A RESOLUTION

Relating to the division of the Ninth Circuit Court of Appeals.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

WHEREAS the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington, and Guam, and the Commonwealth of the Northern Marianas Islands; and

WHEREAS United States Senators Murkowski of Alaska and Gorton of Washington have introduced S. 253, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into three regional divisions and a fourth circuit division, and that has the short title of the "Federal Ninth Circuit Reorganization Act of 1999"; and

WHEREAS S. 253 proposes to place the states of Alaska, Idaho, Montana, Oregon, and Washington within one regional division of the Court of Appeals for the Ninth Circuit and to place the other states and territories, possessions, and protectorates into two other regional divisions; and

WHEREAS S. 253 proposes to adopt the recommendations of a Congressionally
mandated commission, chaired by retired Supreme Court Justice Byron R. White, that studied
the realignment of the federal courts of appeal; the recommendations were made in a report
issued in December 1998; and

WHEREAS the membership of the Court of Appeals for the Ninth Circuit is heavily
weighted toward the State of California and the court seems to concern itself predominately
with issues arising out of California and the southwestern United States; and

WHEREAS the Court of Appeals for the Ninth Circuit’s case filings are consistently
either greater than any other federal circuit or among the greatest; and

WHEREAS the Court of Appeals for the Ninth Circuit is the largest of the 13 circuit
courts of appeal, spanning 1,400,000 square miles, and is larger than the First, Second, Third,
Fourth, Fifth, Sixth, Seventh, and Eleventh Circuits combined; and

WHEREAS the Court of Appeals for the Ninth Circuit serves a population of more
than 49,000,000 people, almost 60 percent more than any other federal circuit; and

WHEREAS members of the Court of Appeals for the Ninth Circuit have shown a
surprising lack of understanding of Alaska’s people and geography; and

WHEREAS, in the so-called "Katie John" subsistence case, which is of tremendous
importance to the people of the State of Alaska, even though the Court of Appeals for the
Ninth Circuit granted expedited consideration of that case, the court did not issue its decision
for over 13 months; and

WHEREAS the Court of Appeals for the Ninth Circuit consistently ranks at or near
the bottom of the circuits in time from the filing of a case in the district court to final
disposition in the court appeals; and

WHEREAS Attorney General Bruce Botelho has estimated that there are more than
200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

WHEREAS, previously, the Attorneys General of the States of Idaho, Montana,
Oregon, and Washington have also found that similar issues of unnecessary delay concerning,
lack of understanding of, and lack of consideration for cases and issues by the Court of
Appeals for the Ninth Circuit exist in regard to those states; and

WHEREAS the division of the Court of Appeals for the Ninth Circuit into regions
would benefit the States of Alaska, Idaho, Montana, Oregon, and Washington by providing
speedier and more consistent rulings by jurists who have a greater familiarity with the social,
geographical, political, and economic life of the region, especially if those jurists were
required to be residents of that region;

BE IT RESOLVED that the Alaska State Legislature strongly supports S. 253 and the
division of the Court of Appeals for the Ninth Circuit into three regional divisions with one
region consisting of the States of Alaska, Idaho, Montana, Oregon, and Washington
headquartered in the Pacific Northwest; and be it

FURTHER RESOLVED that the Alaska State Legislature questions the need for a
fourth circuit division and urges the sponsors of S. 253 and the United States Congress to
inquire into the need for a fourth circuit division; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the sponsors of S.
253 to consider including a requirement that judges assigned to one of the three regional
divisions must reside in that regional division and urges the United States Congress to amend
S. 253 to address this concern; and be it

FURTHER RESOLVED that the Alaska State Legislature believes that a
reorganization of the Court of Appeals for the Ninth Circuit is long overdue and urges the
United States Congress to expeditiously consider and enact S. 253.

COPIES of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
of the United States and President of the U.S. Senate; the Honorable Strom Thurmond,
President Pro Tempore of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the
U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate;
the Honorable Dick Armey, Majority Leader of the U.S. House of Representatives; the
Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Richard A.
Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orrin G.
Hatch, Chair of the U.S. Senate Committee on the Judiciary; the Honorable Henry J. Hyde,
Chair of the U.S. House Committee on the Judiciary; and to the Honorable Ted Stevens and
the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
Representative, members of the Alaska delegation in Congress.