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- (3) based on a mistake of fact;
- (4) based on improper or irrelevant grounds;
- (5) unaccompanied by an adequate statement of reasons;
- (6) performed in an inefficient manner; or
- (7) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

(b) The ombudsman may investigate to find an appropriate remedy.

Sec. 24.55.160. INVESTIGATION PROCEDURES. In an investigation, the ombudsman may

- (1) make inquiries and obtain information as he thinks fit;
- (2) enter without notice to inspect the premises of an agency but only when agency personnel are present; and
- (3) hold private hearings.

Sec. 24.55.170. POWERS. (a) Subject to the privileges which witnesses have in the courts of this state, the ombudsman may

- (1) compel at a specified time and place, by subpoena, the appearance and sworn testimony of any person who the ombudsman reasonably believes may be able to give information relating to a matter under investigation; and

- (2) compel any person, by subpoena, to produce documents, papers, or objects which the ombudsman reasonably believes may relate to the matter under investigation.

(b) If a person refuses to comply with a subpoena issued under (a) of this section, the superior court may on application

of the ombudsman compel obedience by proceedings for contempt in the same manner as in the case of disobedience to the requirements of a subpoena issued by the court or refusal to testify in the court.

(c) Any papers, records, documents, memos, bills, receipts, photographs, letters, correspondence, invoices, work orders, working papers, agreements, notes, reports and any other manner of writing or document possessed by or in the custody of an agency may be inspected and copied by the ombudsman, notwithstanding any statutory provision of the state making any of these items or the information contained in them confidential. However, access to information does not extend to any information made confidential under federal statutes or regulations. The ombudsman shall not make or cause public disclosure of any confidential information acquired under this chapter. To the extent any papers, records, documents, memos, bills, receipts, photographs, letters, correspondence, invoices, work orders, working papers, agreements, notes, reports any any other manner of writing or document contain information in part discoverable and in part non-discoverable by the ombudsman under this subsection, the agency shall take the steps that may be necessary to segregate and release discoverable information to the ombudsman.

ARTICLE 4. PROCEDURE AND REPORTS AFTER INVESTIGATION.

Sec. 24.55.180. CONSULTATION WITH AGENCY. Before giving any opinion or recommendation that is critical of any opinion or recommendation that is critical of any agency or person, the ombudsman shall consult with that agency or person.

Sec. 24.55.190. PROCEDURE AFTER INVESTIGATION. (a) The ombudsman shall report his opinion and recommendation to an agency if he finds, after investigation, that

- (1) a matter should be further considered by the agency;
- (2) an administrative act should be modified or cancelled;
- (3) a statute or regulation on which an administrative act is based should be altered;
- (4) reasons should be given for an administrative act;
- (5) any other action should be taken by the agency;
- (6) there are no grounds for any action by the agency; or
- (7) the agency's act was arbitrary or capricious, constituted an abuse of discretion, or was otherwise not in accordance with the law.

(b) The ombudsman may request the agency to notify him, within a specified time, of any action taken on his recommendations.

Sec. 24.55.200. PUBLICATION OF RECOMMENDATIONS. After a reasonable time has elapsed, the ombudsman may present his opinion and recommendations to the governor, the legislature, the public, or any of these. The ombudsman shall include with his opinion any reply made by the agency.

Sec. 24.55.210. NOTICE TO THE COMPLAINANT. After a reasonable time has elapsed, the ombudsman shall notify the complainant of the actions taken by him and by the agency.

ARTICLE 5. MISCELLANEOUS

Sec. 24.55.220. MISCONDUCT BY AGENCY PERSONNEL. If the ombudsman thinks there is a breach of duty or misconduct by any officer or employee of an agency in relation to his official duties,

the ombudsman shall refer the matter to the chief executive officer of the agency, or, when appropriate, to other appropriate officials and bodies.

Sec. 24.55.230. ANNUAL REPORT. The ombudsman shall submit to the legislature and the public an annual report of his activities under this chapter.

Sec. 24.55.240. JUDICIAL REVIEW. No proceeding or decision of the ombudsman may be reviewed in any court, unless it contravenes the provisions of this chapter.

Sec. 24.55.250. IMMUNITY OF THE OMBUDSMAN. The ombudsman has the same immunities from civil and criminal liability as a judge of this state.

Sec. 24.55.260. OMBUDSMAN'S PRIVILEGE NOT TO TESTIFY. The ombudsman and his staff may not testify in any court with respect to matters coming to their attention in the exercise or purported exercise of their official duties except as may be necessary to enforce the provisions of this chapter.

Sec. 24.55.265. AGENCIES MAY NOT OPEN LETTERS TO AND FROM OMBUDSMAN. A letter to the ombudsman from a person held in custody by an agency shall be forwarded immediately, unopened, to the ombudsman. A letter to a person held in custody by an agency from the ombudsman shall be forwarded immediately, unopened, to the person.

