

5 HU : CORRESPONDENCE BY SUBJECT

**MAN IN NATURE: A STRATEGY FOR ALASKAN LIVING\***

*Not on record  
conservation*

**Robert B. Weeden**

**Alaska Conservation Representative  
Box 5-425 College, Alaska 99701**

People move to Alaska for many reasons, and because of the distance and cost of moving, the reasons rarely are trivial. Major population increases have come in boom times; one might infer that the lure of economic benefits has been paramount. But recessions have followed the booms and those with purely economic motives often have gone back "Outside" where, if they were going to starve, they could do it in a comfortable climate. Even in our exciting times in Alaska a man spends \$1.32 for what he could buy in Seattle for \$1.00; he earns only \$1.21 for a dollar's worth of labor by national standards. Clearly the Alaskan is not as well off as the average American.

Or is he? Is there something in the air, the romance of Alaska that creates the captivating incentive that money fails to provide? Do people stay because they expect to take part in a legend? I think they do. In Alaska people perceive and respond to a uniqueness comprised of the freshness of history, the indefinable lure of "frontier."

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\* Paper presented at the Tundra Conservation Conference, Edmonton, Alberta, October 16, 1969.

and, above all, the wilderness. Despite the comings and goings of boomers, I think the heart of Alaskans is in Alaska.

If ever it was important for a people to gauge accurately their own feelings about themselves and their environment, it is true in Alaska today. History and Nature have proffered an array of choices that our civilization has never seen before. The only decision we cannot make is to stay aloof from change. If we Alaskans do not make our own choices, others will happily do it for us.

The most obvious element in the situation is the economic upheaval since the September 10, 1969 oil lease sale in Anchorage. On that day Alaskans, who had earned a total personal income of a little over a billion dollars in 1969, received slightly over \$900,000,000 in lease payments and bonuses on State lands near Prudhoe Bay. The expectation of significant continued income from future lease sales and from oil and gas production suggests that the rather desperate search for revenue characterizing the decade after statehood is over.

An equally important ingredient is that the inherent character and productivity of the land are largely undiminished. Over vast areas of the State there is hardly any evidence of human use. Air and water are as pure as anywhere in this polluted world. Renewable resources are (with a few exceptions) harvested below or barely at

annual production levels. Surface transportation nets cover only one-fourth of the State, sparsely. In short, the present array of choices is not greatly diminished by past mistakes or heavy capital investments.

Third, a major group of Alaskans, the approximately 60,000 Indians, Eskimos, and Aleuts of the State, may suddenly gain economic and landowner stature such as they have never had before. These people face individual and group choices that are in many ways more difficult and unsettling than those confronting other Alaskans.

Fourth, the richness of the present opportunity is largely due to the recognition by Alaskans that their new wealth brings new responsibilities of decision. To some the responsibility is mainly fiscal: to invest for greatest dollar return in time. Others see the social good that could come from expenditures for education, sanitation, public works, or various welfare programs. As just one example of this widespread awareness, there will be a series of public discussions this autumn, sponsored by the Brookings Institute and led by the Alaska State Legislative Council, in which Alaskans will consider policies for the uses of public revenues.

In this context it seems both appropriate and urgent that there be full and vigorous public debate of various strategies for Alaskan living. Among the several alternatives, I am urging one that involves exceptional recognition of Nature as an integral part of the

human environment. If this style of life touches the hearts and minds of Alaskans we will necessarily have to adopt bold policies relative to population growth and industrialization. These, in turn, will require that specific tactics of resource and environmental use immediately be brought to bear on current political and economic decisions.

The general idea is simple. I see Alaska as a place where people elect to withhold the full force of their technical and pro-creative powers so as to reap the rich harvest of tangible and intellectual resources the wild North can promise. I do not propose turning Alaska into a permanent nature preserve, administered by some monstrous conservationistic bureaucracy. Neither do I propose that Alaska welcome industrialization unreservedly, mimicing the unenviable environments technology has spawned all over the world. The middle road is not, in this case, a politically viable compromise, because walking it will be much harder than taking either of the other paths. Rather, I chose it because I believe in diversity of opportunity--economic, materialistic, creative, recreative--as a prime element in the good life. Not everyone wants to be a bird-watcher. Not everyone should be ensnared in the television syndrome.

## POLICIES FOR LEADERS

If this idea is to work, Alaskans and their governments must adopt three basic policies: limited population, selective industrialization, and environmental consciousness. All are indispensable. All are fraught with emotional polarities, and their acceptance and institutionalization will be extremely difficult.

There is no need to belabor the now-obvious perils of excessive population. In policy terms, whereas much of the world cannot long survive without a reduction in population, and whereas America itself must take steps to limit further population growth, Alaska is one of the few self-supporting units of government that can justify conceiving of and working toward an optimal population (which may be at a level somewhat higher than our present quarter-million people). The concept of optimal population, admittedly, is poorly defined. To me it means the general population level at which people enjoy the widest freedom of cultural and economic pursuits. There is an obvious interaction of dollars, culture, and population; a few rich people could finance a performance of an opera, but it takes more middle-income people to do the same thing. "Optimal population levels" may be dynamic rather than static, raising and lowering as cultural and environmental shifts take place.

The life style I advocate will be impossible unless we develop and practice a policy of population regulation. We will need to limit the number of births among Alaskans through legalized abortion, birth-control measures, incentives for small families, or other methods and combinations that are acceptable and effective. We will have to restrict immigration, possibly approaching this tricky problem from a strategy of reducing the incentive for people to immigrate, rather than by barring entry to those who knock on the door.

The spacing or geographic distribution of people is an equally important subject. In Alaska, big settlements have been growing bigger and small places have been getting smaller for several decades, with a net annual increase in total state population. Roughly one-third of all Alaskans now live in Anchorage and its satellite communities. Another one-third live in the towns of Fairbanks, Palmer, Kenai-Soldotna, Ketchikan, Juneau, and Sitka. The trend toward urbanization is essentially conservative of landscape, and it should be encouraged in Alaska. Towns and cities should be made more attractive in both opportunity and appearance. Conversely, outdated programs such as the Homestead Act (by which the federal government gives large acreages to private persons, ostensibly for agriculture but now for other uses including land speculation) should be abandoned. These programs result in the

scattering of people along road systems, leading to high costs for services, and degradation of the countryside.

(The entire mix of federal, state, and local government programs for hinterland development are in dire need of overhaul, reappraisal, coordination, and redirection. Again, Alaskan conditions favor concerted, long-term land planning because large blocks of land are under jurisdiction of a few public agencies responsible for management in the public interest. There is an unbreakable two-way relation between public lands management, access and transportation, settlement patterns, and population policy.)

The second policy, that of selective industrialization, is closely tied to the first. If we reject outright the conventional myth that population growth is a necessary handmaiden to progress, we do not have to look for industries that "provide jobs"--and end up attracting 102 job-seekers for every 100 jobs they offer. We can foster industries that are capital-intensive rather than labor-intensive, and select those least likely to degrade the natural environment through noxious effluents or outputs. We can also reject extravagant power generation projects justified with self-fulfilling projections of demand from processing industries and population growth; neither the manufacturing plants nor the increased population are desirable. Traditional tax enticements

to new industries could be scrapped unless they carry out the environmental or social policies of the State.

Out of a total civilian work force of about 100,000 people in 1968, approximately 91,000 had jobs. Over one-third of all working people were employed by governments. About one-fourth were employed in trades and services, about 6 to 8 per cent each in transportation, manufacturing (including logging), contract construction, and smaller proportions in mining, financial, and other occupations. The main sources of "new money" in the Alaskan economy have been federal government expenditures, commercial fish, oil and gas, forest products, minerals, and tourism, in order of decreasing dollar value.\* In 1969 the great increases in oil and gas revenues (mostly lease payments and bonuses, not production) have changed the relative ranking of these sources of money, and the new picture may hold for a number of years.

The important point for this discussion is that revenue from the Cook Inlet and Arctic oilfields has given Alaska a tremendous bank balance after many years when federal expenditures were the critical factor in survival of the economy. Assuming that gas and oil revenues from those fields will be high for several decades, and assuming a continued net inflow of federal dollars, there is no need for economic policy that strains the

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\*Data from Vol. VI, Nos. 1 and 3, Alaska Review of Business and Economic Conditions, Institute of Social, Economic, and Government Research, University of Alaska, College, Alaska.

productive capacities of renewable resources, and no need for aggressive expansionism in mining, tourism, manufacturing, and other industries. There is a greater need to turn our attention to the serious social inequities in our local economy, a prime example being poverty and joblessness among Alaskan natives--a condition that is worsening rather than improving as our total dollar flow rises.

The third policy, which I coined "environmental consciousness," depends on Alaskans adopting Aldo Leopold's "land ethic." Incorporated into government it would become "ecomangement," a term Jare Mayda coined\* to express the broad new tasks of conservation, encompassing all individual aspects of environment, the whole concept "environment" (since this is more than the sum of its parts), and the interplay of man and environment. Operationally this policy would seek always to maximize the full spectrum of human benefits from the use of space and other natural resources, not merely to maximize revenue. It would defend man against himself in the common environmental problems of air, water, and noise pollution. It would be the basis for defense of those delightfully "useless" animals, plants, and empty miles that may be the ultimate salvation of man, and which unquestionably are an important foundation for scientific knowledge, artistic creativity, and personal re-creation and pleasure.

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\*Jare Mayda, 1967, "Environment and Resources: From Conservation to Ecomangement," School of Law, University of Puerto Rico.

## PETROLEUM IN THE NEW ALASKA

As I said earlier, adopting these policies would mean completely different approaches to environmental management. Alaskan oil developments provide an excellent and timely example; I will describe the current situation briefly and suggest two steps to take immediately to cope with the oil giant.

If the first guesses of petroleum geologists are correct, close to one-half of Alaska and its offshore waters may be underlain by oil- or gas-bearing strata. This includes most of the State outside of the Alaska Range, Brooks Range, and mountainous Interior areas. Some private seismic work or drilling has occurred in practically all of the oil regions of the State, but two, Cook Inlet and the central Arctic have had the lion's share of attention. The first production wells were spudded on the Kenai Peninsula in 1958; the Swanson River field was developed there and, together with about 16 wells offshore in adjacent Cook Inlet, this field produces all of Alaska's present output of about 200,000 barrels per day. A small refinery exists near Kenai, but most Alaskan oil is shipped as "Crude" out of shore facilities on the east and west sides of Cook Inlet.

Exploration and production activity in the Inlet and on the Kenai Peninsula gave Alaskan's a fairly clear idea of the sorts of problems oilfield development brings. The network of thousands of

miles of intertwining tractor trails across marshes, forests and alpine areas jolted people into sharp awareness that even looking for oil causes problems. Strictly enforced regulations helped: anyone who compared the seeded roadsides and healing "cat" trails on the Kenai National Moose Range with the debris and scarring on state lands just outside the Range could see this readily. Air and water pollution came, as inevitably they will. A cloud of smoke is sometimes visible for miles when wasted natural gas is flared from the Inlet's wells. Hundreds of oil spills from tankers, wells, and pipes have been recorded by government agencies. A few big ones have killed ducks or befouled the nets of fishermen (Cook Inlet has an important commercial and recreational salmon fishery). Life in Anchorage has changed, too, with the advent of oilmen and boomers. No longer a small town serving nearby military bases and tourists, Anchorage has swept into an era of burgeoning population, acute land allocation problems, and school and public service expansion suggesting that, like Alice, someone ate from the wrong side of the mushroom.

But Anchorage had its growing pains and Kenai its land scarring before oil. Petroleum development simply intensified and added new facets to the problem. It is in the Arctic, with its virginal and vulnerable landscape, that the impact of oil is most obvious. The gnawing scars from seemingly harmless trails of construction vehicles, the gambles of permafrost engineering, the unsuitability of ordinary

sanitation techniques, the fantastic longevity and visibility of debris, the oil spills, the huge demand for gravel for camps and airstrips, the question of whether caribou will be frightened and displaced by surface feeder pipes and the general bustle of oilfield operations--these are now commonplace topics of conversation in the North. Technological man has burst upon the Arctic, a stranger. He can ride roughshod for a time over the tundra to his shining golden visions, but always nagged by the feeling he could do much better. Science cannot yet be of much help. Government is an uncertain watchdog, alternately barking and licking its chops.

Bigger questions for Alaska lie beyond Prudhoe Bay and Cook Inlet. Can petroleum be shipped out of Alaska by pipeline, tanker, or any other means without chronic and catastrophic oil spills? Will the Arctic oilfield, now confined to the central Arctic north of the Brooks Range, expand west into the huge Naval Petroleum Reserve No. 4 and east to the lovely Arctic National Wildlife Range? Will the semi-secret explorations in Bristol Bay and on the Alaska Peninsula turn that fabulous big-game, waterfowl, and salmon paradise into another Prudhoe? Can offshore drilling in the savage Gulf of Alaska or the Beaufort Sea be done without a series of Santa Barbara's? Will the next big strike be on the delta of the Yukon River, where Secretary of the Interior Walter Hickel is said to have more than a passing financial interest at stake?

In view of these and other managerial complexities that neither industry, state, nor federal governments have been able to solve, I propose a complete shutdown for at least three years of all further oil and gas exploration in Alaska and adjacent waters, outside of present lease areas in Cook Inlet and the central Arctic. In my judgement the immediate and permanent benefits from this action would far outweigh any temporary reduction in revenues to geophysical contractors or to the State of Alaska. First, this action would let the oil and gas industry turn its full attention to getting known petroleum reserves into production and to market safely and with minimum losses to the environment. Second, the moratorium would give governments time to establish a full range of regulations for oilfield conservation and for the protection of the landscape and wildlife. Even more critical is the need for resource agencies to obtain the staff and funds to explain and enforce these regulations, and to establish training programs jointly with industry. Third, universities and others could begin basic, full-scale studies of tundra and taiga disturbances, so that better evaluations of the regulations would be possible. Fourth, and very importantly, oil companies and the government could steadily improve techniques of slant drilling, seismic systems, helicopter, hovercraft, and overland vehicle usage, and sanitation, so that future exploration could be done in safety and with minor and tolerable damage to the land. Fifth, the State of Alaska could study its new

role as rich man, learning how to make the most social mileage out of its financial windfall. Finally, the memorandum would allow resource agencies and private groups to develop sound proposals for lands to be reserved permanently from oil and gas exploration and exploitation, based on their importance to science or exceptional wildlife, scenic, or recreational values.

