

SENATE CONCURRENT RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Frank, Green, Kelly, Leman, Miller, Pearce, Phillips, Rieger, Sharp, Taylor, Torgerson

Introduced: 1/23/95

Referred: Judiciary

A RESOLUTION

1 **Commending the Governor for pledging to continue the lawsuit known as the**
2 **"compact case" and urging the Governor to continue all other lawsuits against**
3 **the United States government that seek enforcement of any of the provisions of**
4 **the Alaska Statehood Compact.**

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

6 **WHEREAS**, when the Territory of Alaska became a state, its citizens ratified a
7 compact with the federal government known as the Alaska Statehood Compact, which is
8 embodied in the Alaska Statehood Act that was passed by the Congress; and

9 **WHEREAS** compacts such as the Alaska Statehood Act are properly viewed as
10 contracts between sovereigns that may not be unilaterally altered by either party; and

11 **WHEREAS** the principle that the controlling terms of statehood acts may not be
12 altered unilaterally has been consistently upheld by the United States Supreme Court in
13 Cooper v. Roberts, 59 U.S. (18 How.) 173 (1855); Beecher v. Wetherby, 95 U.S. (5 Otto) 517
14 (1877); and Stearns v. Minnesota ex. rel. Marr, 179 U.S. 223 (1900); and

15 **WHEREAS** there are sufficient grounds for believing that the federal government has
16 violated this principle by unilaterally altering or attempting to alter important terms of the

1 Alaska Statehood Act;

2 **BE IT RESOLVED** that the Alaska State Legislature commends the Governor for
3 pledging to continue the lawsuit known as the "compact case"; and be it

4 **FURTHER RESOLVED** that the legislature strongly urges the Governor to continue
5 all lawsuits against the United States government that seek enforcement of any of the
6 provisions of the Alaska Statehood Compact by resolving outstanding issues involving the
7 ownership of, management of, use of, benefits from, and access to land and water in Alaska,
8 including the renewable and nonrenewable resources on or in the land and water of Alaska.