

HOUSE JOINT RESOLUTION NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/17/97

Referred: 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 Stevens and Murkowski of Alaska, Senators Craig
10 and Kempthorne of Idaho, Senator Smith of Oregon, and Senator Gorton of Washington have
11 introduced S. 431, 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 1997"; and

14 WHEREAS S. 431 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 to be headquartered in Portland, Oregon and Seattle,

1 Washington; and

2 **WHEREAS** S. 431 would make each circuit judge of the Court of Appeals for the
3 Ninth Circuit whose duty station is in Alaska, Idaho, Montana, Oregon, or Washington a
4 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 in 1995 were
9 greater than any other federal circuit and in 1996 were the second greatest; and

10 **WHEREAS** the Court of Appeals for the Ninth Circuit serves a population of more
11 than 45,000,000 people, well over one-third more than any other federal circuit; and

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

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

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

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

25 **WHEREAS** the Attorneys General of the States of Alaska, Idaho, Montana, Oregon,
26 and Washington endorsed S. 965, introduced in the previous Congress to create a new Twelfth
27 Circuit Court of Appeals and the forerunner to S. 431; and

28 **WHEREAS** the creation of a new Court of Appeals for the Twelfth Circuit
29 encompassing the States of Alaska, Idaho, Montana, Oregon, and Washington by S. 431 would
30 benefit these similar states by providing speedier and more consistent rulings by jurists who
31 have a greater familiarity with the social, geographical, political, and economic life of the

1 region;

2 **BE IT RESOLVED** that the Alaska State Legislature supports creation of a new Court
3 of Appeals for the Twelfth Circuit for the States of Alaska, Idaho, Montana, Oregon, and
4 Washington headquartered in the Pacific Northwest; and respectfully requests the United States
5 Congress to act in an expeditious manner.

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