Eventually more of the potential oil lands would be explored. This should come on the initiative of the government, not industry. It should be done when the national and global situation clearly calls for development of new reserves, and it should be done on lands selected by the government. And, as oil and gas are public resources under public land, the public, through government, should dictate the conditions and techniques of exploration. I suggest that a separate industry-government corporation be established to explore each parcel as it is opened up, with companies and individual entrepreneurs bidding for a share in the venture. The corporation would then conduct all exploration work with the best technology available, sharing geophysical data within the corporation. This would eliminate the haste and secrecy that have caused such wasteful and destructive duplication of seismic lines, shot holes, camps, roads, airstrips, test wells, and gravel pits in the Arctic. Petroleum discoveries would be developed by the private members of the exploration group, under a unitization plan, dividing proceeds in the ratio of original bids for exploration.

I am convinced that if we act sensibly, using the knowledge we have or can soon develop, the Arctic, Cook Inlet, and perhaps other oilfields can be developed into showpieces of public and private cooperation. Alaska would necessarily have to sacrifice some of her wildness, some of her cleanness of landscape, and some of her outdoor playgrounds and classrooms, doing this not blindly but in full knowledge that a good bargain has been struck by men for men.

#### ALASKA AND THE WORLD

The future Alaska I rather wistfully envision would have more people than now--perhaps 500,000 or so--but they would be in the same population centers as now. There would be awesome stretches of semi-wilderness where people lived who prized solitude, or who enjoyed making their way from the seasonal fruits of the countryside. There would be relatively smaller stretches of true wilderness, balanced by local areas where facilities were developed for the enjoyment of Nature by larger numbers of visitors. There would be a comfortable network of roads where needed, planned, mile by mile, to display and preserve the countryside and to host appropriate commercial, residential, and recreational uses. Public revenues would come from the usual range of personal and corporate taxes and from the State's share of Alaskan resources extracted for private profit: oil, gas, fish, minerals, timber,

water. Alaskans would be teachers, scientists, civil servants, tradesmen, miners, fishermen, loggers, financiers, artists--a reasonable sample of the whole range of occupations open to modern societies.

Anyone who knows Alaska will remark that what I have in mind is simply to perpetuate the present. Today's Alaska, however, is a result of a complex and dynamic history. The economic, psychological, and global events that made Alaska what it is are already pushing it towards something else. That "something else," I fear, is a repetition of the dollar-rich, culture-poor, trash- and poison-ridden landscape so characteristic of industrial America. Changing this destiny requires a revolution in the attitudes of everyman (and especially of those who lead), towards his own sources of happiness, his own life style, and his own environment.

In a very real sense what I am proposing is not only a milieu for Alaskans but an opportunity for the world. The world needs an embodiment of the frontier mythology, the sense of horizons unexplored, the mystery of uninhabited miles. It needs a place where wolves stalk the strand lines in the dark, because a land that can produce a wolf is a healthy, robust, and perfect land. The world desperately needs a place to stand under a bright auroral curtain on a winter's evening, in awe of the cosmic cold

and silence. But more than these things the world needs to know that there is a place where men live amidst a balanced interplay of the goods of technology and the fruits of nature. Unless we can prove that a modern society can thrive in harmony with the land, the bits of wildness we salvage in Alaska will be nothing more than curious artifacts in the sad museum of mankind.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 Censuring the President of the Senate.

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

7 WHEREAS, to resolve the differences between the House and Senate  
8 versions of HB-857 (trust companies), on May 25, 1970, the President  
9 of the Senate (at Page 1140 of the Senate Journal) and on May 27,  
10 1970, the Speaker of the House (at Page 1398 of the House Journal)  
11 appointed the members of a free conference committee (with powers of  
12 free conference); and

13 WHEREAS this free conference committee, consisting of Senators  
14 Zeigler, Vance Phillips, and Josephson, and Representatives Borer,  
15 Chance, and Kay, completed its work by May 28, 1970, as shown by the  
16 committee report and House adoption of it at Page 1406 of the House  
17 Journal; and

18 WHEREAS ever since May 28 the President of the Senate has inten-  
19 tionally withheld this free conference committee report from the Senate,  
20 thus preventing that body from adopting it and in effect exercising his  
21 own veto of the bill; and

22 WHEREAS Paragraph (1)(j) of Appendix A to the Uniform Rules of the  
23 Alaska State Legislature, setting out the duties of the presiding officer,  
24 requires him, as a ministerial function, "to receive all messages and  
25 communications and to announce them to the body;" and

26 WHEREAS passage of HB-857 am, as recommended by the free conference  
27 committee, is essential for the regulation of trust companies and the  
28 protection of the public;

29 BE IT RESOLVED that the legislature censures Senate President Brad

*changed  
final  
version*

1 Phillips for his dereliction of duty and apparent disregard of the public  
2 interest.  
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*Snowmobiles*

13 Mile Richardson Highway  
Fairbanks, Alaska 99701  
February 24, 1969

Representative Barry Jackson  
House of Representatives  
Juneau, Alaska

Dear Mr. Jackson:

We urge your support of the bill introduced by Rep. Bronson in the House last Friday, requiring mufflers on snowmobiles. We urge, however, that this not be confined to those used within a city's limits, but in any populated area. We live just outside the city limits of North Pole, and we think this limitation would encourage unmuffled snowmobiles to be used in an area such as ours. In truth, we feel it is fair for snowmobiles used in populated areas to be subject to the same regulations as automobiles.

Thank you for any support you can give to this bill.

Yours truly,

*Joseph Seale  
Jule Seale*

## MEMORANDUM

State of Alaska

TO: 

Mel Personett, Commissioner  
Department of Public Safety

DATE : October 24, 1959

FROM: G. Kent Edwards  
Attorney General

SUBJECT: Review of Regulations

By: Robert J. Mahoney *RJM*  
Assistant Attorney General

This office has completed the review of the proposed regulations to be adopted by your department consisting of chapters 2, 4, 6, 8, 10, and 15 of Title 13 of the Alaska Administrative Code. During the course of my review I have made notations on copies of the proposed regulations furnished to this office to indicate changes that will add to the clarity, simplicity, and consistency with other regulations. I have also recommended the deletion of a few sections or parts of sections which the Department of Public Safety is without authority to adopt or which could adequately be covered by rewording other sections in the regulations.

The copies of the regulations containing my comments have been forwarded to Captain Barkley, reviewed by him, and returned to this office. Most of the changes recommended by this office have been incorporated in the regulations to be adopted. Other recommendations were withdrawn or modified by this office following conferences with Captain Barkley. These conferences clarified the factual framework within which the regulations were to be applied and revealed difficulties that could be encountered if the recommended changes were incorporated in the regulations. Several additional changes have been made based on the recommendations of the Department of Highways.

The proposed regulations, incorporating the changes referred to above, are approved by this office as satisfying the criteria set forth in AS 44.62.060. They are in a proper form to be filed with the Secretary of State after adoption, and need not be reviewed again by this office unless substantial changes are made in the regulations following the public hearing.

cc: Secretary of State

GKE:RJM:em

SHB

## MEMORANDUM

State of Alaska

TO: 

Mel J. Personett  
Commissioner  
Department of Public Safety

Dec 11 1 25 PM '69

DEPT. OF PUBLIC

DATE : December 8, 1969

FROM: G. Kent Edwards  
Attorney General

SUBJECT: Regulations -  
File No. 334

By: Robert J. Mahoney *RJM*  
Assistant Attorney General

Your memorandum of December 1, 1969, enclosing chapters 02, 04, 06, 08, 10 and 15 of 13 AAC, is hereby acknowledged.

This memorandum will confirm my conversation with Captain James Barkley on December 1, 1969, in which I advised Mr. Barkley that the regulations were in proper form for filing and that the memorandum of this office dated October 24, 1969, approving those regulations, should be filed at that time.

The listing in your memorandum of all significant changes that have been made in the regulations as finally adopted, has been noted by this office. Please be advised that Captain Barkley conferred with this office concerning each of these changes prior to the time that they were incorporated in final draft of the regulations. They have been approved as satisfying the requirements of AS 44.62.060(b).

cc: Secretary of State

GKE:RJM:em

**NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY**

Notice is hereby given that the Department of Public Safety, under authority vested by AS 28.05.030-050; 28.20.020; and 28.15.136, proposes to adopt, amend and repeal regulations in Title 13 of the Alaska Administrative Code as follows:

**GENERAL:** A complete revision of the regulations governing rules of the road; equipping of vehicles; inspection of vehicles; safety responsibility; definitions of words and phrases used in the traffic regulations; and adoption of a complete set of regulations governing the issuance or denial of school bus driver permits, is being made. Revisions include the deletion of various existing provisions, the addition of new provisions and the technical amendment of wording throughout the regulations. Adoption of these regulations will repeal 13 AAC 01.101; 103; 104; 105; and 106 and will adopt 13 AAC 02 (Rules of the road); 13 AAC 04 (Vehicle lighting, brakes and other equipment); 13 AAC 06 (Inspection of vehicles); 13 AAC 08 (Driver licensing and safety responsibility) and 13 AAC 10 (Definitions—traffic regulations). The provisions of these regulations concern the following:

**A. RULES OF THE ROAD:**

- (1) Traffic signs, signals, and markings;
- (2) Use of the roadway;
- (3) Right-of-way;
- (4) Pedestrian rights and duties;
- (5) Turning, starting and signals on stopping or turning;
- (6) Special stops required;
- (7) Speed restrictions;
- (8) Stopping, standing or parking;
- (9) Bicycles;
- (10) Snow, vehicles (equipment, restrictions on use, etc.);
- (11) Miscellaneous provisions—governing leaving vehicles unattended, backing, riding on cycles and scooters, obstructing driver's view, opening and closing doors, livestock on roadway, riding in trailers, coasting, following emergency vehicles, crossing fire hose, littering, carrying or towing persons on outside of vehicle, embracing while driving, drinking while driving and leaving child in vehicle;
- (12) General provisions governing application of traffic regulations, obedience to police officer, riding animals or animal-drawn vehicles, fireman's private vehicle and emergency vehicles.

**B. VEHICLE LIGHTING, BRAKES AND OTHER EQUIPMENT:**

- (1) Scope and effect of regulations;
- (2) Lamps and other lighting equipment;
- (3) Brakes;
- (4) Other equipment, including horns, muffler, mirrors, windshield, tires, safety glazing material, flares and warning devices, air conditioning equipment, television viewers, anti-deicers, wipers, seatbelts, safety chains, motorcycle and scooter requirements concerning face shields, helmets, handlebars, and standards for use, and required equipment of vehicles for sale, lease or rental.

**C. INSPECTION OF VEHICLES:**

- (1) Vehicle equipment condition;
- (2) Inspection by officer;
- (3) Owner or driver to comply with inspection requirements;
- (4) Roadside inspections;
- (5) Inspection stickers;
- (6) Prohibited practices (repairs, etc.);
- (7) Notice and approval of repair or adjustment.

**D. DRIVER LICENSING AND SAFETY RESPONSIBILITY:**

- (1) School bus driver permits—(Article 1):
  - (a) Application of regulations;
  - (b) Denial of permit (grounds);
  - (c) Application and examination requirements (scores, composition and frequency);
  - (d) Medical standards;
  - (e) Permit to be carried;
  - (f) Restricted permit;
  - (g) Cancellation of permit (grounds);
  - (h) Suspension or revocation of permit (grounds and duration);
  - (i) Re-examination (grounds).
- (2) Safety Responsibility—(Article 2):
  - (a) Application of regulations;
  - (b) Reports required (time

**Proof of Publication**

**ANCHORAGE DAILY TIMES**

**JOSEPH P. KOLLER**

being duly sworn, according

to law declares: That he is the **ADVERTISING DIRECTOR** of The Anchorage

Daily Times, a daily newspaper published in the town of Anchorage, in the Third Judicial Division, State of Alaska; that the notice of **PROPOSED CHANGES IN THE REGULATIONS**

**OF THE DEPT. OF PUBLIC SAFETY: RULES OF THE ROAD...** a copy of which is hereto attached, was published **OCT. 13, 1969**

in said Anchorage Daily Times, beginning with the issue of **OCT. 13, 1969**,

and ending with the issue of **OCT. 13, 1969**.

*Joseph P. Koller*

Subscribed and sworn to before me this **13th** day of **OCT.**, 19 **69**.

Notary Public for the State of Alaska.

My Commission Expires **6/19/1973**

(c) Security deposit (form and beneficiary);  
 (d) Release from liability (notarization required);  
 (e) Agreement for payment of damages (Notarization required);  
 (f) Form of notice (delivery and time limit).

**E. DEFINITIONS—Traffic regulations:**  
 This chapter defines various words and phrases used in the traffic regulations and in certain sections of AS 28.

Since the regulations are so extensive as to preclude inclusion in this notice, interested persons may inspect them at a regional headquarters office at the Alaska State Troopers, Anchorage or Fairbanks, or obtain a reasonable number of copies by a written request addressed to the Department of Public Safety, Pouch N, Juneau, Alaska.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9:00 o'clock a.m. on November 17, 1969.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

DATE: October 10, 1969  
 Mel J. Purscott  
 Commissioner  
 Department of  
 Public Safety

PUB Oct 13 1969

ACCOUNTING SECTION  
 NOV 5 - 1969  
 RECEIVED

# PUBLISHER'S AFFIDAVIT

ACCOUNTING SECTION  
STATE OF ALASKA  
NOV 10 1969  
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United States of America

State of Alaska ss.

First Division

(Paste copy of publication here)

**NOTICE OF PROPOSED  
CHANGES IN THE  
REGULATIONS OF THE  
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SAFETY**

Notice is hereby given that the Department of Public Safety, under authority vested by AS 28.05.030-050, 28.20.020, and 28.15.130, proposes to adopt, amend and repeal regulations in Title 13 of the Alaska Administrative Code as follows:

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4. Pedestrian rights and duties;
5. Turning, starting and signals on stopping or turning;
6. Special stops required;
7. Speed restrictions;
8. Stopping, standing or parking.
9. Bicycles 10. Snow vehicles (equipment, restrictions on use, etc.);
11. Miscellaneous provisions-governing leaving vehicles unattended, backing, riding on cycles and scooters, obstructing driver's view, opening and closing doors, livestock on roadway, riding in trailers, coasting, following emergency vehicles, crossing fire hose, littering, carrying or towing persons on outside of vehicle, embracing while driving, drinking while driving and leaving child in vehicle; 12. General provisions-governing application of traffic regulations, obstructions to police officer, riding animals or animal-drawn vehicles, fireman's private vehicle and emergency vehicles.

I, William H. James,  
 being first duly sworn, on oath depose and say: that I am  
 the General Manager of  
 SOUTHEAST ALASKA EMPIRE, a newspaper of general circulation,  
 published in the town of Juneau, State of Alaska; that the pub-  
 lication, of which the annexed is a true copy, was published in  
 said newspaper on the 17th  
 day of October, 1969,  
 at Juneau, the last date of publication being  
October 17, 1969.