Sec. 24.55.270. PENALTY. A person who wilfully hinders the lawful actions of the ombudsman or his staff, or who wilfully refuses to comply with their lawful demands, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.

ARTICLE 6. GENERAL PROVISIONS

Sec. 24.55.280. DEFINITIONS. In this chapter (a) "agency" means a permanent department, office, entity, commission, organization, institution, or board of the state government, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties, except:

- (1) The judiciary and its staff;
- (2) The legislature, its committees, and its staff;
- (3) The governor and his personal staff; and
- (4) The lieutenant governor and his personal staff.

(b) "administrative act" means an action, omission, decision, recommendation, practice, policy, or procedure, but does not include the preparation or presentation of legislation.

Sec. 24.55.290. ADMINISTRATIVE PROCEDURE ACT. The actions, decisions, recommendations, practices, policies, and procedures of the ombudsman shall not be subject to the provisions of the Administrative Procedure Act (AS 44.62).

Sec. 24.55.300. CITIES AND BOROUGHES. After July 1, 1978, any city or borough in this state may by ordinance elect to become subject to the jurisdiction of the ombudsman appointed under this chapter. If any city or borough shall so elect, it shall send notice to the ombudsman of that election. Upon receipt of notice by the ombudsman, permanent departments, offices, entities, commissions, organizations, institutions, or boards of the city or borough, and any officer, employees, or member thereof acting or purporting to

act in the exercise of his official duties shall thereupon be considered an agency for purposes of this chapter, except:

- (1) The mayor of a city or borough;
- (2) The manager of a city or borough;
- (3) The assembly of a borough; and
- (4) The council of a city.

Sec. 24.55.310. SHORT TITLE. This chapter may be cited as the Ombudsman Act.

*Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

- (16) The ombudsman and staff appointed by him.

*Sec. 3. Sec. 24.55.260 of this Act amends Rule 43 (h) of the Rules of Civil Procedure by establishing an additional privilege not to testify in a court and must receive an affirmative vote of two-thirds of the full membership of each house in order to be effective.

*Sec. 3. This Act takes effect immediately in accordance with the provisions of AS 01.10.070 (c).

AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

SOUTHEAST ALASKA CHAPTER

P.O. Box 505

Douglas, Alaska 99824

NEMO TO ALASKA CANDIDATES FOR PUBLIC OFFICE AND ALASKA NEWS MEDIA:

The Southeast Alaska Chapter of the American Society for Public Administration has been pleased to publish and distribute the enclosed study on The Ombudsman: Its Potential Applicability to Alaska by Gary E. Wilson. This study was undertaken initially by Wilson as a governmental project report which he submitted to the University of Alaska's Southeastern Senior College in partial fulfillment of the requirements for a Master's Degree in Public Administration. He received his degree in the May, 1974 commencement held in Juneau.

We have published and circulated this study because we think Wilson's findings and recommendations are significant and meritorious. This study demonstrates that the various American experiments with the ombudsman which have been attempted in other states have enjoyed a large measure of success. Of greatest significance has been the success of ombudsmen in restoring public confidence in state governmental institutions while performing practical and immediate services to people in the process.

Noteworthy also for identifying patterns of citizens' grievances and systematic follow-through on casework, the study demonstrates that ombudsmen serve to relieve state legislators of one of their more burdensome chores, complaint processing, and free them to focus their attention toward central issues of public importance in the legislative process. Even more than legislators, however, executive branch officials and employees, the same people against whom ombudsmen are employed to lodge grievances, have welcomed them to the governmental scene.

Wilson explains this phenomenon in terms of modern management theory. "Too many complaints," he says, "are either received at or are referred up to a too high level in the administrative hierarchy. The typical citizen's complaint neither requires the attention of top management nor can it be satisfactorily resolved on that level. From their point of view the ombudsman provides both a species of consulting service affording them reliable reports on the performance of their operating personnel and a species of in-service training for their operating personnel when the job can be done better."

The study also includes feasibility data which indicate that the ombudsman would be adaptable to Alaska's geography and system of state government. Travel costs necessary to bring the ombudsman's services to the entire state would be higher than in other states where the experiment has been tried. Looking at the ombudsman from the standpoint of benefit/cost analysis, Wilson concludes, however, that the people of Alaska could enjoy this governmental

reform at a minimal and reasonable cost. "A budget figure of \$100,000 would appear to be adequate for the first year of operation. This would allow \$50,000 for salaries, \$20,000 for travel and \$30,000 for office expenses, depending upon what facilities and equipment were made available. This figure would probably double or triple during the second year of operation due to increases in staff, travel and related expenses as the services became more widely known. The budget would then level off and remain fairly static (subject to inflation) since primary advantages of the concept are small size and personal attention."



