harvest of fish and game as “sport”, and may require licensure and fees.

Any resident who wishes to harvest fish, under the definition provided by the legislature for “angling”, for non-consumptive or non-nutritional purposes, may do so under special regulations, and without the requirement of fees or licensure.

The retention of all fish and game by residents, even when not used for nutritional value, shall be regarded as “consumptive”.

The state may accept private donations encumbered for the purpose of fish and game management.

The state may retain possession of land, not to exceed ? % of the total square miles of the state, for parks, areas of cultural and historical importance, resource management, and preservation of wilderness. The state may not exclude the people from these areas for purposes of recreation or subsistence hunting and fishing.

All persons in legal title and possession of land are entitled to all mineral rights, surface and subsurface, commensurate with municipal zoning regulations. Access to private property shall not be hindered by the state or its political subsidiaries.

[New]: All surface and subsurface waters, including mineral and medicinal waters, are reserved for the people for common use, and are not subject to appropriation by the state. All requests for the impoundment of water must be performed through the state as prescribed by law, but the state may never initiate such projects, nor assume ownership of the waters, dams, and other infrastructure involved in the impoundment.

In such projects where the state already enjoys full or partial ownership, it shall divest itself within 5 years of the commencement of the first legislature under this constitution.

No person shall be involuntarily divested of his right to the use of waters, interests in land, or improvements affecting either.

Free access

Article VII: NATIVE ALASKANS

All native properties held under title of the Alaska Native Claims Settlement Act of 1971 shall be valid and recognized by the state. All claims to native sovereignty within the ANCSA settlement shall be respected.

No renegotiation of sovereignty rights, between native tribes, native corporations, or other native groups, done with the consent of the Congress of the United States, shall be recognized by the state, without approval of a 2/3 vote in each chamber of the state legislature, and a concurrent referendum of the people, of at least 50%, plus one, of the total number of participating voters, as registered with the state, within the actual referendum.

The state recognizes that the definition of persons as “Alaskan native” through action by the Congress of the United States, is arbitrary and tends to divide the people, and rightfully belongs to each native tribe, or native group.

The state also recognizes that special privilege, granted to Alaskan natives by the laws of the Congress of the United States, are only proper when conforming to the Constitution of the United States, within the limited sovereignty granted within the boundaries of native property.

The state accepts any limited sovereignty granted within treaties agreed to between the Congress of the United States and native Alaskans. However, the existence of “native corporations”, unless and until renegotiated with limited sovereignty, creates division and confusion amongst Alaskans, and are arguably in violation of the Constitution of the United States.

The state will encourage the dissolution of native corporations by memorializing the Congress of the United States, and will accept, as provided for in this constitution, native sovereignty with all its privileges and rights, within the recognized boundaries of ANCSA.

Article VIII: RELIGION

The intent of this section is to prevent the existence of an official state-sponsored denomination, with or without subsidization, but not to prevent the freedom of speech, press or expression as manifested by local culture through state or local government.

Recognizing the divisions within our culture regarding religions, the state may not establish any official religious denomination; nor grant to any religious denomination, school, health care facility or other institution, any subsidy.

The state recognizes that religions foster and promote individual and social virtue, and assist in the propagation, explanation and interpretation of the Natural Law. As such, all religions, by inviolable Natural Right, are free to provide input into the political discourse without hindrance from the state. Religions may be consulted by the legislature and other officials of the state, and may not be taxed or fined for either their advocacy of issues, or of candidates.

Nothing in this section shall be so construed as to deny any act of the legislature, elected official of the state, school district, municipality, county or other political subdivision, or any court, from recognizing the one, supreme, omnipotent and omniscient God, who is known in the Declaration of Independence as Creator, Lawgiver, Provider and Judge.

Nothing in this section shall be so construed as to deny the use of the Bible for the taking of oaths, although the state may not require it.

No religious test may be required as a qualification for any office of the state or its political subdivisions.

Article IX: JUSTICE AND CORRECTIONS

[cite Jury Nullification somewhere in this section]

Criminal justice shall recognize that the individual victim, and not the state (except in cases of public property), is the offended party. The power of the state will be used to require compensation for the victim by the convicted criminal. The state may identify the extent of damages suffered by a victim, permitting the victim the power to pardon or commute compensation.