William H. James

Subscribed and sworn to before me this 1st

day of November, 1969

Angel Albert

Notary Public in and for the State of Alaska.

My commission expires August 12, 1971

K-2

### C. INSPECTION OF VEHICLES

1. Vehicle equipment condition;
2. Inspection by officer;
3. Owner or driver to comply with inspection requirements;
4. Roadside inspections;
5. Inspection stickers;
6. Prohibited practices—repairs, etc.
7. Notice and approval of repair or adjustment.

### D. DRIVER LICENSING AND SAFETY RESPONSIBILITY

1. School bus driver permits—(Article 1):
  - a. Application of regulations;
  - b. Denial of permit—(grounds)
  - c. Application and examination requirements—(scores, composition and frequency);
  - d. Medical standards;
    - a. Permit to be carried;
    - f. Restricted permit;
    - g. Cancellation of permit—(grounds);
    - h. Suspension or revocation of permit—(grounds and duration);
    - i. Re-examination—(grounds).
2. Safety Responsibility—(Article 2):

- a. Application of regulations;
- b. Reports required—(time limits);
- c. Security deposit—(form and beneficiary);
- d. Release from liability—(notarization required);
- e. Agreement for payment of damages—(Notarization required);
- f. Form of notice—(delivery and time limit).

### E. DEFINITIONS—TRAFFIC REGULATIONS

This chapter defines various words and phrases used in the traffic regulation and in certain sections of AS 28.

Since the regulations are so extensive as to preclude inclusion in this notice, interested persons may inspect them at a regional headquarters office of the Alaska State Troopers, Anchorage or Fairbanks, or obtain a reasonable number of copies by a written request addressed to the Department of Public Safety, Pouch N, Juneau, Alaska.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9 a.m. on November 17.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

Notice is hereby given that the Department of Public Safety, under authority vested by AS 05.20.070, proposes to amend regulations in Title 13 of the Alaska Administrative Code as follows:

**GENERAL:** A complete revision of the regulations governing ski lifts and tows and amusement rides is being made. Revisions include the deletion of various existing provisions; the addition of new provisions and the technical amendment of wording throughout the regulations. Adoption of the revised regulations will delete 13 AAC 01.107 and 108, and will adopt 13 AAC 03. 010-150 (Aerial passenger tramways) and 13 AAC 15. 160-320 (Amusement rides). The provisions of those sections of that chapter concern the following:

#### 1. Aerial Passenger tramways—(Article 1):

- a. Declaration of intent;
- b. Aerial tramway; single and double reversible
- c. Registration;
- g. New construction and alterations;
- h. Accident and injury;
- i. Inspection, maintenance and repair;
- j. Signs and lighting;
- k. Storms;
- l. Miscellaneous
- m. Attendants;
- n. Application of other codes (electrical, bldg. etc.)
- o. Definitions.

#### 2. Amusement Rides—(Article 2):

- a. Purpose;
- b. Structure and foundation;
- c. Access and egress
- d. Passenger loading platforms, ramps, stairways and railings;
- e. Electric safety requirements;
- f. Passenger carrying equipment;
- g. Safety belts, bars and similar equipment;
- h. Signal systems;
- i. Debris and obstructions;
- j. Attendants;
- k. Signs;
- l. Extraordinary hazards;
- m. Accident and injury
- n. Inspection, maintenance and repair;
- o. Exceptions;
- p. Definitions.

Since the regulations are so extensive as to preclude inclusion in this notice, interested persons may inspect them at a regional headquarters office of the Alaska State Troopers at Anchorage or Fairbanks or obtain a reasonable number of copies of the amended regulations by a written request addressed to the Department of Public Safety, Pouch N, Juneau, Alaska.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9 a.m. on November 24.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

Commissioner  
Department of Public Safety

# AFFIDAVIT OF PUBLICATION

ACCOUNTING SECTION  
OCT 29 1969  
RECEIVED

UNITED STATES OF AMERICA  
STATE OF ALASKA  
FOURTH DISTRICT

} ss.

Legal No. 724

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given that the Department of Public Safety, under authority vested by AS 28.05.030-050; 28.20.020; and 28.15.130, proposes to adopt, amend and repeal regulations in Title 13 of the Alaska Administrative Code as follows:

**GENERAL:** A complete revision of the regulations governing rules of the road; equipping of vehicles; inspection vehicles; safety responsibility; definitions of words and phrases used in the traffic regulations; and adoption of the complete set of regulations governing the issuance or denial of school bus driver permits, is being made. Revisions include the deletion of various existing provisions, the addition of new provisions and the technical amendment of wording throughout the regulations. Adoption of these regulations will repeal 13 AAC 01.101; 103; 104; 105; and 106 and will adopt 13 AAC 02 (Rules of the road); 13 AAC 04 (Vehicle lighting, brakes and other equipment); 13 AAC 06 (Inspection of vehicles); 13 AAC 08 (Driver licensing and safety responsibility) and 13 AAC 10 (Definitions—traffic regulations). The provisions of these regulations concern the following:

### A. RULES OF THE ROAD: (1)

- Traffic signs, signals and markings;
- (2) Use of the roadway;
- (3) Right-of-way;
- (4) Pedestrian rights and duties;
- (5) Turning, starting and signals on stopping or turning;
- (6) Special stops required;
- (7) Speed restrictions;
- (8) Stopping, standing or parking;
- (9) Bicycles;
- (10) Snow vehicles (equipment, restrictions on use, etc.);

### (11) Miscellaneous provisions—governing leaving vehicles unattended, backing,

riding on cycles and scooters, obstructing driver's view, opening and closing doors, livestock on roadway, riding in trailers, coasting, following emergency vehicles, crossing fire hose, littering, carrying or towing persons on outside of vehicle, embracing while driving, drinking while driving and leaving child in vehicle;

- (12) General provisions—governing application of traffic regulations, obedience to police officer, riding animals or animal-drawn vehicles, firemen's private vehicle and emergency vehicles.

### B. VEHICLE LIGHTING, BRAKES AND OTHER EQUIPMENT:(1)

Scope and effect of regulations:

- (2) Lamps and other lighting equipment;
- (3) Brakes;
- (4) Other equipment—including horns, mufflers, mirrors, windshield, tires, safety glazing material, flares and warning devices.

Before me, the undersigned, a notary public, this day personally appeared Danella Goebel, who, being

first duly sworn, according to law, says that he/she is the Classified Advertising Manager of The Fairbanks Daily News-Miner, a newspaper published at Fairbanks, in said Fourth District and State, and that the advertisement, of which the annexed is a true copy, was published in said paper on the 17th day of October, 1969; and once each \_\_\_\_\_

THEREAFTER for \_\_\_\_\_ consecutive \_\_\_\_\_ the last publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and that the rate charged thereon is not in excess of the rate charged private individuals, with the usual discounts.

Danella Goebel

Subscribed and sworn to before me this 20th day of October, 1969.

Oliver W. [Signature]

Notary Public in and for the State of Alaska.

My commission expires June 31, 1972

**C. INSPECTION OF VEHICLES:**

- (1) Vehicle equipment conditions;
- (2) Inspection by officers;
- (3) Owner or driver to comply with inspection requirements;
- (4) Roadside inspections;
- (5) Inspection stickers;
- (6) Prohibited practices—(repairs, etc.);
- (7) Notice and approval of repair or adjustment.

**D. DRIVER LICENSING AND SAFETY RESPONSIBILITY:**

- (1) School bus driver permits—(Article 1);
  - (a) Application of regulations;
  - (b) Denial of permit—(grounds);
  - (c) Application and examination requirements—(scores, composition and frequency);
  - (d) Medical standards;
  - (e) Permit to be carried;
  - (f) Restricted permit;
  - (g) Cancellation of permit—(grounds);
  - (h) Suspension or revocation of permit—(grounds and duration);
  - (i) Re-examination—(grounds);
- (2) Safety Responsibility—(Article 2);
  - (a) Application of regulations;
  - (b) Reports required—(time limits);
  - (c) Security deposit—(form and beneficiary);
  - (d) Release from liability—(notarization required);
  - (e) Agreement for payment of damages—(Notarization required);
  - (f) Form of notice—(delivery and time limit).

**E. DEFINITIONS--TRAFFIC REGULATIONS:**

This chapter defines various words and phrases used in the traffic regulations and in certain sections of AS 28.

Since the regulations are so extensive as to preclude inclusion in this notice, interested persons may inspect them at a regional headquarters office of the Alaska State Troopers, Anchorage or Fairbanks, or obtain a reasonable number of copies by a written request addressed to the Department of Public Safety, Pouch N, Juneau, Alaska.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9:00 o'clock a.m. on November 17, 1969.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

DATE: October 10, 1969

Mel J. Personett  
Commissioner  
Department of Public Safety

Published: Oct. 10, 1969


ORDER ADOPTING REGULATIONS OF

DEPARTMENT OF PUBLIC SAFETY


The attached 116 pages of regulations are hereby certified to be correct copies of the regulations which the Department of Public Safety adopts under authority vested by AS 28.05.030 - 050; AS 28.20.020; AS 28.15.130 and AS 05.20.070 and after proceedings had in accordance with the Administrative Procedure Act (AS 44.62).

This order takes effect on the 30th day after it has been filed by the Secretary of State as provided in AS 44.62.180.

DATE December 1, 1969

  
Commissioner

I, Robert W. Ward, Secretary of State for the State of Alaska, certify that on December 1, 1969, at 1:00 P.M., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Secretary of State

*Copies to each  
Reg. Mail on Oct 7, 1961*

NOTICE OF PROPOSED CHANGES IN THE  
REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given that the Department of Public Safety, under authority vested by AS 05.20.070, proposes to amend regulations in Title 13 of the Alaska Administrative Code as follows:

**GENERAL:** A complete revision of the regulations governing ski lifts and tows and amusement rides is being made. Revisions include the deletion of various existing provisions; the addition of new provisions and the technical amendment of wording throughout the regulations. Adoption of the revised regulations will delete 13 AAC 01.107 and 108, and will adopt 13 AAC 15.010-150 (Aerial passenger tramways) and 13 AAC 15.160-320 (Amusement rides). The provisions of those sections of that chapter concern the following:

(1) AERIAL PASSENGER TRAMWAYS - (ARTICLE 1):

- (a) Declaration of intent;
- (b) Aerial tramway; single and double reversible;
- (c) Chair lift, gondola lift and skimobile;
- (d) T-bar, J-bar, platter and similar devices;
- (e) Fiber rope tow;
- (f) Registration;
- (g) New construction and alterations;
- (h) Accident and injury;
- (i) Inspection, maintenance and repair;
- (j) Signs and lighting;
- (k) Storms;
- (l) Miscellaneous provisions - (exemptions);
- (m) Attendants;
- (n) Application of other codes (electrical, bldg. etc.);
- (o) Definitions.

(2) AMUSEMENT RIDES - (ARTICLE 2):

- (a) Purpose;
- (b) Structure and foundation;
- (c) Access and egress;
- (d) Passenger loading platforms, ramps, stairways and railings;
- (e) Electric safety requirements;
- (f) Passenger carrying equipment;
- (g) Safety belts, bars and similar equipment;
- (h) Signal systems;
- (i) Debris and obstructions;
- (j) Attendants;

- (k) Signs;
- (l) Extraordinary hazards;
- (m) Accident and injury;
- (n) Inspection, maintenance and repair;
- (o) Exceptions;
- (p) Definitions.

Since the regulations are so extensive as to preclude inclusion in this notice, interested persons may inspect them at a regional headquarters office of the Alaska State Troopers at Anchorage or Fairbanks or obtain a reasonable number of copies of the amended regulations by a written request addressed to the Department of Public Safety, Pouch N, Juneau, Alaska.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9:00 o'clock a.m. on November 24, 1969.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

DATE October 10, 1969



Commissioner  
Department of Public Safety

*Copies to each  
Reg. Mailed on Oct 7, 1961*

NOTICE OF PROPOSED CHANGES IN THE  
REGULATIONS OF THE DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given that the Department of Public Safety, under authority vested by AS 28.05.030-050; 28.20.020; and 28.15.130, proposes to adopt, amend and repeal regulations in Title 13 of the Alaska Administrative Code as follows:

**GENERAL:** A complete revision of the regulations governing rules of the road; equipping of vehicles; inspection of vehicles; safety responsibility; definitions of words and phrases used in the traffic regulations; and adoption of a complete set of regulations governing the issuance or denial of school bus driver permits, is being made. Revisions include the deletion of various existing provisions, the addition of new provisions and the technical amendment of wording throughout the regulations. Adoption of these regulations will repeal 13 AAC 01.101; 103; 104; 105; and 106 and will adopt 13 AAC 02 (Rules of the road); 13 AAC 04 (Vehicle lighting, brakes and other equipment); 13 AAC 06 (Inspection of vehicles); 13 AAC 08 (Driver licensing and safety responsibility) and 13 AAC 10 (Definitions - traffic regulations). The provisions of these regulations concern the following:

**A. RULES OF THE ROAD:**

- (1) Traffic signs, signals and markings;
- (2) Use of the roadway;
- (3) Right-of-way;
- (4) Pedestrian rights and duties;
- (5) Turning, starting and signals on stopping or turning;
- (6) Special stops required;
- (7) Speed restrictions;
- (8) Stopping, standing or parking;
- (9) Bicycles;
- (10) Snow vehicles (equipment, restrictions on use, etc.);
- (11) Miscellaneous provisions - governing leaving vehicles unattended, backing, riding on cycles and scooters, obstructing driver's view, opening and closing doors, livestock on roadway, riding in trailers, coasting, following emergency vehicles, crossing fire hose, littering, carrying or towing persons on outside of vehicle, embracing while driving, drinking while driving and leaving child in vehicle;

- (12) General provisions - governing application of traffic regulations, obedience to police officer, riding animals or animal-drawn vehicles, fireman's private vehicle and emergency vehicles.

**B. VEHICLE LIGHTING, BRAKES AND OTHER EQUIPMENT:**

- (1) Scope and effect of regulations;
- (2) Lamps and other lighting equipment;
- (3) Brakes;
- (4) Other equipment - including horns, muffler, mirrors, windshield, tires, safety glazing material, flares and warning devices, air conditioning equipment, television viewers, anti-spray devices, seatbelts, safety chains, motorcycle and scooter requirements concerning goggles; face shields; helmets; handlebars, and standards for same, and required equipping of vehicles for sale, lease or rental.

**C. INSPECTION OF VEHICLES:**

- (1) Vehicle equipment condition;
- (2) Inspection by officer;
- (3) Owner or driver to comply with inspection requirements;
- (4) Roadside inspections;
- (5) Inspection stickers;
- (6) Prohibited practices - (repairs, etc.);
- (7) Notice and approval of repair or adjustment.

