

CS FOR HOUSE JOINT RESOLUTION NO. 52(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 2/19/96

Offered: 2/7/96

Sponsor(s): REPRESENTATIVES PORTER, Rokeberg, Green, Mulder, James

A RESOLUTION

**1 Relating to the creation of a new United States Court of Appeals for the Twelfth
2 Circuit.**

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

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

6 WHEREAS the Court of Appeals for the Ninth Circuit consists of the States of
7 Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and
8 the federal territories, possessions, and protectorates in the Pacific; and

9 WHEREAS United States Representatives Bunn and White of Oregon, Representative
10 Dunn of Washington, and Representative Young of Alaska have introduced H.R. 2935, a bill
11 that would amend Title 28 of the United States Code to divide the Court of Appeals for the
12 Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of
13 Appeals Reorganization Act of 1996"; and

14 WHEREAS H.R. 2935 proposes to remove the states of Alaska, Arizona, Idaho,
15 Montana, Nevada, Oregon, and Washington from the Court of Appeals for the Ninth Circuit
16 and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in

1 Portland, Oregon; and

2 **WHEREAS** H.R. 2935 would make each circuit judge of the Court of Appeals for the
3 Ninth Circuit whose duty station is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or
4 Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

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

8 **WHEREAS** the Court of Appeals for the Ninth Circuit's case filings are greater than
9 any other federal circuit; and

10 **WHEREAS** members of the Court of Appeals for the Ninth Circuit have shown a
11 surprising lack of understanding of Alaska's people and geography that has resulted in
12 decisions that have often caused the people of Alaska unnecessary hardship; and

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

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

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

23 **WHEREAS** the Attorneys General of the States of Alaska, Idaho, Montana, Oregon,
24 and Washington have endorsed S. 956, the United States Senate counterpart to H.R. 2935; and

25 **WHEREAS** the creation of a new Court of Appeals for the Twelfth Circuit
26 encompassing the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and
27 Washington by H.R. 2935 would benefit these similar states by providing speedier and more
28 consistent rulings by jurists who have a greater familiarity with the social, geographical,
29 political, and economic life of the region;

30 **BE IT RESOLVED** that the Alaska State Legislature supports creation of a new Court
31 of Appeals for the Twelfth Circuit for the States of Alaska, Arizona, Idaho, Montana, Nevada,

1 Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the
2 United States Congress to act in an expeditious manner.

3 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
4 of the United States and President of the U.S. Senate; the Honorable Strom Thurmond,
5 President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S.
6 House of Representatives; the Honorable Bob Dole, Majority Leader of the U.S. Senate; the
7 Honorable Dick Armey, Majority Leader of the U.S. House of Representatives; the Honorable
8 Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Richard A. Gephardt,
9 Minority Leader of the U.S. House of Representatives; the Honorable Orrin G. Hatch, Chair
10 of the U.S. Senate Committee on the Judiciary; the Honorable Henry J. Hyde, Chair of the
11 U.S. House Committee on the Judiciary; and to the Honorable Ted Stevens and the Honorable
12 Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
13 members of the Alaska delegation in Congress.