

# REAPPORTIONMENT BOILS

## Wiggins to Ask Federal Court to Implement Plan for 1966 Election

By TOM SNAPP

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Governor William A. Egan's reapportionment of the state senate has been overturned and ruled null and void by a state superior court judge. But a former legislator from Anchorage, William Wiggins, plans to ask a three-judge federal court next week to order that the reapportionment plan be put into effect immediately—for this fall's election.

News of the forthcoming action has spread throughout the state and dampened the spirits of state senators who were cheered Monday when Superior Court Judge James A. von der Heydt, of Juneau, ruled Governor William A.

Egan did not have the power under the Alaska constitution to reapportion the senate.

And Governor William A. Egan, in an interview with *Tundra Times*, said he was worried about the case being filed in the federal court—that it might result in a harsher reapportionment plan than the one he has ordered.

Anchorage Attorney John Savage, in an exclusive interview, told *Tundra Times*, "Essentially we are asking the federal court to reapportion the state senate now—before the 1966 election—on the basis of the U.S. Supreme Court one-man one-vote decision. And we are claiming that the senate remaining malapportioned is a denial of due process of law and equal protection of the law as cited in *Baker vs. Carr* and other reapportionment decisions since that basic one."

"In short, we are asking

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# Reapportionment

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that Governor Egan's reapportionment plan be put in as an interim plan. If the three-judge court goes beyond that, it will do so on its own motion which of course it has the right to do."

Savage said the federal courts have ordered interim plans to be put into effect in to at least three states, New York, Washington, and Hawaii.

Governor Egan said that he and Attorney General Warren Colver were still reviewing the court decision and transcripts handed down by Judge von der Heydt and he hadn't made a decision as to whether an appeal would be made to the State Supreme Court. But he indicated he was leaning toward appeal because of the case soon to be filed in federal court on the question and for other reasons.

The governor indicated that it was his belief that a "portion of the state constitution fell" with the U.S. Supreme Court's 1964 decision and that he had the power to reapportion. He pointed out that the constitution gave him power to make minor changes in senate boundaries.

The court case before Judge von der Heydt was brought by 15 state senators. It was the first reapportionment case in the U.S. in which the plaintiffs admitted that the senate was malapportioned.

The forthcoming challenge in federal court of reapportionment "adds another ponderance to my consideration," Egan said. "We do not know what kind of reapportionment the federal courts might order."

"It could very well be a harsher reapportionment than that of the citizens of the reapportionment board which bent over backwards in favor of outlying areas as much as humanly possible."

Savage said Wiggins and others in Anchorage had contemplated a federal case regarding reapportionment last fall but that just before they planned to file an action that Governor Egan came out with his reapportionment plan and that they "were satisfied with it."

Judge von der Heydt ordered a legal reapportionment plan should be drawn up by either the legislature or a constitutional convention for submission to the voters as a constitutional amendment.

He fixed the deadline of Dec. 1, 1967 for enactment of such an amendment which he said would give ample time for reapportionment to be effected by the 1968 election.

Governor Egan pointed out that he had twice sent the reapportionment board around the state to hold hearings in principal Alaska cities before making his proclamation last fall. The hearings, it might be pointed out, were poorly attended.

Republican candidate for the gubernatorial nomination, Walter Hickel, criticized Egan for not calling a constitutional convention on the reapportionment question.

Democratic candidate for the gubernatorial nomination, Wendell Kay who said last summer the governor did not have the power to reapportion the senate said Egan's action had "set back reapportionment for at least a year."

John S. Hellenthal, Anchorage attorney who was chairman of the Constitutional convention, said he was not surprised at the ruling.

The Court action on the reapportionment question seems certain to cause chaos and confusion in the elections this year which promise to be the most heated in Alaska's history. After Judge von der Heydt's decision, some who had filed for seats under the reapportionment plan withdrew their filings. If a federal court should order the plan reinstated, these persons would no doubt have to file again the same as previously. A number of legislators and others at present are in a quandry as to how to file until the reapportionment question is definitely settled.