**D. DRIVER LICENSING AND SAFETY RESPONSIBILITY:**

- (1) School bus driver permits - (Article 1);
  - (a) Application of regulations;
  - (b) Denial of permit - (grounds)
  - (c) Application and examination requirements - (scores, composition and frequency);
  - (d) Medical standards;
  - (e) Permit to be carried;
  - (f) Restricted permit;
  - (g) Cancellation of permit - (grounds);
  - (h) Suspension or revocation of permit - (grounds and duration);
  - (j) Re-examination - (grounds).
- (2) Safety Responsibility - (Article 2);
  - (a) Application of regulations;
  - (b) Reports required - (time limits);
  - (c) Security deposit - (form and beneficiary);
  - (d) Release from liability - (notarization required);
  - (e) Agreement for payment of damages - (Notarization required);
  - (f) Form of notice - (delivery and time limit).

E. DEFINITIONS - TRAFFIC REGULATIONS:

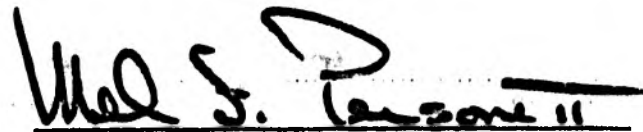
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Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held at Room 423, Capitol Building, Juneau, Alaska, at 9:00 o'clock a.m. on November 17, 1969.

The Department of Public Safety, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as above set out without further notice.

DATE October 10, 1969



Commissioner  
Department of Public Safety

Rough Draft

Stevens Village  
Investigation

SPECIAL  
JUDICIARY SUBCOMMITTEE  
MINUTES OF THE MEETING  
APRIL 20, 1970  
8:00 p.m.

The meeting was called to order by Chairman Fink at 8:05 p.m. in the Masonic Temple. Present were Miller, Cornelius.

Fink gave a synopsis of proceedings so far for the benefit of Mr. Cornelius who had not been present when this problem first came up.

Friday Mr. Young brought up on the floor that he had information from the council in Stevens Village that they were not in favor of an injunction and he questioned the propriety of the suit. John Sackett felt that things were in order. Saturday Mr. Fink met with John Hedland, and went over copies of the complaints. I have copies of the papers for the litigation signed by Mr. Evans, president of the council, Mr. Smoke, Mr. Silvers, and William Pitts.

I have a resolution dated in January signed by the native villages of Minto, Rampart, Alakaket, and Bettles. (There was mention of the DNH corporation at this point.) ~~They want to~~ Revoke the release from all claims for right of way.

There was complaint of the suit of the various villages and natives against Hickel. (Peterson arrived 8:08) I have copies of the complaints and ~~all the~~ Allakaket, Bettles, Rampart, Stevens Village ~~filed~~ against Keith Miller, Beardsky, and Kelly.

We have requested a copy of the OEO guidelines on legal services. (Metcalf arrived as a spectator at 8:09)

There is also some information from Alaska Legal Services.

Copies of this information will be made for all subcommittee members.

~~First witness:~~ Cornelius wanted to ask some questions before he had to leave. What is DNH? It is an organization consisting of natives organized by the Tanana Chiefs to take care of the contract rights of the villagers. Are they a client of the ALS? Is DNH a profit making organization? It is hoped to be. Does Legal Services ordinarily represent profit-making organizations? Yes. When this initial suit was filed, was this done after legally constituted meeting of the Stevens Village council including 30% of the people?

Fink asked him to hold his questions and ~~have~~ <sup>allow</sup> the witnesses <sup>to</sup> testify first.

First Witness: Don Young - (Miller asked whether or not the testimony should be recorded. He meant with a recording device. No arrangements to this affect had been made. The secretary will take as complete a set of notes as possible.)

I may ramble a little on this. You have heard Friday's discussion and the orientation on the floor and you have had about enough of it. At that time I was not attacking ALS. Stevens Village happens to be a village that I represent even though I don't get that many votes out of it. It is my duty as a representative to inquire into any problem in my area. This was the sole purpose of bringing it to the floor. To try to defent the village. They will be thoroughly jeopardized now and until after all the oil is gone. I am going to do something tonight that maybe I shouldn't do. I made some allegations and they were wrong. After cooling down I went through all my records and found that there were two letters written. One to Isabel Holm. This is the one I have the answer to. I offer my apology to Mr. Croft. It is basically the same letter but it is pleading the cause of the state. It wasn't in the form that they would not receive certain things. It was a representative's inquiry of those people, the same things that I requested of Isabel. Many times the people are not present so I dealt with someone who knows what is going on, and that is the postmistress. The answer to my letter will be submitted. (a). He next submitted the letter to the village council (b). This is where we have the heat of battle. I apologize to Mr. Croft. They are basically the same letter. After this occurred, I contacted a friend. I have a good personal friend, Joe Nichols, in Fairbanks, and I called him. Joe, I have a letter. Are you going into Stevens Village in the near future? Would you find out exactly what happened? I am sending a letter to Charles Evans and ~~sk~~ asking him to answer. The letter and the man arrived the same day. I received a letter back with an answer. The letter he sent back to me that has caused so much trouble. (c). Next letter presented was on ~~MM~~ DNH. (d). When I received that letter, as a legislator, I was in a quandary as to what to do. ALS asked why I didn't come to them. I was at a loss as to what to do. I believed that these people did not know what they were doing. Anybody can sell me anything if they are smooth talkers. Same way with the ~~XXXXXX~~ natives. I went to the only lawyer I know that represented the people in the state of Alaska. I went to the AG's office. I asked for a legal form or affadavit. I requested that they send the AG in Fairbanks, Steve Cooper, into Stevens Village to find out if the ~~xxx~~ natives had been consulted and if they had voted on this issue. This is what I requested. (e). The original of this has been turned over to the AG's office today and another copy has probably gone to Washington, D.C. The originals of both "e" and "f" will be provided

for the subcommittee. (f). My opening statement was that I had no argument with ALS on Friday. I was trying to protect the people from Stevens Village from being abused. In doing so, I had to bring these things to light. ---remote area for a long while. I know that I can go there and receive a reverse affidavit to the one that was read on the floor today. I want to make sure that the people ~~xxxxxxx~~ who represent the people in the villages cover both sides of the issue. ----think they are helping the people who cannot help themselves. I will state what your purpose of a hearing is in this committee. The ALS and the committee want to see what happened before this was ever brought to light before this was ever considered. Did they truly represent the people in Stevens Village or not? Were the legal governing bodies consulted? If they were not, then the statement I made was true, then my information was true. (Miller) What is your opinion on whether the people were approached and fairly treated? I would say this. The Stevens Village people probably received more benefits-----for-- approached-----as in the affidavits, this wasn't an attempt- -- they did not know that the information was going to be filed. Were they fairly treated? I don't think that they were because they were not exposed to all of the facts.

(Fink) It appears to me that we are going to ~~xxxxxxx~~ get contradictory ~~xxxxxxx~~ affidavits. The original ones and the ones that you received. How will the committee solve this? I don't ~~xx~~ think we can solve this. The people of Stevens Village will have to solve this. The committee and ALS should be ----- . The sad part about this is that the people in the remote areas don't really know. It is like they mentioned on the floor. Bill Carlowe. He is a native man. If they knew this would jeopardize their jobs



(Miller) I would respect your secrecy regarding the individual. Is it a person that would know these things? The person I am referring to has access to all persons entering or leaving the village. (Cornelius) Was he ever in Stevens Village? I don't think he was. (Miller) Would you recognize signatures of Evans and the others? Yes. In the council how many votes would it take to be a majority. The chief, is he an ex-officio member? He has a vote because they have a vote in their capacity. This is a majority of the council? I had no knowledge of any of these. The action I took was ~~in~~ not before I knew.

Second Witness: Robert Price, AG's office. At this time I would like to perhaps correct the record. I really believe that the information you are looking for is something like Mr. Young submitted. I ~~had~~ would merely like to comment on a question by Mr. Miller. Affidavits which had been brought back to Juneau and secured by Mr. Stephen Cooper, DA in Fairbanks. I discussed the ~~affidavits~~ affidavits with him after his return from Stevens Village on the 14th. He said that he put the affidavit -----He discussed this first with the villagers as to what had happened. Same kind of factfinding that you are doing tonight. Then their own language was put in the form of a statement which they signed. That is the only statement that I have at this time. (Miller) Was any motion for discovery made? As far as we know we have not been served a summons. It was the inquiry of a legislator that ~~was~~ wanted to know what had happened to the people which he represented. The AG has broad powers. Merely to determine what set of facts or circumstances were ~~in~~ true. Did the state at any time enter into amicus curiae? No. It depends upon what stage. There are three different law suits. The one in

Washington, D. C. There has been a preliminary injunction against Secretary of Interior Hickel. The state is ~~not~~ in no way involved. Just an interested party. Are there any suits against the state? A complaint against Miller, Beardsley, and Kelly. This was instituted ten days ago. The state has not yet received the summons. Was your Stevens village inquiry prior to that suit being brought? Probably, We still have not been served a summons in the suit. At the time Steve when up there were you anticipating that the state was going to be sued? Yes. We had been sued but we had not been served. Yes. Through the newspapers. Was your action in contacting the village not involved with that suit? I ~~don't~~ don't really know. I may have been. Our greatest concern was in the Washington, D. C. suit. Were the documents you received in the village used in any way in any of these actions? They have not been used. They have been transmitted to the Department of Justice. For use in that suite? For whatever use the department sees fit to make of them. Do you have any ~~idea~~ idea as to what that might be? No. Do you think it would have any effect on the suit as filed? I would assume that it could have a certain weight. As is sits now, do you still have the decision that you have to file a motion of discovery? We are still only an ~~extremely~~ extremely interested party in all of the suits filed. We have not yet been served. It is my ~~knowledge~~ knowledge that ~~there~~ there is not litigation until you are served with summons, especially since this is more than a week ago. You can file an answer without being served, can't you? I am not aware of this. Then in your testimony to this committee your testimony was prepared in the ~~villagers~~ villagers own words and transcribed from them. It could have been recorded, but wasn't.



(Miller) As I read that authorization, I wondered how suits are brought against the state. Certainly that might be something to be inquired into. The one one interested in this is the Secretary of Interior Hickel suit. Authorization is not as broad as the action that is taken. I don't intend to be limited in any aspect. I wonder about that authority, if it has not been exceeded. John Hedland, is on the Board of Directors of Alaska Legal Services. David Wolf, Director of Litigation and supervisory attorney in Fairbanks. William H. Jacobs if present Director of ALS. John - scope of the authorization granted to Bill ~~Jacobs~~ Jacobs and any attorney that he cared to associate with. The affect is to permit and authorize ALS to take any action including litigation directed at restraining the grant of a pipeline ~~permit~~ permit by Hickel. Then the action of the governor. Against construction of the pipeline or the road. He was going to ~~authorize~~ authorize road construction by himself. Secretary of Interior notified him and requested his assistance. He then went to the Interior and Insular Affairs Committee to see whether his prime action in lifting the land freeze would authorize this action. So ~~any~~ any action TAPS took did not affect building. It is planned that the pipeline-----by the Secretary of Interior, unless a road ~~is~~ is built. I believe that the scope of this committee is necessary. Prevent TAPS from building the ~~pipeline~~ pipeline across land owned and claimed by natives.

Were you

(Miller) ~~authorized~~ authorized and directed to take any action to release a claim granted on the pipeline system? That apparently is a contract. ----right to do anything you can to release that claim. The second goes to the Secretary of Interior regarding the right of way. The governor took another older authority. ~~Has~~ Has the provision that he can grant the right of way-----and he

has taken these steps. Suits have been filed on this. The only suit filed against the state was directed at enjoining ----- federal court in Washington in the case in which we are not involved.. The Secretary of Interior has ~~known~~ no authority to issue right of way permit for a road. He cannot issue a ~~an~~ pipeline construction ~~an~~-----there will be no ~~any~~ answers for it.

Do you have an authorization from the ~~State~~ Stevens Village council to sue the state. Yes, we have now. When did you obtain that? 18 of April 1970. -----6 of April. You feel that the authorization is broad enough? Yes. If that was so, why did you feel it necessary to obtain further authorization. This was when the newspaper reported that we were----- You were given authorization on April 18 to continue the suit. I was aware of the fact that they were circulating these documents since last ~~W~~ Tuesday. Nobody from the AG's office had been involved in obtaining them. This authorization signed by the Village Council, where is it? It is not on here. It was signed on the 30th of January. This was in the possession of ALS when they entered the village. ~~It~~ It was the intent of ALS to ask for this authority. We had previously represented the DNH Corporation. -----about our inability to get contracts from TAPS. They thought this was their right in the agreements with TAPS. DNH was the beneficiary of the arrangement between DNH and TAPS. If they ~~intended~~ intended to rescind the waivers as a means of putting pressure on TAPS that it would be ~~necessary~~ necessary ~~for~~ for the ~~villages~~ villages to execute the rescision. The firm, DNH, without the ALS and obtained from them -----to rescind the waiver. One further thought I became involved in the matter.

ALS went back along with people from DNH. They would have to themselves rescind the waiver. We had forms as well as the authority

from----- . When problems like this come up----- . We want ~~xxxx~~ evidence that we have been acting on the request of our clients. Was Stevens Village ----- . It was not intended to obtain them as ~~xxxxxxx~~ a client. Yes. To solicit them as a ~~the~~ client. We were seeking to protect the rights of the DNH Corporation. ~~Thisxxxxxxx~~ You also sought authority from the council? They had already ---- authority DNH to rescind the waivers. ~~The~~ This is the resolution about DNH. Is ALS authority the same as any other attorney? Can you solicit clients? Yes. We have been instructed that it is our duty ~~xxx~~ and our right to ~~xxxx~~ advise a person whose rights are being violated. This was the result of ~~xxxxxxx~~ an informal ~~xx~~ complaint. We were instructed to do it and criticized because we did do it. We have concluded that it would be proper where a practice that is detrimental, even if he does not request it. We sent it to the ethical matters ~~■~~ for the board of governors. After the ---- meeting. I talked to Skip Matthews. Merely advising the client ~~does~~ not mean that you go out to seek a client. Didn't you have to have the client come to you first? Yes. Supported by United States vs. Button. In this case you had prepared authorization with you when you went into the village to have them become your clients. You feel that you ~~xxxxxxx~~ haven't solicited them? I don't think it is improper for any attorney to suggest that the third party become a party to the action. We represented DNH it their request. The only say to protect the interest in the contracts was for these other parties who had made a contract for the benefit of DNH to support this other action. >In order to adequately ~~xxx~~ represent my client, could I go out and solicit another client. Example was in a ~~x~~ airline crash. I needed further evidence. There are three of four other survivors. Not because I wanted the additional fees but I wanted to get further evidence for my own case. I need that other client

so I could adequately ~~xxxx~~ support my other case. I have read your complaint. The authority that you had at the time ~~xxxxxxxx~~ authorized ~~x~~ you to take such action as was necessary. What did the ~~ix~~ villagers consider just compensation? The considered preferential hiring. ----and in contracts in DNH. Suit against Keith Miller has nothing to say about compensation or contracts. If you don't mention what your ~~xxxxxxxx~~ authority tells you to do. You are to do these things until just compensation has been made. It is our view in the action of the ~~xxxxxxxx~~-----governor would have been illegal. Is it your view or is it your people's view? I have made my own judgment on that point. Should not you have received an authorization as broad as your action? We have already received that in my opinion. You consider that a ratification? As I read the authorization, and perhaps I am wrong. This authorizes whatever action is necessary to stop taking land for the pipeline until they have been adequately ~~xxx~~ compensated for this. What is the ~~xxxxxxxx~~ precedent of "any action"? It is ~~xxxx~~ limited by (practical) capability to do something for his client. Getting a release to these claims. ----limited on the right of way against Hickel. (Miller) Seems to be a very limited authority. Our action was authorized and it was the understanding that the village authority covered this. There has been a lot of talk about the time the AG went to Stevens Village to speak to our clients to get them to sign papers to drop our law suit, but they say they haven't been served so ~~ix~~ there is no litigation. (2) The position of the state at that time we have been told is that ~~x~~ the state was planning to intervene in the Washington action against Hickel and had in fact had filed documents in support of this. -----active part in the litigation. In my mind there is no question that this action was proper.