Donald P. Fisher

President

July 12, 1974

**THE OMBUDSMAN:
ITS POTENTIAL APPLICABILITY FOR THE STATE OF ALASKA**

**By
GARY E. WILSON**

**Published by
THE SOUTHEAST ALASKA CHAPTER OF
THE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION
P.O. Box 505
Douglas, Alaska 99824**

July, 1974

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ACKNOWLEDGMENTS

As a service to the public, the Southeast Alaska Chapter of the American Society for Public Administration is pleased to publish and to distribute throughout the State of Alaska this meritorious study on the applicability of the ombudsman to the governmental system of this state. The author, Gary E. Wilson, has been an Alaska resident since 1966. He is the Division Right-of-Way Officer for Alaska with the Federal Highway Administration.

This study was commenced as a governmental project report which Mr. Wilson submitted to the University of Alaska's Southeastern Senior College in partial fulfillment of the requirements for a Master's Degree in Public Administration. He was awarded the degree in the May, 1974 commencement held in Juneau. On behalf of the Southeast Alaska Chapter of the American Society for Public Administration, I want to express our appreciation to Mr. Wilson and the members of the Southeastern Senior College faculty who assisted him in his research, for making the study available to us for public distribution.

Donald P. Fisher
Chapter President
Juneau
July, 1974

INTRODUCTION

"Governmental activities nowadays touch so many people in so many ways that bruises and scratches are inevitable."¹ How can these bruises and scratches be alleviated? The enormous growth and diversity of government functions, the size and elaborateness of the administrative mechanisms, the maze of interrelationships among national, state, and local levels are often highly bewildering. Many citizens regard government as remote and inaccessible. The aggrieved person is often thwarted and gives up when he comes up against a defensive government professional.² A proposed solution to these problems is to establish a centralized grievance bureau of "Ombudsman." The purpose of this paper is to explain who and what an ombudsman is, discuss the attempts to adopt the concept in this country, and explore the feasibility of establishing a statewide office of Ombudsman in the State of Alaska.

The strange-sounding name, ombudsman, is a Swedish word which means agent, representative, or deputy. The present, generally accepted concept of an ombudsman is a spokesman representing a citizen who has a grievance against a government agency. A grievance may result from ". . . for example, unreasonableness, miscalculation, mistaken application of rules, improper

¹Walter Gellhorn, When Americans Complain: Government Grievance Procedures, 1966, p. 1.

²Dalmas H. Nelson and Eugene C. Price, "Realignment, Readjustment, Reform: The Impact of the Ombudsman on American Constitutional and Political Institutions," The Annals of the American Academy of Political and Social Sciences, (May, 1968), p. 129.

discrimination, prejudice, bias, neglect of duty, inattention, delay, incompetence, perversity, turpitude, and arbitrariness."¹ These are probably overly harsh adjectives; however, even the best of bureaucracies will have flaws due to its size and human idiosyncrasies.

With the increasing complexity and growth of all levels of government, individual citizens need a place to air their grievances concerning administrative action or inaction. Today's citizen can protect himself against just about everyone except the bureaucrat. It is sometimes argued that several avenues already exist through which complaints may be expressed. For example, there are administrative appeals boards, courts, and state and federal legislators. Each of these, however, has definite limitations for serving as grievance reviewing bodies.

Administrative appeals boards many times include the person making the original decision. While a re-review by a superior or an individual's own review of his decision may be helpful, it certainly lacks impartiality. The agency is likely to try to justify its decisions and is, therefore, not inclined to admit a mistake has been made.

The courts are congested. They usually require legal counsel and are generally frightening to underprivileged or uneducated citizens who many times feel their chances of a success are nonexistent. This is graphically shown in William Stringfellow's book, My People is the Enemy.² Stringfellow, as a recent law school graduate, moved into Harlem's ghetto and opened a law office.

¹Geoffrey Marshall, "The British Parliamentary Commissioner for Administration," The Annals of the American Academy of Political and Social Sciences, (May, 1968), p. 88.

²(New York: Holt, Rinehart and Winston, 1964).

The lack of knowledge as to personal rights and to whom to complain that Stringfellow encountered was astounding. The fear of authority and the feeling that no one would listen or care was the prevalent attitude. This study shows the need for a compassionate ombudsman by whatever name in whom the poor and uneducated would have enough faith to ask where help can be found and what they are entitled to. "Phrases like 'he is the champion of the people,' 'he is like God,' and 'he is the protector of the little guy,' appear repeatedly in interviews with persons who have witnessed the system in operation."¹

While many legislators feel the "casework" keeps them in closer touch with their constituents, the variety of legislative temperaments cannot give complaints consistent treatment due to differences of motivation, expertise, or ability to communicate with administrators. With so many different people receiving the complaints, it is difficult to detect patterns of grievances that may be obvious if all complaints were received by one office. Handling grievances also detracts from the legislator's primary purpose, which is the formulation of legislation. Many state legislatures meet for only a few months annually, or even biennially. Thirty-five state legislatures meet annually; however, they are often limited to sixty to ninety-day sessions. The other fifteen have similar time restrictions and meet only biennially. Thus, the aggrieved citizen has nowhere to send his complaint during the major part of the year unless his particular legislator considers his office a year-round one.