The state shall release a criminal from obligation after compensation is made, or when pardoned or commuted by the victim.

The death of a victim shall not release a criminal from his obligation, but shall pass through the estate of the victim, as prescribed and defined by law.

Common law courts shall be recognized in both criminal and civil cases. Incarceration shall extend toward suspects, only until bond is posted or, when in the judgment of the court, and only by statutory guideline, for public safety.

Incarceration shall be a consequence only of criminal action, and only upon the option of the victim, in order to receive compensation through labor, or when the public safety, through the judgment of the courts through legislative guidelines, may require it. The victim may permit the release of the criminal, commensurate with the public safety as defined by law and ordered by the court, in order to engage in productive labor to meet the obligations of compensation. The victim may permit the criminal to engage in productive labor outside of Alaska, but only within the Union of States, permitting the state the power to recall the criminal under Article IV, Section 2 of the United States Constitution.

Only juries shall be empowered to decide, through legislative guidelines, the extent of compensation due the victim.

Juries may exercise their common law right of nullification and may ignore guidelines imposed upon them by judges, except under the normal restrictions recognized by common law. The intent of jury nullification is to permit jurors to judge a law or judicial order as unjust, notwithstanding any enacted law.

The use of the term “victim”, as used in this constitution, shall be construed in both the singular and plural form.

Those accused of criminal or civil misdeeds are guaranteed either an attorney or a counsel-at-law. A counsel-at-law shall be required to have been a practicing attorney for at least ten years, must be appointed by a member of the state legislature, approved by majority vote in unicameral session, and signed by the governor. A counsel-at-law is to be the peer of any judge, with power to dismiss a judge from any case, before and during trial, and during appeal.

The abuse of power by law enforcement officials, in all levels of federal, state and local government, will subject the offending individuals to criminal and personal civil penalties, without the enjoyment of any immunity as public officers or employees. The State of Alaska will ensure by legislative enactment that citizens who have been subject to false arrest, violations of their natural law rights, and any abuse of authority that results in pecuniary loss or temporary loss of liberty, are compensated accordingly through the personal liability of those guilty of the infraction, and that the offending parties are subject to criminal prosecution.

Article X: DISASTER RELIEF

The State recognizes that private charity for disaster relief is the primary remedy in emergencies, but that these resources may not be sufficient to meet the needs of the victims. Disaster relief as provided for by the State shall be limited to food, shelter, clothing and short-term, rather than chronic, medical necessity, as defined by the legislature; state revenues are not to be used for reconstruction of private property; nor shall the state be liable for disasters through its neglect or failure to properly advise its residents of the risks that exist through acts of nature or man.

The state shall annually encumber a portion of its gross revenues, as determined by the legislature, for disaster relief, in event of war, famine, riot, or other natural and manmade disasters. The state shall not accept unconstitutional funds from the federal government. The funds may be expended for perishable and non-perishable goods and held in storage. The state may expend monies to encourage and inform individual persons to prepare for their own disaster relief. Natural disasters may include, but are not limited to, fire, flood, tsunami, earthquake, volcanic eruption, avalanche, landslide and inclement weather.

Article XI: VOTER QUALIFICATIONS AND ELECTIONS

The legislature is empowered to determine voter qualification of the people.

However, no unelected employee of the state may vote in an election for state office, or in any statewide referendum, recall or initiative; no unelected employee of any county may vote in any

election for county office, or in any county referendum, recall, or initiative; no unelected school district employee may vote in any election for school district office, referendum, recall or initiative; no unelected municipal employee may vote in any election for municipal office, referendum, recall or initiative; no unelected employee of the United States, who may be an Alaskan resident, may vote in any election for federal office, or serve as presidential elector.

No person receiving benefits from the United States may vote in any election for federal office, except those who have contributed funds into the Social Security Act of 1935, and are receiving return for their investment; or those members who have been a member of the armed forces of the United States and are receiving benefits from services rendered or wounds received. But no member of the armed forces of the United States, on active or reserve duty, shall be qualified to vote in any federal election.