(Wolf) I suppose it is an aside at this point. Compensation. There isn't a legal provision for the type of land you are dealing with her. There is no recognized provision where you could sue for the money involved-----is to insist through that injunction until the consent is given. That is why both suits say nothing about money. There are many provisions for just compensation. Do you ~~think~~ have an opinion as to what compensation means? Originally in July 1969 ----- ~~They~~ The Tanana Chiefs had a meeting and they agreed on what it meant. I don't know what they did consider proper. I have no answer. What about the subject of ~~eminent domain~~? eminent domain? We are talking about a right of way. I am not sure that they do. ----over private land now. Villages claim this land. Title is not the same as what you and I own. It is unique from all other titled land. It is in some other form. There is no analogy.

(Five-minute recess) (Croft) I might say that I discussed what was my understanding about the question of authorization. The ---- had been my understanding and it is now that the suit originally was instituted against the Secretary of Interior Hickel enjoining him from issuing a permit for the pipeline. The governor shortly thereafter announced that he could issue -----permit for the right of way for the construction of a road. -----did not have to wait for the authorization from Interior to go ahead. It was the opinion of ALS that if a permit ~~is~~ were obtained by the governor of Alaska that the governor could authorize the secretary of Interior to construct the pipeline. Since the basis of our suit had nothing to do with the ecology. (Wolf) I went to Stevens Village and other people went in at my direction. Yes, there were forms prepared ahead of time so that one would be large enough to cover everything.

~~XXXXXXXXXXXXXXXXXXXX~~ Preparatory to going we were representing DNH and they had gone to the villages and obtained the resolution that I gave you. The village of Bettles signed their resolution and sent Evans to Fairbanks to sign. He came to my office. He signed that resolution in my office. By then several days later we had decided that that did not suffice in the situation. It was in my office that Bettles signed their authority. Having discussed it with the village council with no one present. After that----- I didn't go to Allakaket ----and other people-- ----did to people for DNH with the forms that we had prepared. I went to Stevens Village with <sup>Ruby</sup> ~~XXXXXXXX~~. I did not go to Minto. Others did. Ruby and the lawyer who had gone to each of the other places also a law clerk. The -----each-----stage we spent three or four ~~XXXXXX~~ hours. In Evans home. All members of the council were present. I had a stack of these authorizations. And the recisions. After an hour and a half of talking-----I gave one copy ~~■~~ to everybody. I explained all terms contained in the papers regarding any action we would be taking. I don't think I solicited these people as clients. You don't go in with an authorization saying you don't do anything. I don't think the situation was the type of situation that we had the ~~XXXXXXXXXXXX~~ authorization to do. Was a village meeting called where ~~20%~~ 30% of the people were present? We ~~XXXXXXXXXX~~ advertised ~~■~~ over the radio that we would like to meet with the council. There were several other people who wanted to sign but I told them I didn't think they should sign. A village meeting calling for 30% of the people signed the agreement. We sis not ask for a village meeting. I was operating under the opinion that this was a council decision. Do you feel that the council had the authority to bind the ~~the~~ whole village? -----TAPS when it obtained its waivers in the first place which was all right to lift the land freeze. The

releases were only signed by the president. ~~These~~ These were signed only at Fairbanks. At that particular meeting did you state ~~what~~ what your course of action would be to stop the pipeline or that you were going to place an injunction? I told them we would issue a restraining order. The state has not funded this organization (ALS) this past year, ~~did it?~~ did it? And so far the federal government hasn't? No. We had a slight amount of money which carried us a way this year. You are a public organization (ALS) a ~~nonprofit~~ nonprofit corporation. We have contracted with the federal government to render legal services on the behalf of poor people in the State of Alaska. You have borrowed this money to continue your operation now? ~~How~~ How big a budget do you have a month? We have the figures for 14 months. We have used approximately \$490,000 in the 14-month period. We have ~~applied~~ applied for approximately \$460,000 for a 12-month period. \$40,000 or less per month. Where have you obtained your funds to operate? Rural CAP. Authority came for OEO out of ~~Washington~~ Washington, D.C. to lend the money to ALS. That has been ~~your~~ your sole source of support for the last two months. Have you obtained any funds for this project from any conservation groups? We have two other sources of funding: (1) Services allegedly rendered by contributions in kind, and (2) we have three foundation-type----of attorneys ---pays salary-----is paid by the foundation but we supplement their pay. We receive no contributions ~~of~~ of any kind. Attorneys have done this without charge. ~~Did~~ Did you personally go back on the April 18 meeting? Why did they change their mind from the affadavit from what Mr. Young had? Mr. Evans gave me two documents - signed.----- ~~5~~ 5----- one from each village council member. Horace Smoke's affadavit is

the most interesting. This ~~the~~ is after the village council meeting April 19. He said he went to ~~the~~ Evan's house-----taken from affidavit. The rest of the affidavits indicate that the letter that was signed by all village council members. Written by Allan John after Nichols came on that ~~Saturday~~ Saturday and had it in his possession when Bill Karlow came in on Monday. ---FNA meeting that week on Tuesday or Wednesday night stating that he was taking this letter to the DA. What happened to ~~the~~ it, I don't know. Steve Cooper typed up a version of that letter and had everyone sign it. This was going on at the same time. -----handed out other affidavits. There was a great deal of ~~XXXXXXXXXX~~ tension when I came to the village. They felt that a village meeting ought to be held. There was one held from 4-7 p.m. on the 18th. After that meeting that Evans showed me the two documents sent by Cooper. Until that time-----that the council members told me about the affidavits. I knew Cooper had been there but I didn't know what was going on. At the same time, there were other people--  
(He  
(Al Ketzler)---~~I~~ was in attendance at the committee meeting.)  
~~XXXXXXXX~~ -----also a BIA official. -----get the air cleared was my intent. This was typed in the village. The rest of ~~XXXXXXXXXXXX~~ these were handwritten. This explains that there was a village meeting. There was some confusion because Evans did not show the other council member the letter that I had sent and in fact he had not opened the last one I sent. Two members were not in town at the original decision. Also the letters had not been distributed. There was some confusion as to what was going on. (Fink) I cannot understand where they sit. The one form by Evans to Young. Did Mr. Evans write this letter? Yes. (Miller) Get Don Young's permission to let someone see the documents.-----whether or not these people have been misled and whether they do or do not want an

injunction.

April 18 there was a meeting. There was the Chief of Minto. The three villages originally in the suit ~~xxxxxx~~ -----~~xxxx~~ that we ~~xxxxxxxxxx~~ dismissed from the suit. Was a meeting of the people of Stevens Village-----. Misconception in the press. Minto and Stevens Village are IRA villages and the law applies the same. Allakaket, Rampart, and Bettles are not IRA ~~xxxxxxxx~~ villages. The regulations that applies is different. Brings the same result. Judge Hart ~~xxxx~~ heard arguments with respect to an IRA village and decided ~~xxxxxxxx~~ at 3:00 that he would issue the injunction as from Stevens Village even though Minto was only a mile away. Minto was not included in the injunction. At the time the attorney asked the judge ~~xx~~ if he would like to hear about the other three villages and he said no, not at this time. I don't need to talk about the other three villages. Their claims are still alive and they are parties in the law suit. ~~xxxxxx~~ Minto's claims seems to be unclear. Because of the confusion there ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ is no injunction from Minto. How do you reconcile the affidavits that are entirely contradictory? In one case they say <sup>yes</sup> ~~xx~~ and in the other they say no we do not want to have anything to do with this. Do the people know that they are suing or not? These affidavits are explaining ~~xxx~~ how the other affidavits were obtained and when the visits were made. The villagers signed the papers to tell you to stop the law suit and they refused -----state officials at state expense that they did get such things as power plants and freezers because they were visited by the AG's office and ~~xxxxxx~~ Representative Young told them that they wouldn't get an ~~xx~~ airport. The state official Nichols in -----He did not file a law suit because he had children. There is a great deal of troubles. People losing

their jobs. There are no jobs for negroes or natives ----- this was to provide ~~jobs~~ projects in the villages through a state office. The very same things that the people say they want. This man goes on to -----to the village and tells them that they are going to get these things. He also told them they should drop the law suits and to be careful because of their children. -----and with the AG's attorney telling them to drop the law suit. Did someone tell them that the state would lose a lot of ~~funds~~ funds if the pipeline was stopped. Was the economic affect stated to them? The original discussion ~~was~~ at the first meeting -----and I feel I cannot tell you about this. Do you have any objection to have members of this committee go into the village? How long have you been in the state? Two years in Alaska. Both of them. -----Earth Project or Sierra Club members, either of you? No. It is not the intent of the villages and ALS to stop the pipeline. There is no way the villages can get favorable results----was to have the pipeline. Get themselves jobs and contracts in the construction of the pipeline because their land and subsistence economy is going to be affected by the pipeline. Hasn't their action stopped all the rights? What rights to they have left now that the injunction is in effect? It is ~~the~~ the reason that the pipeline isn't being built -----because of the Stevens Village injunction. Do you not contend that Secretary Hickel gave them authority that he would be cited for contempt of court? If this is so, ~~you~~ you continue what is the most important to you or to Stevens Village. I said it was my judgment as to whether this could be legal ~~authorization~~ authorization for the road. The value is the same for any person. If somebody is going to take your land without paying for it----- There is nothing that would match a ~~monetary~~ monetary settlement. The injunction says that the secretary is enjoined from issuing right

of ways -----pipelines without consent of the villagers. ---  
if the people wanted to give their consent. Would they have to  
talk to you to consent? You would have no objection to them enter-  
into such an agreement without your authorization? ----if I think  
they are making a mistake. I would give them my opinion.

(Fink) Can I ask you when you became involved with DNH? In the  
last couple of weeks of January 1970. I knew the people in DNH and  
knew about it by also being contacted about legal problems. DNH  
organized in 1969. It is your opinion that 9,000 ~~Athabascans~~  
Athabaskan Indians-----being held in trust to have a roll call.  
All the people in the Tanana Chiefs. All are equally stockholders.  
When were the waivers signed? July 27, 1969. The following month  
DNH was organized. -----8 or 9 on the board and they have an  
executive board of three. Do they have a full time chairman? <sup>Tim</sup> ~~Tim~~  
Wallace. Ruby Tanzy in Secretary/Treasurer. When they felt TAPS  
did not cooperate they felt their agreement was being ~~breached~~  
breached? DNH said we are not doing business with ~~us~~ you. The vil-  
lages ought to consider revoking your provision because we haven't  
lived up to their agreement. I don't know what <sup>Tim</sup> ~~Tim~~ said. ~~xxxxxx~~  
-----without any lawyers going out. Tim went out first. No one  
from ALS was present. You had nothing to do with DNH operations?  
I did not go out when it was signed. You did not represent the village  
at that time? It was subsequent to this that you ----- Did  
you advise these people to go to the villages. The decision, I think,  
had already been made. He had sent a ~~xxxx~~ telegram on the 21st. ----  
was sent to ~~xxxx~~ Hickel and oil company ----- because of the problems  
DNH was having with them that ----- You knew at the time of the  
resolution that this was ~~it~~ being done. Yes. Question was some of  
the wording.

You went to the villages on the 18th and talked to these people ----- that they advised you that they would like to drop the law suit. Did they advise of the affidavits given to Don Young? They indicated some documents had been signed but did not tell me what they said. I asked them about this. Were they sticking to that story when you arrived there? The council didn't meet and make a decision one way or the other. Didn't they meet, the entire village, the time you were there? They wanted the whole thing to be -----.

We did not have enough funds to stay long enough to have a village meeting. ~~There~~ There never have been any of these problems. There was a meeting of the whole village. What did they do at that meeting? They discussed whether or not to continue the suit. Did any one speak on the opposing side? Yes. I am concerned ~~about~~ about that part. Discussed if the records that had to do with settlement-----.

This was at that time. It is not a privileged communication. The whole village is a client. I don't think it was an open meeting. -----times others were asked to leave. Larry Braaten was there and the council asked that he leave. Because it was their understanding that he was a newsman. I told that they could ask him to leave if they wanted to. You more or less directed the meeting while you were there? You gave the best legal advise to them. I told them what the choices were. You didn't seem to care what the -----.