¹John M. Capozzola, "An American Ombudsman: Problems and Prospects." Western Political Quarterly, (June, 1968), p. 300.

CHAPTER I

Historical Development of the Office of Ombudsman

The concept of an ombudsman originated in Sweden in 1809. The ombudsman was appointed by the Riksdag (Parliament) to act as a representative of the Parliament to protect individuals against unfair assertions of power by the king's administrative appointees. The ombudsman was "available to hear the complaint of any citizen against the erroneous, unfair or even impolite action by government officials, having the power to investigate a complaint, to publicize any abuse, to recommend corrective action, and to report to the legislature."¹ The intention was to provide a vehicle whereby a citizen regardless of his economic, social, or political status could challenge the actions or decisions of a public agency.

The Swedish ombudsman's jurisdiction now covers national, regional, and local levels of government. It also covers the courts as well as the bureaucracy and is somewhat unique in this regard. He may not take action affecting the king, legislature, or a private citizen.

The office of the Swedish ombudsman formerly included two individuals, a civil ombudsman and a military ombudsman. These were merged in 1965. Legal as well as administrative training are considered requirements for the office in Sweden.

¹U.S. Congress Joint Committee on the Organization of Congress, Hearings on the Organization of Congress, 89th Congress, First Session, Part I, 1966, p. 83.

For over 100 years the ombudsman idea remained exclusively a Swedish innovation. In 1919 the idea was exported to Finland following that country's gaining its independence from Russia. Finland actually has had a type of ombudsman, the Chancellor, dating from the days of Swedish-Russian rule. He is appointed by the President and is actually a part of the executive branch. He no longer handles complaint work, concentrating instead on cabinet work and his duties as Supreme Public Prosecutor.¹ Due to the Chancellor's ties to the executive, Parliament created the ombudsman to oversee the executive branch. As in Sweden, he has investigatory jurisdiction over the courts as well as the executive.

Despite the Swedish and Finnish institutions, the ombudsman idea did not receive much worldwide attention until 1955 when Denmark created the Parliamentary Commissioner, their version of ombudsman. The first appointee was Stephan Hurwitz, a doctor of law and a professor at the University of Copenhagen. Professor Hurwitz has done much to publicize the office through extensive writing and worldwide speaking engagements. He feels the success of the office is greatly dependent upon its prestige and the impartiality of the man in the office.²

Denmark gave the office a different emphasis by denying the ombudsman jurisdiction over the courts. Thus he concentrates his efforts on the executive and administration sectors. As in Sweden and Finland, he has jurisdiction

¹Walter Gellhorn, Ombudsman and Others: Citizen's Protectors in Nine Countries, p. 48.

²Harvard Journal on Legislation, "A State Ombudsman," (June, 1965), p. 218.

over local governments. In the Danish system, jurisdiction extends not only to illegal actions, but also to all phases of administration, which may involve substance, procedures, delay, convenience, and even impoliteness.¹

The idea next spread to New Zealand in 1962 where a Commissioner of Investigation was established as the result of an election promise of the National Party's platform in the 1960 general election.²

Although generally patterned after the Danish model, the New Zealand office is at a relatively lower level. The salary level is lower and his jurisdiction is more restricted. He has no authority over local affairs, the courts, or the military.

In 1963, Norway's ombudsman took office. Thus all four of the Scandinavian countries now have a form of ombudsman. This office was also patterned after Denmark. Norway was followed by the United Republic of Tanzania in 1965, Guyana in 1966, and the United Kingdom in 1967.

The first jurisdiction to create a version of the office in North America was Nassau County, New York, on May 31, 1966. Although the official is referred to as an ombudsman, he is not an independent agency of the legislature but is appointed by the executive.³ Five Canadian provinces have adopted the idea--Alberta and New Brunswick in 1967, Quebec in 1969, Nova Scotia and Manitoba in 1970.

¹Western Political Quarterly, "An American Ombudsman: Problems and Prospects," (June, 1968), p. 291.

²Henry S. Reuss and Stanley V. Anderson, "The Ombudsman: Tribune of the People," The Annals of the American Academy of Political and Social Sciences, (January, 1966), p. 45.

³Donald C. Rowat, ed., The Ombudsman: Citizen's Defender, (1965), p. xii.

While not specifically ombudsmen, there are similar institutions in India, Japan, Nepal, the Philippines, Mauritius, Australia, Ghana, Greece, Israel, Poland, West Germany, and several other countries. Bills have been introduced in at least thirty-five state legislatures (including Alaska) to create some form of ombudsman. Bills have also been regularly introduced in the United States Congress since 1965 to create a national office of ombudsman.

