

## To Convene Or Not To Convene

To convene or not to convene, that is the question. Whether tis nobler in the mind to suffer the slings and arrows of the way we have always done things here in Alaska, or to take arms against a sea of troubles that may have constitutional remedies and, by amending them, end them.

Should we enact a constitutional convention this November 8th, or not? Is there anything about this question that has not already been said? You be the judge. Here is the last sentence of Article 2, Section 12 of Alaska's constitution, verbatim:

*The legislature shall regulate lobbying.*

Or consider the second to last sentence of part (a) of Article 6, Section 8:

*Appointments [by the Governor and by the leadership of the Legislature to the Redistricting Board] shall be made without regard to political affiliation.*

Take a moment to reread those two sentences and turn them over in your mind.

Nothing we need to talk about?

Constitutional structure can result in real world dysfunction because conflicts of interest become entrenched in the real world. Politicians have concrete goals they want to accomplish and they will try to accomplish those goals in any way the system will allow them to. And If they see weak points, they

will exploit those. Lobbyists will do the same. We should expect this. If our government structure is not figuratively watertight, there will be leaks. The ship over time will take on water and become increasingly vulnerable to a storm. To pick one real world example, sometimes even strong majorities cannot override the will of entrenched interests.

How could this have happened? The original convention of 1955-56 was a famously idealistic enterprise; the delegates did not write those numerous conflicts of interest into our constitution because they simply didn't care. Instead it was because Alaska's constitution was conceived, first and foremost, as an instrument to prove Alaska's readiness to be a state. That context biased the convention delegates toward copying the basic federal structure and that structure affords delegates few or no good options to deal with these inevitable conflicts of interest.

The legislature itself will not straighten out these problems in the next session, nor will they ever. The two passages quoted above have been there since 1956. The legislature will *never* correct these problems on their own because it is in their institutional interest not to.

*Only* a constitutional convention offers a realistic forum for making significant changes to the structure of our government. To address the above problems and others, and offer proposals for reform, I have prepared a 40 page pamphlet which goes into some detail explaining why focusing on government structure is a sort of master key to fixing many of the political and social

problems we see around us. The pamphlet can be found on the *Alaska State Constitutional Convention Clearinghouse* website (<https://alaska.concon.info>) select “Other” in the headings, then select “Treatises Proposing a Convention Agenda”. The title of the pamphlet is *If Not Now, When?*).

Ultimately the constitutional convention is a mirror; we will see ourselves reflected in it. The contentiousness we assume will characterize the convention is not a feature of the institution itself. If that were true, the original convention in 1955 would have been a much more acrimonious affair than it was. The contentiousness we see in the constitutional convention is our own and, it grew to its present worrying stature and character by way of the status quo - the very status quo that we would be ratifying if we vote “no”. While, perversely, the convention process itself offers a far better and more realistic forum for actual deliberation and compromise and with stronger checks than our ordinary politics does.

The status quo is not our harbor of safety. I urge you to vote “yes” on November 8th.

*Anyone with questions about this topic can reach the author at 907 750 8472 or by email at akconventionproject@gmail.com*