~~xxxxxxx~~ Action of a city council is that the hearings are public records. Do you not consider these council meetings as public records? I don't think so when you are involved with litigation possibility. Were there other people ~~there~~ there other than natives? Me, Larry ~~and~~ Braaten, and Larry's wife. Is the postmistress there a native? Are they all of the descent that they would own property in the village? -----have these rights under the 1934 Act. Yes. I think so. If you are excluding people who have rights under

the IRA ~~village~~ Village Act. Evans has lived in the village 10 years. He was born in Rampart. They have the rights of the villages that they are residents of. They have given affidavits ~~two~~ two different ways. Do you consider that area privileged? I told them now that it was going to this committee and it would be public. They are privileged communications. Either in your ~~documents~~ documents or in the ones Don Young presented to us? I think the one with the affidavit that I know of signed by five members of the ~~council~~ council referring to the first meeting-----/ I think that was confidential or privileged. I would be willing to consider it ~~if~~ if the council said, "yes". -----waived where you give a public statement. -----joined the control of the attorney. We have three statements here on this. Do you still consider those privileged even though they ~~have~~ have become public documents? I don't think they were free choice of the villagers. Nichols-----Frank ~~Gardler~~ Gardler----- Three hours is how long they were there. Later----- (Miller) You are saying due to the fact that some-----things ~~they~~ they are not freely given. Even though they have been made public----- I think so. -----any subject that might relate to the ~~affidavit~~ affidavit. If the affidavits were used in court----- could be opening yourself up for some sort of cross examination. You got involved with the villages because you represented DNH and this was necessary for you to do the best job for DNH. The village members are stockholders and DNH was third party beneficiary. (3) ~~W~~ Any settlement that would come at the time -----and it would go to the villages. It was doubtful that DNH would ever profit from the law suit. We went in because of the involvement of DNH. As a result of one village coming to my office. The way things stand now the villages are the prime client in the returns from the law suit. It cannot go directly

to DNH and they may decide not to give them anything. Why didn't  
\* they file against labor unions instead? Jobs seem to be emphasized.  
Some were actually employed while we were there. Some eventually got  
jobs on the ice bridge. -----merely compensation for a piece of  
property. This in the confusion of the press is being overlooked.  
What is the stake? It is a lot more than jobs. The value is greater  
than jobs on a pipeline or road for a year or two. Villages need  
water, airports, power ~~px~~ plants, and other things. This is what  
they want in exchange for this property; ■ not to be under BIA con-  
trol but have some economic base for that village. That is worth  
a great deal more than jobs. I believe jobs is a smoke screen.  
It was in the paper that a member of Legal Services said that. How  
could you limit it to jobs? It would give them an opportunity for  
training and money that would not be available for just mere jobs.  
I was ~~going~~ going to say ~~the~~ that the article he was referring to-----  
-----jobs and construction contracts----- ~~Refuxi~~ Refusal to  
settle on jobs and contracts. Croft read an article to the committee  
from the Saturday paper. One of the reasons for DNH was to perform  
contractual services and not just perform manual labor. When the  
waivers were given by the ~~villages~~ villages were they for jobs or  
for contracts? Hedland read some information regarding this to the  
committee. Wolf read the covering resolution. -----corporations  
owned will receive contracts. Do not want to stop the pipeline but  
want to profit from it. These were drawn by Barry Jackson.

DNH----Ketzler and Mr. Sackett. There have been some allegations  
that the villagers are not kept informed. There are 12 affidavits  
signed. -----March 22. -----included advance notice. Miller  
would be in favor of asking ~~with~~ authorization for the com-  
mittee to visit the village to talk to them regarding this. What

would be the purpose? (Five minute recess - 10:30)

Our position that we are not at this time willing to give consent on ~~what~~ behalf of ourselves or our client. We are not capable of making our own decision. Not without conferring with our clients. I don't think the committee has to get consent from anyone. Maybe not as attorneys but if we go over there as laymen we probably would have the right. Croft I think there is a concern on our part and we would like to investigate it further with our client. As to the committee coming into the village and investigating--nobody has suggested that the attorney for TAPS could be called in and asked any question about TAPS. There is some reluctance on our part in the behalf of our clients. (Miller) It is not to investigate attorney-client relationship but to determine the two sides of the issue that have been charged.-----because of attorney/~~sk~~ client privilege. ~~XXXXXX~~ Why did they give Young affidavits and you affidavits? Signed by the same people.

Tanana Chiefs-----a little insight on the indians.-----dealing with the ~~white~~ whites, attorneys, and others in authority over them. Through the years, I have been involved in the council at Tanana. (Ketzler) I have gone through this process. The whites, attorneys, agency heads, come in ; have all education; and things we don't have. Say we will give you this if you do this for us. So they do it. Without any thought to their legal rights. This is the case in Stevens Village. The people came in to Stevens Village; talked to them telling them -----. When I ended up I would sign anything. ~~WhenXXXXXX~~ When he went in on the 18th. -----being head of the AFN. I look at both sides of the questions. Trying to determine what the affect will be. When I went in to the meeting I tried to give them the opposition and what their legal rights were.

From this meeting the one from Minto who believes they have legal rights. They made this decision. You could lead ~~with~~ them with your questions and get anything out of them that you want. Someone would have to know exactly what the legal rights were. ---not what they know to be right but what they think that you want to hear so you will go away. (Miller) By your comments, you think that we are going there to get support for some attorneys. I would like to ask why they signed, without the influence of anyone. Just ask the individual natives what they want. Forget what anyone has told them. ~~xxxxx~~ (Cornelius) Their ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ attorneys should have a right to be present so that they would know what was said at this particular meeting. I don't k think the committee need our counsel to do this. Now we are not going to tell you how----- This is an unusual assignment for this committee. We needed to know We can't get answers from you. Letters go to the people. (1) Will they believe that you have no interest? What is your point of view (2) Another problem you have to face. People who have never had the rights -----litigate before. Or had anyone ~~xxxxxxx~~ ever considered that they had rights to this land. Hickel tried to issue permits denying they had any rights. It took a court order to stop that. -----should have hearing is a problem for people that are not used or part of extensive experience in owning property. They are ~~xxx~~ in a terrible crises. Not something they have ever done before or do everyday. When a legislative committee comes in what are they after and what do they want me to say. I think you have to ~~xxxxxxxxxx~~ recognize this fact. If this is true. If whatever they say is what you want, you have a problem. I have made a recommendation that they had rights to this land. I ~~xxxxxxx~~ would protect these rights Problem I am raising is not limited to Indians. We are representin

people who have never been represented before. Especially in the big suits and the pressures are great. -----if you go in there now. I am not sure how these people will feel. These people are involved in the native land claims. They are not under pressure like this. I would like to ask one thing. ----nobody thinks that/<sup>it</sup>is unusual that this committee would inquire into the attorney/client relationship. Nothing unusual?? Sending the DA to investigate between the villages and the attorneys. There is not a ~~single member~~ single member of the legislature or the AG's office that would suggest that the legislature should inquire into the delay ~~between TAPS~~ by the TAPS----- advice given about the method of obtaining the rights of way. They don't think of talking to Humble Oil without seeing their attorney. (Cornelius) In that case-----TAPS at their own free will, while these attorneys -----bad for them. In this case how do you render services covering legal problems in the bush unless you go there? Stevens Village-----. When you go to Stevens Village -----. You should be -----a need in going to see if you have a problem. -----if you went to every village.

What the

(Price)/Action of the AG has been in the case. We ~~would~~ had been consulted by a legislator about a problem which has been ----- citizens of the state. ~~It~~ There was a question of whether or not there was adequate ~~representation~~ representation. Representative Young sent someone. (Mr. Cooper only listened to the villagers.) No suggestion of pay-offs are other details. He merely listened to their story. Then he put it down ~~for~~ for them and they signed it.

Larry Braaten and Al Ketzler - They wanted a piece of the action. The thing that comes ~~to~~ to mind here is that we don't understand that

we ourselves hire attorneys. There isn't one person that knows how fill fill out an application and get money from Operation Mainstream. I am an official----you will have an opportunity to get some ~~money~~ money. I think this is ~~what~~ what is involved here. They talk to the people. They have put together a ~~DNH~~ DNH Corporation and want to work ~~the~~ together. We better cut out-----, This is that simple. What's the name of the game? Issue I am raising because I have been involved in this. -----taking jobs from natives. I worked near native villages. No natives were on the job. The only place ~~we~~ where I say natives was on the Dewline and at Bettles. I did a survey ----I think that ~~already~~ already TAPS has a very poor record. The state has been well aware of this. -----jobs for the pipeline. Having been a ~~surveyor~~ surveyor I was very much aware of this. If ----I am not sure-----every surveyor on that survey to Valdez was from some other state or not from the immediate area. I gave this -----to the ~~other~~ other -----there were two people that were trained surveyors; several at Barrow; One at Glennallen; and 20-25 from the Fairbanks area. Not one of these ~~people~~ people were hired. This is what is ~~bothering~~ bothering a lot of us. -----Congressional office. Deals with internations unions. They will go outside and bring in labor. I think it is that the natives want to be a piece of the action.

Joe Nichols did not just visit Stevens Village. Sunday April 12 he went to Minto and ~~went~~ went to Peter John and wanted to see all the papers on this case. It is not due to some letters to ~~Don~~ Don Young and in Stevens Village that is involved.

Is it customary for the AG to respond to a request for investigation from members of the legislature? ----adequately ~~represented~~ represented by their attorneys. I can't speak for the custom on this matter

which is ~~xxxxxx~~ of exceptional nature. It should be looked into. The affidavits speak for themselves. It is also ~~exp~~ exceptional because TAPS is unwilling to settle. As long as this issue is open ----- Unless the clients back out. That Judge in Washington gives the justice department----- If at any time he believes that these villages are being unreasonable in their demands.

Wolf - Would you say that TAPS wasn't willing to settle?

Fink - <sup>*We need to know more about*</sup> DNH and then we will see where to go from there. We will go into DNH ~~xxxx~~ tomorrow at 1:30.

Meeting adjourned 10:55 p.m.

# Alaska Legal Services Corp. Denies Villagers' Charges

A spokesman for Alaska Legal Services Corp. has denied that the people of Stevens Village asked the organization to halt the injunction against the Trans Alaska Pipeline System (TAPS).

The denial came in response to a statement from Rep. Don Young, R-Ft. Yukon, to the state House of Representatives that the people of the village had signed affidavits swearing that they did not want the injunction and wanted the pipeline to go through.

John Hedland, director of litigation for Alaska Legal Services, said he hadn't seen a request to have the suit dropped, according to the Anchorage Daily News.

Young charged Friday that Alaska Legal Services has "maligned and misled the people of Stevens Village in the pipeline injunction suit.

The Associated Press reported that:

The corporation represented Stevens Village and several other villages in a suit seeking to prevent the 800-mile-long Trans Alaska Pipeline from crossing village property. Federal District Judge George L. Hart Jr. of Washington, D. C., issued a temporary injunction April 1 to keep the pipeline away from the village.

The \$900 million pipeline, proposed to carry oil from Alaska's North Slope to the warm water port of Valdez, would have to cross some 20 miles of Stevens Village lands.

Young charged Friday that Stevens Village did not want an injunction against the pipeline and did not realize that that is what Alaska Legal Services was seeking. He said the villagers thought they simply were joining an action to force TAPS to provide better jobs for natives.

However, the Stevens Village suit is not the only one holding up the start of TAPS construction. On Monday, a U.S. District Judge in Washington granted another injunction to three conservation groups of-way

permit for a road to the oil fields. This also holds up start of pipeline construction, and industry spokesmen said the move could delay oil flow for as much as a year.

A year ago, oil companies paid the state \$900 million for North Slope oil leases in the greatest bidding competition in industry history. The pipeline to Valdez is to be built and owned by eight of the companies.

Young said Friday, "the people of Stevens Village did not want this injunction. They wanted jobs. What bothers me is when Legal Services in Alaska under the guise of helping the poor, takes advantage of their inability to know exactly what they're getting into."

Young produced an affidavit signed by Charles Evans, president of the Stevens Village Council, and the four other members of the council. It had been obtained by representatives of the state attorney general's office at Young's request, Young said.

In it, the council members said they opposed the injunction and that was not what we intended. We never told them they could represent us in that kind of a suit."

The affidavit continued, "we just thought they were asking us to join the effort to have natives hired by TAPS. They had us sign something. We read it but thought it was to help natives get hired."

In an accompanying statement the council members said, "We would like this case thrown out of court as soon as possible. We would like the pipeline to go through."

Young said, "I think the people of Stevens Village were honorable. I don't think they knew what they were getting into."

Young said he is requesting that a resolution be written asking the Department of Interior "to thoroughly scrutinize any further suit by the Alaska Legal Services Corporation."

Rep. Barry Jackson, D-Fairbanks, told the House, "I think allegations have been made on the legality of actions of the Alaska Legal Services Corporation. I would like the Judiciary Committee to investigate the allegations."

Jackson is committee chairman.

Rep. John Sackett, R-Galena, objected to Young's position. Sackett is a member of the board

of DNH, an organization representing 32 native villages interior Alaska, and which worked with Alaska Legal Services in the suit.

Sackett said, "We are holding up the pipeline in a way, if the suit was dismissed tomorrow, the pipeline could not go ahead."

He said DNH was created to guarantee employment of native people because "history has shown that whenever an industry comes to the state, people who were there originally remain unemployed."

He said that in seeking pipeline right-of-way, TAPS had presented a letter of intent to the villages saying it planned to hire native labor.

Sackett continued, "Surely then, the TAPS people have tried every method possible to get out of their letter of intent..."

He added that he objected to Young's comments that the village people didn't know what they were doing and that they were taken advantage of.

He said, "This displays a paternalistic attitude."

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# House Opens Probe Of Alaska Legal Services

JUNEAU (AP) — A House Judiciary subcommittee began an investigation Monday into charges that Alaska Legal Services Corp. misrepresented the people of Stevens Village in a pipeline injunction suit.

The hearing was prompted by accusations made in the House Friday by Rep. Donald Young, R-Fort Yukon.

The corporation represented Stevens Village and several other villages in a suit seeking to prevent the Trans Alaska Oil pipeline from crossing village property. On April 1, Federal District Judge George L. Hart Jr. of Washington, D.C., issued a temporary injunction to keep the pipeline away from the village.

Young charged Friday that Stevens Village did not want the injunction and did not realize that that was what Alaska Legal Services was seeking. He said the villagers thought they simply were joining an action to force TAPS to provide jobs for natives.

Young produced an affidavit signed by members of the Stevens Village Council in which they said they opposed the injunction.

However, in the House Monday, an affidavit by the council was produced granting the cor-

poration the right to proceed with the suit.

Young told the subcommittee that when he first suspected the inhabitants of Stevens Village did not favor the suit, he wrote to Charles Evans, president of the council. He said Evans wrote back and said he'd like to have the suit thrown out of court.

Young continued "Then I went to the only lawyer I know that represents the people of the State of Alaska—the attorney general."

He asked the attorney general's office to obtain for him an affidavit from the council stating the council's wishes.

"It would behoove all of us to see what happened before this was brought to light by myself. Did the Alaska Legal Services really represent the people of Stevens Village or were they representing people who did not exist?" Young asked.

Subcommittee chairman Tom Fink, R-Anchorage, said, "Apparently we're going to get conflicting affidavits. How are we going to resolve this? Are these people changing their minds?"

"These people didn't understand," Young replied. "It would behoove those who would represent them to present them with both sides of the informa-

tion."

Testifying for the attorney general's office was Asst. Atty. Gen. Robert Price.

He said the affidavit Young presented Friday was obtained at the request of the attorney general's office by the district attorney from Fairbanks.

"He talked with the villagers to determine what happened, then put their own language into the document, which they signed," Price said.