The basic idea of an ombudsman has become so popular that it has been adopted in one form or another by schools, newspapers, radio stations, citizen's organizations, the military, etc. There is such a diversity of applications that the original concept is becoming somewhat blurred. There are three basic features essential to retaining the original system: (1) he must be an independent, non-partisan officer of the legislature to supervise the administration; (2) he deals with specific complaints against the administration; and (3) he has the power to investigate and to criticize, but not to reverse administrative action.

The flexibility of the ombudsman is probably what has made the office adaptable in so many countries at a national as well as lower level of government. There are common threads running through each of these adaptations. For example, high standing as a jurist is usually a prime qualification. In the Scandinavian countries legal training is required by statute.

Typically, the ombudsman is selected by the legislative bodies. In New Zealand, the Lieutenant Governor (the Queen's delegate) appoints the ombudsman but he acts on the recommendation of the legislature.¹

¹State of Washington, Legislative Council, Committee on State Government, The Ombudsman in Scandinavia: Advantages and Disadvantages for State Government, Olympia: Legislative Council, n.d., p. 7.

The ombudsman is generally appointed for four to six years. In New Zealand he continues in office until a successor is named. Removal from office generally takes at least a two-thirds vote of the legislature. In Finland removal is impossible.

Salary is universally set high, usually fixed at the equivalent of the highest ranking judges. The staff is generally small and selected by the ombudsman. In most cases they are not covered by civil service and thus serve at the pleasure of the ombudsman.

The jurisdiction of the various ombudsmen is the area of largest variance. None may inquire into the work of the legislature, and of the principal countries having ombudsmen, only in Sweden and Finland may inquiry be made of the courts. In all the Scandinavian countries the acts of local officials come under the jurisdiction of the ombudsman, but this is not always true elsewhere. There is a universal tendency to limit the ombudsman to areas where either there is no reviewable avenue or where all available legal remedies have been exhausted.

Most ombudsmen have the authority to act on their own initiative. A variation found in Great Britain is that direct complaints may not be made by citizens, they must be made to the commissioner (ombudsman) via a member of Parliament. In Sweden, Finland, and Denmark the ombudsman makes periodic inspections of government establishments mainly for the purpose of gaining familiarization with the operation of the different agencies.

The Swedish and Finnish ombudsmen are prosecutors who can bring charges against officials. These powers have seldom been used. They rely instead on the power of persuasion and publicity which is generally the only powers other

ombudsmen have. The press, particularly in Sweden and Denmark, gives considerable publicity to findings that reflect adversely an official or an administrative unit.¹

¹State of Washington, Advantages and Disadvantages, p. 10.

CHAPTER II

A National Ombudsman for the United States?

It is generally accepted that the idea of an ombudsman will work at a national level when the country is relatively small with a homogenous population. Ake Sandler suggests that twenty million may be the ultimate population an ombudsman can handle effectively.¹ Great Britain is the possible exception to this; however, the British concept is not actually an ombudsman in the full sense of the term since he cannot receive complaints directly. It seems fairly obvious that no one man can supervise a bureaucracy the size of the United States or be responsive to 200,000,000 people. However, even in the Scandinavian countries the work is not done by one man but by a staff. In the United States the size of the staff could be overwhelming.

John M. Capozzola of New York University questions whether a successful institution in a small country can be implemented in a vast and complex society. He states, "there is validity to the doubts of some that the plan is inapplicable except on the local level in the United States. The Danish Ombudsman, Professor Stephan Hurwitz, had questions about its successful implementation in a country the size of Britain. This is compounded by the

¹Ake Sandler, "An Ombudsman for the United States." The Annals of the American Academy of Political and Social Sciences, (May, 1968), p. 105.

emphatic belief of Professor Hurwitz that an organization cannot achieve the same degree of public confidence that an individual can attain."¹

The doctrine of the separation of powers in the United States could prove to be an additional problem to the one of size when a national ombudsman is considered. Although the legislative branch has the right to investigate administrative performance when it is in the pursuit of legislative purposes, the doctrine of executive privilege can be invoked whenever national security is involved. Although this would apply at the federal level, national security would not apply at the state or local level. Clearly the separation of powers with an independent judiciary would place the courts outside the ombudsman's jurisdiction.

One of the largest problems to overcome with instituting the ombudsman concept on the national level in the United States is the legislative branch itself. Congress is the branch most accountable to the people. Legislators naturally do not want to do anything to build a wall between themselves and the voters. It is traditional for the voters to seek help from their representatives in Congress. Senator Mike Monroney stated, "I am afraid there will be boys thinking, 'Well, I elected this guy to serve me up there in Washington. The first thing I catch him doing is passing the buck over to some Ombudsman.'"² "Probably the most important mail received by a congressman is the 'case' mail Denied a favorable ruling by the bureaucracy on a matter of direct concern to him, puzzled or irked by delays in obtaining a decision,

¹Capozzola, American Ombudsman, p. 292.

