

HOUSE JOINT RESOLUTION NO. 52

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PORTER, Rokeberg

Introduced: 1/9/96

Referred: State Affairs, Judiciary

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 Senators Burns of Montana, Murkowski and Stevens of
10 Alaska, Kempthorne and Craig of Idaho, and Packwood and Hatfield of Oregon have
11 introduced S. 956, a bill that would amend Title 28 of the United States Code to divide the
12 Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the
13 "Ninth Circuit Court of Appeals Reorganization Act of 1995"; and

14 WHEREAS S. 956 proposes to remove the states of Alaska, Idaho, Montana, Oregon,
15 and Washington from the Court of Appeals for the Ninth Circuit and place them in a new
16 Court of Appeals for the Twelfth Circuit; and

1 **WHEREAS** S. 956 would make each circuit judge of the Court of Appeals for the
2 Ninth Circuit whose duty station is in Alaska, Idaho, Montana, Oregon, or Washington a
3 circuit judge of the new Court of Appeals for the Twelfth Circuit; and

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

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

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

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

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

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

22 **WHEREAS** the Attorneys General of the States of Alaska, Idaho, Montana, Oregon,
23 and Washington have endorsed S. 956; and

24 **WHEREAS** the creation of a new Court of Appeals for the Twelfth Circuit
25 encompassing the States of Alaska, Idaho, Montana, Oregon, and Washington by S. 956 would
26 benefit these similar states by providing speedier and more consistent rulings by jurists who
27 have a greater familiarity with the social, geographical, political, and economic life of the
28 region;

29 **BE IT RESOLVED** that the Alaska State Legislature supports S. 956 and its creation
30 of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Idaho, Montana,
31 Oregon, and Washington; and be it

1 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
2 United States Congress to pass S. 956 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.