Subcommittee member Eugene Miller, D-Fairbanks, asked Price if, before he sent someone in there, he knew the state was being sued.

Gov. Keith Miller and several other state officials have been named defendants in another pipeline suit brought by Stevens Village through Alaska

Price replied, "Yes, we had knowledge from the newspapers that a suit had been filed against the governor."

He added, however, that the state did not consider itself a defendant in a lawsuit because it had not been served with any papers.

Speaking for Alaska Legal Services was John Hedlund, the corporation's supervisor of litigation.

He said a document signed by the village council authorized Alaska Legal Services to take any action necessary to obtain desired concessions from TAPS.

## Villagers to continue three suits

JUNEAU (Special)—Two attorneys for Alaska Legal Services Corp. arrived in Juneau today armed with a resolution adopted Saturday by Natives of Stevens Village saying they will continue three suits filed against the Trans Alaska Pipeline System and against federal and state officials.

The resolution states that "because of the injunction won in court, by the Native village of Stevens, many sources of pressures have been brought to bear to have the village drop the suit." The resolution was adopted unanimously by 18 members present at the meeting. The village has approximately 25 eligible voters.

John Hedland, director for litigation, and David Wolf, attorney for Legal Services, will testify at a meeting tonight of the House judiciary subcommittee formed to investigate charges made Friday that the people of Stevens Village were "misled" and may have been "stampeded" into filing suits against TAPS, Interior Secretary Walter J. Hickel and a third suit filed against Gov. Keith H. Miller and two of his commissioners after he announced that the state was considering construction of the TAPS pipeline road.

Fbx Daily News-  
Miner 4-20-70

issuing a special land-use permit authorizing TAPS to construct a haul road over such land;

(f) That defendant Hickel and his subordinates be permanently enjoined from issuing a special land-use permit authorizing TAPS to construct a haul road over land owned and/or used or occupied by plaintiff villages Allakaket, Bettles, Rampart and Stevens Village and the first six individual plaintiffs;

(g) That plaintiffs be awarded such other and further relief as may be just and equitable under the circumstances.

Respectfully submitted,

ARNOLD & PORTER

By \_\_\_\_\_

Bruce L. Montgomery  
Daniel A. Rezneck  
Reid Peyton Chambers

Attorneys for Plaintiffs



**Americans for Effective Law Enforcement inc.**

SUITE 800 • 33 NORTH DEARBORN STREET • CHICAGO, ILLINOIS 60602 • (312) 238-1824

*Handwritten signature: J. J. [unclear]*

*Large handwritten signature: [unclear]*

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January 30, 1969

The Honorable Speaker of the House  
State of Alaska  
State Capital  
Juneau, Alaska

My dear Sir:

Enclosed are two drafts of model bills which our organization considers to be vitally necessary for effective law enforcement. One concerns electronic surveillance, the other the police authority of "stop and frisk".

Also enclosed are AELE position papers upon both subjects.

We are sending the enclosures to all state Governors, Attorneys General, Presidents of the Senate, and Speakers of the House, with the request that consideration be given to such legislation in their respective states.

To acquaint you with our organization, we are enclosing a copy of our recent newsletter in which you will find a history of AELE, its aims and objectives.

Respectfully submitted,

*Handwritten signature: Fred E. Inbau*

Fred E. Inbau  
President

FBI:oke  
encl.

# A MODEL STATE STATUTE ON ELECTRONIC SURVEILLANCE

Prepared and Distributed  
by  
Americans for Effective Law Enforcement, Inc.

*(A national, non-partisan, non-political, not-for-profit, tax exempt educational corporation, with headquarters at 33 North Dearborn Street, Chicago, Illinois 60602)*

## SECTION I

### DEFINITIONS

As used in this statute

- (a) "wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications;
- (b) "oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;
- (c) "intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical or other device;
- (d) "person" means any official, employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;
- (e) "investigative or law enforcement officer" means any officer of the State or political subdivision thereof, who is empowered by the law of this State to conduct investigations of or to make arrests for offenses enumerated in this statute, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;
- (f) "contents" when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;
- (g) "aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed;
- (h) "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

## SECTION II

### APPLICATION FOR COURT ORDER TO INTERCEPT COMMUNICATIONS, BY ATTORNEY GENERAL OR PROSECUTING ATTORNEY [District Attorney, State's Attorney, etc.]

The Attorney General of this State or the Prosecuting Attorney (District Attorney, State's Attorney, etc.) of any county (district, parish, etc.) is hereby authorized to make application to a ( ) court judge in the county where the interception is to take place for an order authorizing or approving the interception of wire or oral communications, and such judge may grant in conformity with section IV of this statute an order authorizing, or approving the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marijuana or other dangerous drugs, [any other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year], or any conspiracy to commit any of the foregoing offenses.

## SECTION III

### AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS

(a) Any investigative or law enforcement officer who, by any means authorized by this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(b) Any investigative or law enforcement officer, who by any means authorized by this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(c) Any person who has received, by any means authorized by this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, or by a like statute of any other state, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this statute may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding in any court or before any grand jury in this State, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

(d) No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, shall lose its privileged character.

(e) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (a) and (b) of this section. Such contents and any evidence derived therefrom may be used under subsection (c) of this section when authorized or approved by a ( ) judge where such judge finds on subsequent application, made as soon as practicable, that the contents were otherwise intercepted in accordance with the provisions of this statute, or Ch. 119, Title 18 of the United States code, as heretofore or hereafter amended, or by a like statute.

## SECTION IV

### PROCEDURE FOR INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

(a) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a ( ) judge and shall state the applicant's authority to make such application. Each application shall include the following information:

(1) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(2) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (a) details as to the particular offense that has been, is being, or is about to be committed, (b) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (c) a particular description of the type of communications sought to be intercepted, (d) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(3) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(4) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(5) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(6) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(b) The judge may require the applicant to furnish additional testimony or documentary evidence under oath or affirmation in support of the application. Oral testimony shall be reduced to writing.

(c) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the county in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that —

(1) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section II of this statute;

(2) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(3) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(b) Any investigative or law enforcement officer, who by any means authorized by this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(c) Any person who has received, by any means authorized by this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, or by a like statute of any other state, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this statute may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding in any court or before any grand jury in this State, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

(d) No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this statute or Ch. 119, Title 18 of the United States code as heretofore or hereafter amended, shall lose its privileged character.

(e) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (a) and (b) of this section. Such contents and any evidence derived therefrom may be used under subsection (c) of this section when authorized or approved by a ( ) judge where such judge finds on subsequent application, made as soon as practicable, that the contents were otherwise intercepted in accordance with the provisions of this statute, or Ch. 119, Title 18 of the United States code, as heretofore or hereafter amended, or by a like statute.

#### SECTION IV

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(1) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(2) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (a) details as to the particular offense that has been, is being, or is about to be committed, (b) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (c) a particular description of the type of communications sought to be intercepted, (d) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(3) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(4) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(5) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(6) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(b) The judge may require the applicant to furnish additional testimony or documentary evidence under oath or affirmation in support of the application. Oral testimony shall be reduced to writing.

(c) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the county in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that —

(1) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section II of this statute;

(2) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(3) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(b) the date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and

(c) the fact that during the period wire or oral communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a ( ) judge the serving of the inventory required by this subsection may be postponed.

(i) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in any court of this State unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

(j) (1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that —

(a) the communication was unlawfully intercepted;

(b) the order of authorization or approval under which it was intercepted is insufficient on its face; or

(c) the interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this statute. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interest of justice.

(2) In addition to any other right to appeal the State shall have the right to appeal

(a) from an order granting a motion to suppress made under paragraph (1) of this subsection if the Attorney General or Prosecuting Attorney shall certify to the judge or other official granting such motion that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the Supreme Court [or Court of Appeals] may adopt;

(b) from an order denying an application for an order of authorization or approval, and such an appeal shall be ex parte and shall be *in camera* in preference to all other pending appeals in accordance with rules promulgated by the Supreme Court [or Court of Appeals].

## SECTION V

### REPORTS CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS

In January of each year, the Attorney General of this State, and the Prosecuting Attorney of each county shall report to the Administrative Office of the United States Courts such information as is required to be filed by Title 18 U.S.C. Section 2519, as heretofore or hereafter amended. A duplicate copy of such reports shall be filed, at the same time, with the Administrative Office of the Courts of this State.

## SECTION VI

### SEVERABILITY

If any portion or subsection of this Act or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other sections or applications of the Act which can be given effect without the invalid section or application, and to this end the provisions of this Act are declared to be severable.

### Note

This model statute is limited to provisions enabling prosecuting attorneys to obtain authorization or approval for electronic surveillance, and to provisions regulating the admission of evidence thereby obtained. Its coverage has been kept within the bounds of the June 19, 1968 federal electronic surveillance statute.

Criminal penalties for violations of this model state statute were omitted because (a) the federal statutory penalties probably pre-empt the states from enforcing their own; and (b) the draftsmen of this model state statute thought it advisable to leave to federal authorities the matter of violation of electronic surveillance prohibitions, in order to achieve uniformity of application and construction.

These various considerations also account for the fact that the model state statute is patterned very closely after the federal one.

# ELECTRONIC SURVEILLANCE

## Position Paper #1

of

### Americans for Effective Law Enforcement, Inc.

*(A national, non-partisan, non-political, not-for-profit, tax exempt educational corporation, with headquarters at 33 North Dearborn Street, Chicago, Illinois, 60602)*

The *spoken* word is more important to criminals than it is to the rest of us. They value it far more than the *written* word, for a piece of writing carries the risk of tangible evidence of guilt.

Spoken words are also indispensable to the commission of certain crimes: extortion, solicitation of bribery, and syndicated gambling.

There are two basic ways in which evidence of a conversation may be obtained and used in court. The first is to have someone testify as to what he heard. The second is to record the conversation word for word.

Testimony by a witness as to what he heard is subject to all the frailties of human nature, from misunderstanding to forgetfulness. It is also subject to attack as a false accusation.

Of far greater dependability is an electronic recording of a conversation. Instead of the testimony of one witness against another as to what was said, a recording can supply the judge and jury with the conversation itself. Moreover, the recording not only furnishes an accurate account of what occurred; it may also be a source of subsequent identification of the speakers themselves, by means of "voice print" comparisons with the recorded voices of suspected persons.

Today's law enforcement officers need the legal authorization to record the conversations of criminals and others who are reasonably suspected of serious crimes, and particularly organized crime. Gambling, extortion, bribery and intimidation are all working tools in the arsenal of organized crime that can be successfully fought with electronic surveillance.

AELE does not advocate, and indeed it opposes, the indiscriminate or uncontrolled or unsupervised use of electronic surveillance by law enforcement officers or agencies. It is also unalterably opposed to any electronic surveillance by private individuals or corporations. The latter ought to be completely prohibited and violations severely punished, and law enforcement usage should be allowed only upon court approval and supervision. Moreover, any unauthorized electronic surveillance by law enforcement personnel should be punishable as a criminal offense.

Congress has granted electronic surveillance authority to *federal* law enforcement officers and agencies, but upon strict limitations, the primary one being prior court authorization. The state legislatures must do likewise with regard to *state* and *local* law enforcement needs and efforts.

In accordance with these principles, AELE has prepared and submitted to all of the state legislatures a model electronic surveillance bill. Such legislation is vitally needed for effective state and local law enforcement.

The AELE bill measures up, in our opinion, to the constitutional requirements delineated by the Supreme Court of the United States.

# "STOP AND FRISK"

## Position Paper # 2

of

### Americans for Effective Law Enforcement, Inc.

*(A national, non-partisan, non-political, not-for-profit, tax exempt educational corporation, with headquarters at 33 North Dearborn Street, Chicago, Illinois, 60602)*

On June 10, 1968 the Supreme Court of the United States, in *Terry v. Ohio* (and two companion cases), declared that the police practice of "stop and frisk", when properly used, was constitutionally permissible. In other words, it does not constitute an unreasonable search and seizure within the meaning of the Fourth Amendment of the Constitution of the United States. This is the conclusion **Americans for Effective Law Enforcement** had urged upon the Court in the amicus curiae ("friend of the court") brief which it had filed in that case.

Legislation in conformity with the *Terry* case decision is needed in all of the states in order to avoid the uncertainty of a case-by-case adjudication of the powers of the police and the rights of the citizens. Accordingly, AELE has prepared and is distributing to governors, attorneys general, and legislative leaders throughout the country a model "stop and frisk" bill for their consideration.

An appreciation of the need for "stop and frisk" legislation and a proper understanding of the nature of the practice requires answers to the following questions: What is a "stop and frisk"? How does it differ from an arrest and search? When may it be employed by the police? What is the risk of police abuse?

### The Meaning of "Stop and Frisk"

The following hypothetical case discloses the meaning of "stop and frisk":

Two police officers are on a routine beat patrol at 3:00 A.M. in a residential neighborhood. It is dark and the streets are deserted. As the police car proceeds down an alley, the figure of a man is seen. He steps to the side, behind a telephone pole. The police car speeds up, and when the officers arrive at the scene they find a man dressed in dark non-descript clothing, standing next to a garage. For all the police know at that moment, he might be a householder who owns the garage—or he may be a recently paroled burglar; he may live next door—or he may live miles away; he may be able to give a good explanation for being there—or he may be prepared to tell a demonstrably false story.

In our hypothetical case three things are clear: (a) the actions of the man are suspicious; but (b) there is no probable cause to *arrest* him for the commission of a *crime*, and yet (c) the police ought to *do something*. The question is, what should they do? What can they do? Are they forced to choose between doing nothing, proceeding on their way, or falsely arresting the suspect for a "crime".

If the officers do nothing, a burglar, robber or rapist might be left in the alley to proceed with his plan unhindered. If the officers make an arrest, the arrestee may turn out to be an innocent resident of the neighborhood, who will thereafter have a police record. Moreover, even if developments subsequent to an actual arrest establish that the suspect was in fact plotting a crime, or had committed one unknown at the time of his arrest, a gun or other evidence obtained from him may be excluded from usage in court because of an arrest made without the constitutional requirement of "probable cause".

Because of these various difficulties, proper police investigative technique demands the employment of another procedure—a middle ground approach—one between police inaction and illegal action. What is needed is the employment of an authorized "stop and frisk" procedure. In this hypothetical case, for instance, the police officers would stop their car, alight from the vehicle and ask the suspect such questions as "Who are you?", "What are you doing in the alley?", "May we see some identification?". The officers must also have the right to frisk the suspicious person if they reasonably think that he may be armed with a dangerous weapon.

Necessarily, the right to ask the questions includes the power to temporarily detain the suspect, even against his will, for a brief time. Since a suspect could defeat the whole purpose of stop and frisk simply by walking away from the inquiring police, under "stop and frisk" authorization he will not be privileged to do so.