²U.S. Congress, Joint Committee, p. 91.

confused by the administrative maze through which he is directed to proceed, or ignorant of whom to write, a constituent may turn to his congressman for help A person who has a reasonable complaint or query is regarded as providing an opportunity rather than as an extra burden to an already busy office. The party affiliation of the individual even when known to be different from that of the congressman does not normally act as a deterrent to action."¹

Thus in a sense the United States already has 535 ombudsmen with its 100 Senators and 435 Congressmen. These lawmakers each have a staff of from ten to thirty who spend a great deal of their time handling "casework," inquiries, or complaints from constituents.

Congress also has available to it an organization to investigate the administration, the General Accounting Office. Although not actually an ombudsman since they do not receive complaints from private citizens, this organization does keep executive agencies somewhat in check since they are always susceptible to a surprise audit. The actual responsibility of the G.A.O. is to audit federal agencies to determine whether or not they are carrying out legislation the way Congress intended.²

Even so, Congressman Henry S. Reuss from Wisconsin has long been a proponent of a national ombudsman. In his view, a congressman's time could be better spent researching and enacting meaningful legislation instead of spending so much time on casework. "As Vice-President Hubert Humphrey said recently, 'Many members of the Senate and the House spend up to ninety percent of their

¹Charles L. Clapp, The Ombudsman: His Work as He Sees It, p. 84.

²Scot MacDonald, "Reorganizing Along Functional Lines Makes Congress' GAO More Responsive," Government Executive, (June, 1972), pp. 54-57.

time--and the time of their staff--answering mail, meeting with constituents and handling individual constituent complaints or requests.' 'I thought I was going to be Daniel Webster,' remarked another member, 'and I found that most of my work consisted of personal work for constituents.'"¹ Reuss also thinks the complaining citizens would receive more uniform treatment if they were all handled by one agency or individual. The Reuss-Pell bill (H.R. 4273 and S. 984) introduced in 1965 read in part:

Section 2. The Congress hereby finds and declares that the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government, that there is a clear need for the Congress to be informed of the nature of such difficulties, particularly those of a recurrent nature, in order that remedial legislative action may be taken, and that, under existing procedures, such information is only sporadically available and frequently is inadequately developed or fails entirely to reach the appropriate legislative committees. The Congress further finds that the necessary and proper efforts of its individual Members to deal with these problems have increasingly become so burdensome as to constitute a serious impediment to the discharge of their other legislative duties.²

Another reason for the ombudsman thus emerges from this bill, that of informing the legislature where corrective legislation is needed to raise the level of service to the public. The Reuss bill varies somewhat from the usual concept of an ombudsman. In the first place the name was to Administrative Counsel of the Congress. He was only to be given a term of two years, receive complaints through an individual Congressman or committee and report back to the same source. He would also make an annual report to Congress. He would have a staff of approximately 100 experts to replace the many staffs of

¹Henry S. Ruess, "We Need an American Ombudsman," The Christian Century, (March, 1965), p. 270.

²Reuss and Anderson, Tribune of the People, p. 49.

generalists now attached to the individual Congressmen's offices.¹ Reuss gives several reasons for having complaints go through Congressmen. There is already a tradition of citizens complaining to their representatives. Congressmen are not apt to give up a source of votes and would, therefore, be more inclined to pass the bill if the complaints and replies were funneled through them.

One flaw in Mr. Reuss' plan is the size. One of the outstanding characteristics of the ombudsman is the small staff and personal rather than bureaucratized attention. Although personal attention can also be given with a large staff, it is apt to become just another government agency. Many of the various ombudsmen so far established have substantially increased the size of their staff from its original conception. Granted, their increases have not represented very many people, but percentagewise the increase has been substantial. If Mr. Reuss' plan is to start with a staff of 100, it is highly conceivable that the agency would lose all semblance of personal attention through size in a relatively short time.

Perhaps if one central office became unmanageable due to size, regional offices could be set up, or even state offices similar to that of federal district attorneys. This, however, would be getting further and further away from the idea of a one-man public watchdog. Regional offices would also require some degree of duplication. This would further increase the size of the staff and the proliferation would just keep snowballing. Another alternative might be to establish several ombudsmen, for different functional areas, such as welfare, resources, etc.

From the above it can be seen that at the national level in the United States the problems of creating an ombudsman may be insurmountable.

¹Reuss and Anderson, Tribune of the People, pp. 49-50.

CHAPTER III

Ombudsman at the State Level

As stated earlier, as of 1972, bills had been introduced in thirty-five states to create some type of ombudsman. The first state to introduce such a bill was Connecticut in 1963.¹ The first state to enact a bill was Hawaii in 1967.