The State of Alaska shall memorialize the United States government to permit Alaskans to withdraw from the Social Security System, provided that they receive just compensation from their payments rendered into the system, and further will defend those who do not wish to participate, or were enrolled while they were minors.

All elections shall be by paper ballot. The ballots shall be counted immediately upon poll closure within each precinct, and in public, with at least two qualified observers in attendance. The legislature will define the qualifications for observers, who will act on behalf of the people, without remission of any fee, and without compensation. No precinct may forward the outcome to the Lieutenant Governor, until the results have been posted publicly at each precinct, and which shall be publicly published within 24 hours of the closure of the polls.

Absentee ballots must be cast only within the state at an approved location within each county, at a time prior to the election, to be determined by law, and received by the day of the election. No absentee ballots may be cast outside of the state or sent via post. Questioned ballots must be resolved within 7 days after the election.

General elections for state offices, initiatives, referendums and recalls shall be held at a time chosen by legislative enactment, and need not be simultaneously exercised at a general election for electors choosing the President of the United States or the Representative[s] from Alaska for the United States House of Representatives.

Because Article II of this constitution maintains that the 17th Amendment to the Constitution of the United States was fraudulently approved, the legislature is hereby empowered to choose two senators from Alaska to be credentialed and seated in the Senate of the United States upon the expiration of the terms of the persons holding those offices, unless by legislative enactment the legislature chooses to do so earlier.

Whenever meeting for the purpose of choosing a Senator to represent Alaska in the United States Senate, the legislature shall meet in unicameral session, with the Secretary of State presiding, and, providing a quorum is present, a majority vote of the representatives and senators present shall elect a Senator for the United States Senate.

Primary elections shall solely be the province of political parties and not the state. Political parties are free to set their own rules for eligibility. The state will not fund, conduct or otherwise assist in primary elections. No political party shall be denied the right to charge a poll tax for participation in a primary election.

Article XII: INITIATIVE, REFERENDUM AND RECALL

The people may propose and enact laws through the initiative process, and approve or reject acts of the legislature by the referendum.

An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred citizens who are at least 18 years of age or older, and have been Alaskan residents for at least one calendar year, but need not be registered voters, and shall be filed through the Lieutenant Governor. After confirmation that the sponsors are qualified, he shall so certify. Denial of certification by the Lieutenant Governor must show cause and be publicly published. It shall be subject to review by civil action in the courts should a majority of the petitioners so request.

After certification of the application, a petition containing a characterization of the initiative or referendum shall be prepared by the Lieutenant Governor, and must be approved by a majority of the petitioners; if not approved, the Lieutenant Governor shall be required by law to continuously resubmit a characterization until approval is agreed.

The initiative must be approved by at least five per cent of the residents, whether registered to vote or not, who are 18 years of age or older, in each of three-fifths of the counties of the state.

The Lieutenant Governor shall prepare a ballot title and proposition summarizing the proposed law. Arguments For and Against the initiative shall be placed in the statewide Voter's Guide at least one month before the election that will decide the initiative. Initiatives may never be placed before voters in primary elections, but only in general elections.

The legislature may not repeal the initiative for at least two calendar years after it has gone into effect.

Article XIII: SELF-DEFENSE

The people shall not be prohibited from organizing their own defense, either individually or collectively. The state may never regard the people as an enemy, but the people reserve the right, under the principles of the Declaration of Independence of 1776, to regard the government as such, with complete immunity from criminal accusation, whenever the state shall threaten the natural law rights of the people.

Treason against the state shall consist only in waging war against it, or giving aid to its alien enemies, and only after an official declaration of war. No person shall be convicted of treason without the testimony of at least two witnesses to the same overt act, or upon confession in open court.

Article XIV: INTERPRETATION

The interpretation of this constitution is not solely the domain of the judiciary, but also the executive, through the power of enforcement, or lack thereof; by the legislature, as herein described; and ultimately by the people, as described in this constitution.

Regarding Article 1, Section 22 of the Alaska State Constitution:

The right to abortion, from conception to natural term, and the public funding thereof, for whatever reason, is not recognized in this section.

The legislature removes all case law from implementing and defining this section, remands all questions of privacy to itself, even in the absence of implementation, according to the constitutional mandate found within it, and in Article 4, Section 1.