

HB

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STATEMENT OF CAROLYN BURG BEFORE THE SESSION  
OF THE 12TH ALASKA STATE LEGISLATURE ON MARCH  
26, 1981 WITH RESPECT TO CS FOR SENATE BILL  
NO. 86 (RELATING TO EXPENDITURE OF STATE MONEY  
FOR RELOCATION OF THE STATE CAPITAL, AND AMENDING  
THE LAW ADDED BY THE INITIATIVE POPULARLY KNOWN AS  
THE "FRANK INITIATIVE"- RULES COMMITTEE SUBSTITUTE)  
OFFERED MARCH 25, 1981

With all due respect to your offices, you are in the wrong jurisdiction on CS for SB 86 (Rules) because United States Patents (or federal grants) are involved here, and a state statute enacted subsequently to a federal grant cannot operate to vest in the State rights which either remained in the United States or passed to its grantee - United States v. Oregon, 295 U.S. 1, 28 (1935)

Therefore under Chapter 8, (entire) Masons Legislative Manual and Chapter 46, Sections 518 and 519, the same Manual any vote you take on this CS for SB 86 (Rules) or any other legislation on this issue is null and void.

Once the federal grants are in place, as it is in this Capital, state statutes are without force here under Article III of the United States Constitution.

In establishing the judicial branch, the Constitution provides as follows:

..."Section 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority...to controversies to which the United States shall be a party; to controversies between two or more states; between a State and a citizen of another State; between citizens of different states; between citizens of the same State claiming lands under grants of different states, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

..."In all cases ...in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make ..."

Federal law prevails in patent cases, interstate commerce acts and the multitude of subjects upon which Congress may enact laws, any suit brought in the federal court is, of course, governed by the federal law. We also do have federal common law. State legislation cannot interfere with the power of Congress under Art. IV, Sec. 2 of the U.S. Const. or embarrass its exercise. Gibson v. Chouteau, 13 Wall (80 US) 92, 99 (1872). And Congress has acted clearly in this case.

As we have informed you before, initiatives and resolutions have nothing at all to do with this Capital, as it is under United States Patented fee-simple grants. This city is controlled by laws that Congress made almost 75 years ago. This is a trust, and we are declaring that we are presently holding this property for the benefit and in trust for others, Whitehead v. Connelly, Ky., 368 SW 2d 337, as a remainderman.

The beneficial interest under a land trust is personal property. Shefner v. University National Bank, 40 Ill. App. 3d 978, 353 NE 2d 126

While we have not found a constitutional trial lawyer thus far, Chapter 75 (entire) of your Mason's Legislative Manual does allow investigations by the Legislature, and this legislature could check out our authorities with the best professors in the nation. Why is this not being done?

We surely hope that this 12th Alaska State Legislature will consider this trust in its technical sense as an

"obligation on a person to whom the legal title to property has been transferred arising out of a confidence reposed in him to apply the property faithfully and according to such confidence"

1 Perry, Trusts & Trustees (4th ed) Sec. 2

Central Life Assur. Soc. v. Birmingham, 48 F. Supp. 863

Respectfully submitted,

*Carolyn Burg*

(Mrs. Amos)

Carolyn Burg

- cc: U.S. Solicitor General, Washington, D. C. 20000
- Governor Jay Hammond, Capitol Building, Juneau, Alaska 99801
- Lt. Governor Terry Miller, " " " "
- Commissioner Lee McAnerney, Dept. of Community & Regional Affairs, Pouch B, Juneau, Alaska 99811
- Attorney General's Office, Capitol Building, Juneau, Alaska 99801
- Attorney General of the United States, Washington, D. C. 20000
- Secretary of the Interior James G. Watts, 1951 Constitution Ave., Washington, D. C. 20245
- All members of the Alaska 12th Legislature, 1st Session, Juneau, Alaska

City & Borough of ( ss  
Juneau, Alaska (

Dated March 26, 1981

I am a Notary Public for the State of Alaska and know Carolyn Burg and she states that the above statements are true, according to her research and facts of this case.

*James P. Beall*  
Not. Exp. on 1 Aug. 83