The Hawaiian ombudsman, Herman Doi, took office July 1, 1969. Prior to becoming Hawaii's ombudsman, Mr. Doi had extensive experience as both a private and government attorney. He had served as the director of the University of Hawaii's Legislative Reference Bureau just before assuming the ombudsman post.² During his first year in office 983 inquiries were received. This total includes inquiries received during the three months prior to Mr. Doi taking office. Of these, 68.7% were received by telephone, 18.1% by visits and 13.2% by letter. Of the inquiries received, 243 or 24.7% were considered outside the jurisdiction of the office. Another 129 or 13.1% were not considered as complaints but as informational inquiries. This left 611 actual complaints against governmental agencies.³

¹Jesse M. Unruh, "The Ombudsman in the States," The Annals of the American Academy of Political and Social Sciences, (May, 1968), p. 112.

²Jack H. Stephens, "Hawaii's Ombudsman," National Civic Review, (February, 1970), p. 83.

³Office of the Ombudsman, State of Hawaii, Fiscal Year 1969-1970/ Report Number 1, p. 13.

The city and county of Honolulu with three-quarters population of the state provided the source for 93% of the inquiries.

By the end of the third year of operation, the total number of complaints had risen to 1,678 (this is down from the second year when 1,758 were received). Of these, 358 or 21.3% were outside the ombudsman's jurisdiction and 513 or 30.6% were informational. This left a total of 807 actual complaints against an agency.¹

The initial staff of Hawaii's Office of Ombudsman consisted of the ombudsman himself and an executive secretary. By January, 1970, the staff also included an associate analyst and a stenographer. The staff had increased by the end of the third year to include a first assistant, three other professional analysts and four secretaries. The educational backgrounds of the professionals included law, political science, education and guidance, and management.²

Oregon's governor, by executive action, created the post of ombudsman in 1969. During the fiscal year July, 1969 to June, 1970, 922 complaints were received. Two individuals have held the post in Oregon.³

The 1969 Nebraska Legislature enacted a bill calling for the appointment of an ombudsman who took office June 1, 1971. During his first year, 383 inquiries were received.⁴

¹Office of the Ombudsman, State of Hawaii, Fiscal Year 1971-1972/ Report Number 3, p. 7.

²State of Hawaii, Report Number 3, p. 61.

³American Bar Association, Section of Administrative Law, Ombudsman Committee, Development Report, April 15, 1971-June 30, 1972, p. 12.

⁴Ibid.

Iowa's governor appointed a Citizen Aide in 1970 and the 1972 Legislature passed the Citizens Aide Act. The act does not exclude local government from the jurisdiction of the Citizens Aide. During the year October 1, 1970 to September 30, 1971, 1,185 inquiries were received.¹

The Governor of South Carolina, on May 4, 1971, created the Office of Citizens Service. During the period ending September 13, 1971, 1,338 inquiries were registered with this office.²

In 1971, the Lieutenant Governor of New Mexico was given the added duties of ombudsman by statute.³

In Minnesota, an Ombudsman for Correction was appointed by the governor on April 21, 1972. This office is funded in a large part by federal aid. In May, 1973, the legislature passed a bill creating the Office of Ombudsman for Correction.⁴

Various other proposals have been made for ombudsmen in specific areas such as mental health, welfare, and dependent children. While the need for these specific ombudsmen exists, it points out the need for a general ombudsman since it would be impossible to state that grievance problems exist in only one selected area.

Despite the widespread use of the term ombudsman, ignorance of the capabilities of an ombudsman still appears to be the greatest hindrance to its

¹American Bar Association, Section of Administrative Law, Ombudsman Committee, Development Report, April 15, 1971-June 30, 1972, p. 13.

²Ibid.

³Ibid.

⁴Ombudsman for Corrections, 1972-1973 Annual Report, State of Minnesota, July, 1973.

adoption. With bills having been introduced in thirty-five state legislatures over the past ten years, the instances where an ombudsman was established as cited above represent a small proportion of these attempts. Former Speaker of the California State Assembly, Jesse Unruh, points out that most state legislators have sincere doubts about the need for and the feasibility of the institution.¹ The question that is usually not answered for legislators is whether or not existing procedures are adequate.

What then are these existing procedures and how adequate are they? A study by Professor Gerald McDaniel of the complaint mail received by the California Governor's Office showed that more people bring their complaints to him than to their legislators.² Although to the aggrieved citizen this may seem to be a logical area of recourse, the governor is more apt to be defensive of his appointees rather than admit they have erred. To some extent this would also hold true for a legislator when he is of the same political party as the executive. On the other hand a legislator of the opposite party may be overzealous in pursuing complaints against the administration. These suppositions lead to the conclusion that perhaps all complaints are not being treated equally.

If the governor is not the most ideal recipient of complaints against the administration, is the legislature the answer? As stated earlier, legislators are reluctant to give up any opportunities to improve their public relations by assisting a constituent. This applies to the state level as well as the national. However, the arguments in favor of giving up casework at the state level are greater than at the national level. In the first place, state

¹Unruh, "The Ombudsman," p. 113.

