

Introduced: 3/4/76  
Referred: Judiciary

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 58

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 Making application to the United States  
6 Congress for a convention for proposing  
7 an amendment to the Constitution of the  
8 United States to provide for the election  
9 of federal district judges.

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

11 WHEREAS interpretation of federal law by the federal district courts is  
12 a matter of concern to all citizens; and

13 WHEREAS most of our citizens are opposed to the appointment of federal  
14 district judges for terms of good behavior, believing instead that justice  
15 would be best served by their election to office for definite terms;

16 BE IT RESOLVED by the Alaska State Legislature that, under Article V of  
17 the Constitution of the United States, it by this resolution makes appli-  
18 cation to the Congress of the United States to call a convention for proposing  
19 the following article as an amendment to the Constitution of the United  
20 States:

21 "ARTICLE \_

22 SECTION 1. Federal district judges shall be elected by the people  
23 for a six-year term in an election to be held in the judicial district  
24 where the vacancy exists.

25 SECTION 2. All vacancies in the office of federal district judge  
26 shall be filled by an appointment of the president and shall continue  
27 until an election can be held. The judge so elected shall serve for  
28 the balance of the unexpired term.

29 SECTION 3. All elections for federal district judges shall be on

1 a nonpartisan basis.

2 SECTION 4. All eligible voters who are residents of the geographi-  
3 cal area encompassed by the judicial district may vote in the election  
4 for such federal district judges."; and be it

5 FURTHER RESOLVED that the application by the Alaska State Legislature  
6 constitutes a continuing application in accordance with Article V of the  
7 Constitution of the United States until at least two-thirds of the legis-  
8 latures of the several states have made similar applications under Article V,  
9 but if Congress proposes an amendment to the constitution identical with that  
10 contained in this resolution before January 1, 1977 this application for a  
11 state application shall no longer be of any force or effect; and be it

12 FURTHER RESOLVED that since this method of proposing amendments to the  
13 constitution has never been completed to the point of calling a convention  
14 and no interpretation of the power of the states in the exercise of this  
15 right has ever been made by any court or any qualified tribunal, if there is  
16 such, and since the exercise of the power is a matter of basic sovereign  
17 rights and the interpretation thereof is primarily in the sovereign govern-  
18 ment making such exercise and since the power to use such right in full also  
19 carries the power to use such right in part, the Alaska State Legislature  
20 interprets Article V to mean that if two-thirds of the states make application  
21 for a convention to propose an identical amendment to the constitution for  
22 ratification with a limitation that such amendment be the only matter before  
23 it, such convention would have power only to propose the specified amendment  
24 and would be limited to such proposal and would not have power to vary the  
25 text thereof nor would it have power to propose other amendments on the same  
26 or different propositions.

27 COPIES of this resolution shall be sent to the Secretary of the United  
28 States Senate; the Clerk of the United States House of Representatives; each  
29 house of each state legislature in the United States; and to the Honorable

1 Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable  
2 Don Young, U. S. Representative, members of the Alaska delegation in Congress.  
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