Since even a brief detention is a "seizure" of the person within the meaning of the Fourth Amendment of the Constitution, it must be "reasonable", that is, based upon some identifiable and objective standard of suspicion of criminal behavior. It cannot be based upon an officer's whim, caprice, prejudice or inarticulated "hunch".

Suppose that the suspect in our hypothetical case refuses to answer questions asked by the police. He cannot, after all, be compelled to do so, and he may take advantage of his Fifth Amendment right to say nothing. What then? Does this destroy the value of the "stop and frisk" power? The answer is a sure "no", because a quick investigation of the surrounding area may provide enough evidence to give the police probable cause to arrest him for a criminal offense. For example, suppose that in shining their flashlights on the door of the garage next to which the suspect was found the police find fresh "jimmy" marks. They would then have probable cause to arrest the suspect for attempted burglary. If, upon searching him after the arrest, they find a jimmy, or screwdriver that matches the marks on the door, another burglar may well be on his way to the penitentiary.

Even when the police are forced to release the suspect because of his refusal to answer questions or because no evidence of an attempted crime is found at the scene, the very act of temporary detention and questioning may deter, at least for that night, a potential criminal act of violence. That, in itself, would be a worthwhile result, since the duty of the police is not only to apprehend persons who have already committed criminal acts, but also to prevent crimes from occurring in the first place.

Moreover, in many instances a person stopped under circumstances such as the one involved in our hypothetical case will respond to the questions asked by the police; and his answers may supply the necessary information either to dispel the police suspicion or else escalate the suspicion into probable cause for an arrest.

"Stop and frisk" may be used in a number of fact situations: for instance, a teenage boy walking from car to car and apparently testing the windows or looking in for keys left in ignition locks; the person who furtively and repeatedly looks into the window of a business establishment about to close; the man who has been trailing two teenage girls for several blocks. The possibilities are numerous.

### **The Objections to "Stop and Frisk"**

The charge has been made by some persons that "stop and frisk" is a tactic for the repression of minority groups; that it is a racist practice designed to keep the ghetto resident "in his place"; and that it is a tactic to show the teenage gang member, the addict, and the prostitute who "rules the turf" on the officer's patrol beat.

As with all other professions or occupations, there are some policemen who do not deserve the honor of a police badge and the privilege of carrying a gun—just as there are misfit doctors, unethical and incompetent lawyers, and corrupt public officials. On occasions some police, in all parts of the country, have used the power of their office to engage in various kinds of illegal and coercive practices. But that fact does not warrant the withholding of needed authorization to those police officers who do conform to proper standards, and who must have such authorization for the protection of the public and also for their own safety.

### **The Answer**

The basic answer to the concern over possible police abuse of the power of "stop and frisk", as well as of all the other powers the police possess, is the development of better procedures for the selection of police applicants, so as to reject the psychological misfits, the ones whose past conduct evidences a lack of the required integrity, and those whose social values are incompatible with the role of protector of all members of our society.

Adequate compensation must be provided in order to attract applicants with the required qualifications, and to retain in office those who are selected.

Proper internal supervision will also be needed, along with meaningful sanctions for the police who misuse the powers of their office.

*Jud***MEMORANDUM****State of Alaska**

TO:  Representative Barry Jackson  
Chairman, House Judiciary Committee  
Sixth State Legislature

DATE : February 14, 1969

FROM: *Mel J. Personett*  
Commissioner Mel J. Personett  
Department of Public Safety

SUBJECT: Committee Appearance  
Our File #151

In answer to your request, I have no plans to leave the capital city, and will be available to appear before your committee at your pleasure.

*Suzan -*  
*please rest up*

April 2, 1969

Mel J. Peronnatt  
Commissioner of Public Safety  
Room 103  
State Capitol  
Juneau, Alaska

Dear Commissioner Peronnatt:

The House Judiciary Committee has considered the amended regulations submitted by you to the committee on March 6, 1969.

With the following changes, the regulations as proposed in this amended version meet with the approval of the committee.

The changes are as follows:

- ✓ 25.210: Do not abbreviate NCIC.
- ✓ 25.220: After "REQUIRED INFORMATION", add "(a)". Change the period after "follows" in the same sentence to a colon. Delete second sentence, and place it after (14) as subsection "(b)".
- ✓ 25.220 (9): Delete the word "your" in second line and use some other language.
- ✓ 25.220 (10): Do not abbreviate M.O.
- ✓ 25.220 (14): Change this subsection to subsection (15). Add new subsection (14) to read: "Ultimate disposition of each proceeding, such as dropping of charges, dismissing a case or finding of "not guilty".
- ✓ 25.250 (b): Change "department shall" to "department will".
- ✓ 25.250 (c): Change "deems" to "considers".
- ✓ 25.250 (d): Change "shall" to "may". (this does not change a mandatory statement to a permissive one.)
- ✓ 25.260: Change reference to "section 210" to "section 220".
- ✓ 25.260: Before "officers of the United States", insert, "law enforcement."
- ✓ 25.260: After the last word, delete the period and add, "for the purpose of the detection of crime and the detection of criminals."
- ✓ 25.290 (6): Add the term "probation officers" and delete paragraph (12) entirely since it is a duplication.

Commissioner Personnett  
April 2, 1969

Page Two

✓ 25.290 (8): After the word, "investigators," add, "of the state or a local fire department."

The committee is concerned with preserving the intent of AS 09.25.120 (2) and AS 47.10.090, and requests that the provisions of these regulations be consistent with those statutes.

If any additional information is needed concerning these changes, please contact Arthur Peterson.

Sincerely,

Barry Jackson  
Chairman  
House Judiciary Committee

file

**MEMORANDUM****State of Alaska**

TO:  Representative Barry W. Jackson  
Chairman, House Judiciary Committee

DATE : March 6, 1969

FROM:  Commissioner Mel J. Personett  
Department of Public Safety

SUBJECT: Regulations  
Criminal Identification Records  
Our File #334

Enclosed are draft copies of an amended version of the original regulations submitted to the legislature as required by AS 18.65.060.

The amendments change those items in the original regulations which seemed to cause the greatest concern.

It is intended that this amended version be considered by the legislature in lieu of the original.

Enclosures

**MEMORANDUM****State of Alaska**

TO:  Speaker  
House of Representatives  
Sixth State Legislature

DATE : January 27, 1969

FROM:  Commissioner Mel J. Personett  
Department of Public Safety

SUBJECT: Regulations  
Our File #314

As required by AS 18.65.060 (Ch. 107 SLA 1968), the attached regulations are submitted to the legislature for review.

Attachments *2*

# CITY OF SITKA

POLICE DEPARTMENT

P.O. BOX 1240 · SITKA, ALASKA 99835



February 28, 1969

Representative Stan Cornelius  
House of Representatives  
Alaska State Legislature  
Juneau, Alaska 99801

REF: The Department of Public Safety's regulations requiring local departments to supply the Department with certain information.

Dear Mr. Cornelius:

I have reviewed at length the proposed regulations as proposed by Commissioner Mel Personett for Legislative Action requiring information from various Departments to set up a central records depository.

Speaking as Chief of Police of the City of Sitka and the President of Alaska Peace Officers Association, I wholeheartedly endorse this concept. Alaska law enforcement has long been hindered by the lack of a central depository for Records and Identification. It has, likewise, been hindered by various Departments of the State using various and sometimes, inadequate reporting procedures. I, therefore, feel it is imperative that if we as a state are to progress toward professional police and to enable us to be adequately prepared to receive and utilize this Federal Bureau of Investigation's National Crime Information Center, we must take this step in the right direction.

My only concern is, as a municipal Chief of Police, the cost factor. In as much as if this were to become effective immediately it would catch various Departments, including Sitka, in the middle of a fiscal year without funds to meet demands for personnel and equipment that these regulations would require. However, it is my understanding that these regulations would become effective over a period of time, perhaps three years, and the cost of the reporting forms, if necessary, would be born by the State. With this understanding, I wholeheartedly endorse your proposed rules and regulations.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Mullenix".

Paul E. Mullenix  
Chief of Police - Sitka  
President - Alaska Peace Officers Association

# TELEGRAM

1929 Communications Group (ACS) USAF  
FEDERAL BLDG. ROOM 137 PHONE 6-7477  
JUNEAU, ALASKA

089 1 4 PM 7 13

V

BEA312 NL PD

KODIAK ALASKA 4

REPRESENTATIVE STAN CORNELIUS

HOUSE OF REPRESENTATIVES JUN

0223

THE CITY OF KODIAK PROTEST THE DEPARTMENT OF PUBLIC  
SAFETY REGULATIONS REGARDING REPORTS WHICH MUST BE MADE  
TO THE STATE. REGULATIONS SUCH AS THESE WILL SERIOUSLY  
INCREASE THE DAY TO DAY POLICE COSTS WITH NO BENEFIT  
TO THE CITY AND THE TAXPAYERS WE WILL CONTINUE TO  
PROVIDE OUR EXISTING REPORTS TO THE STATE AND FBI  
HOWEVER WE CANNOT FUND ADDITIONAL PERSONS TO HANDLE THE  
STATE RECORDS AS REQUIRED UNDER THIS PROPOSAL THE EFFECT  
OF SUCH REGULATIONS WILL BE TO OVERBURDEN SMALLER UNDER  
STAFFED POLICE DEPARTMENTS WITH ADMINISTRATIVE FUNCTIONS  
WE URGE THAT THESE REGULATIONS NOT BE PLACED INTO EFFECT  
M. ROY GOODMAN CITY MANAGER.

# TELEGRAM

1929 Communications Group (ACS) USAF  
FEDERAL BLDG. ROOM 137 PHONE 6-7477  
JUNEAU, ALASKA

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CEA053 NL PD

TDAN KODIAK ALASKA 4

1969 MAR 5 AM 6 42

REPRESENTATIVE PETER M CE VEAU

HOUSE OF REPRESENTITIVES JUN

PLEASE CONTACT REPRESENTITIVE STAN CON CORNELIUS  
CONCERNING HEARINGS N CRIMINAL AND IDENTIFICATION  
RECORDS PROPOSED BY THE DEPT OF PUBLIC A SAFTEY  
HEARINGS TO BE 5 MAR 10AM THIS REGULATION WILL INCREASE  
THE ADMINISTRATIVE COSTS AND PERSONELL OF THIS DEPT WITH  
NO DIRECT BENEFIT TO THE CITIZENS OF THE CITY. WE CAN NOT  
AFFORD ADDITIONAL FUNDING TO KEEP STATE RECORDS I  
RESPECTLY REQUEST AND URGE YOU TO TAKE POSITIVE ACTION  
TO ASSURE THESE REGULATIONS ARE NOT PUT INTO EFFECT.

RESPECTLY SUBMITTED

JACK L RHINES CHIEF OF POLICE KODIAK ALASKA

5 10AM.

-P 200 - Raw Fish

# TELEGRAM

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1929 Communications Group (ACS) USAF  
FEDERAL BLDG. ROOM 137 PHONE 6-7477  
BUJEAU. ALASKA

CEA054 NL PD

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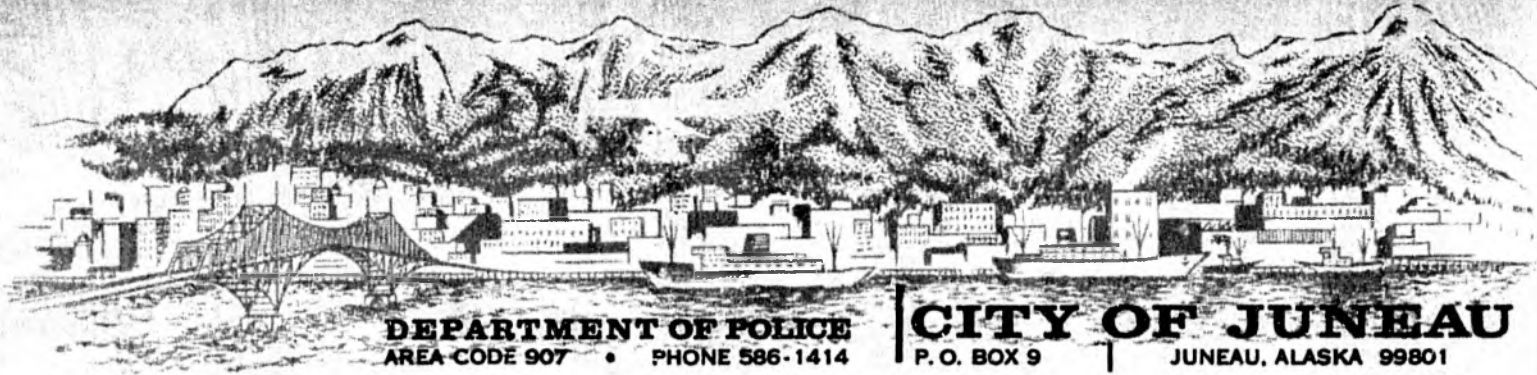
REPRESENTATIVE STAN CORNELIUS

5 AM 6 47

HOUSE OF REPRESENTATIVES JUN

I WOULD LIKE TO PROTEST THE PROPOSED ARTICLE NUMBER  
2, CRIMINAL AND IDENTIFICATION RECORDS OF THE DEPT.  
OF PUBLIC SAFETY THIS TYPE OF REGULATION WOULD INCREASE  
THE ADMINISTRATIVE COSTS AND PERSONNEL OF THIS DEPT  
WITH NO DIRECT BENEFITS TO THE CITIZENS OF THIS CITY  
MAJOR PETE RESOFF HAS BEEN ADVISED OF THIS PROPOSAL  
AND HAS STATED THAT KID KODIAK CAN NOT JUSTIFY ADDITIONAL  
CITY FUNDS TO HANDLE STATE RECORD I WILL CONTINUE  
TO PROVIDE REPORTS TO THE STATE WHEN REQUESTED AS WE  
HAVE IN THE PAST I RESPECTFULLY REQUEST AND URGE YOUR  
TAKE POSITIVE ACTION TO ASSURE THESE REGULATIONS ARE  
NOT PASSED RESPECTFULLY SUBMITTED

JACK L. RHINES CHIEF OF POLICE KODIAK ALASKA



JOSEPH L. GEORGE  
~~XXXXXXXXXXXX~~  
MAYOR



JAMES P. WELLINGTON  
CHIEF OF POLICE



February 28, 1969

The Honorable Stanley P. Cornelius  
House of Representatives  
Alaska State Legislature  
Capitol Building  
Juneau, Alaska 99801

Dear Representative Cornelius:

I plan on appearing before the Judiciary Committee on March 5, at 4:00 p.m., to give testimony concerning the proposed Department of Public Safety regulations, relative to the submission of criminal and identification data by local police departments to the Department of Public Safety.

Sincerely,

James P. Wellington  
Chief

JPW/pl