²Cited from Unruh, "The Ombudsman," p. 116.

legislatures are in session for a short time. Committee work, research and homework on bills not before his committee should require nearly all the legislator's time while in session.

Election to public office seldom constitutes full-time employment for a state legislator. During the non-session months the legislator returns to his primary occupation. Here he must make up for the two to six months he has been away and typically lacks sufficient time for constituents' problems. Being away from the capitol, he also lacks access to heads of the administrative agencies.

Another handicap is lack of facilities provided a legislator. A state legislator is usually fortunate to have office space. A private secretary and/or research assistants are not at his disposal. At the national level such assistants handle most of the legwork on constituents' grievances.

The British concept of an ombudsman has resolved these problems to some extent by requiring complaints to be directed through a member of parliament. This has definite drawbacks, however, since the individual may feel he has too little influence to attract the attention of a senator or representative he may or may not have even voted for. He may also feel his problem is not significant enough to take the legislator's time away from his primary duties. However, if he knew there was an agency set up specifically to listen to his complaints, he would be more inclined to voice his grievance.

". . . [T]he legislator who wants to find solutions to problems and to enact the laws implementing those solutions will have less time for casework."¹ Instituting an ombudsman may have a detrimental effect on a legislator. By

¹Unruh, "Ombudsman in the State," p. 119.

spending most of his time on casework he can demonstrate how he is assisting his constituents. A legislator with little influence within the legislature or with no real expertise to offer the legislature may depend very heavily upon casework to get re-elected.

In addition to registering complaints with the governor and individual legislators, a third avenue for citizen complaints lies through the appeals procedures contained within the agency making the original decision. In practice, however, these procedures may be so cumbersome and difficult to initiate that they are rarely used. They are generally not understood by the affected citizen either.

Even though impartiality is attempted by these appeal procedures, the affected citizen is going to question why he could be expected to believe he would get any better treatment or the outcome would be any different when he is still being handled by the same agency.

Despite the drawbacks of an agency being its own source of appeal, how many agencies even go this far? Although most agency decisions are appealable, have provisions been set up for appeals? Mr. Unruh estimates that eighty to ninety percent of administrative action has no appeal provisions.¹

Less than one-third of the states have adopted explicit administrative procedures governing their agencies. Attorneys for claimants regularly find themselves unable to locate the rules of state agencies, prevented from seeing the factual basis for agency determination, and thwarted by influences channeled through ex parte communications by agency administrators and hearing examiners.

¹Unruh, "Ombudsman in the State," p. 113.

In cases possessing little monetary value, these difficulties easily discourage citizens from retaining counsel and counsel from accepting such cases.¹

During the last few decades, the vastly increased demand for government services has placed a real burden on government agencies. In order to be handled fairly, each individual contact with an agency should be handled individually. However, standardizing procedures is a prerequisite to handling the volume of cases. Thus, dissatisfaction with services performed is bound to occur.

" . . . [T]he citizens . . . should have rapid, inexpensive and reliable access to an impartial 'public watchdog' who is not involved in the governmental decision-making process, and who is clothed with powers of public criticism and the initiation of requests for remedial action"2

¹Ralph Nader, "Ombudsmen for State Governments," The Ombudsman, p. 243.

²Henry F. Abraham, "The Need for Ombudsmen in the United States," The Ombudsman, p. 240.

CHAPTER IV

Legislative History of Ombudsman Bills in Alaska

The original Alaska ombudsman bill was Senate Bill No. 276. It was introduced by Sen. Yule Kilcher (D-Homer) February 24, 1966 during the second session of the Fourth Alaska Legislature. It was referred to the Judiciary and Finance Committees. The bill was reported out of the Judiciary Committee March 31, 1966 with a do not pass recommendation. The recommendation further stated that should the bill pass, the sponsorship should be changed to the Rules Committee. The report was signed by Sen. Robert H. Ziegler (D-Ketchikan), the Chairman, Sen. John B. Hall (D-Fairbanks) and Sen. James Nolan (D-Wrangel). Two of the committee members not concurring in the report were Sen. Nick Begich (D-Anchorage) and Sen. Howard Pollock (R-Anchorage). The bill was then referred to the Finance Committee. No further action was taken.

The next ombudsman bill was House Bill No. 52, introduced by Rep. Jalmar M. Kerttula (D-Palmer) with co-sponsors Rep. Bill Ray (D-Juneau) and Rep. Gene Guess (D-Anchorage) January 25, 1967 during the first session of the Fifth Legislature. The bill was referred to the State Affairs, then the Finance and Judiciary Committees. It was never reported out of the original committee.

During the first session of the Sixth Legislature, an ombudsman bill was again introduced by Rep. Kerttula with co-sponsors Rep. Mike Bradner (D-Fairbanks) and Rep. Ray. This was House Bill No. 132, introduced February 11,

1969. It was referred to the State Affairs, Judiciary and Finance Committees, and again never reported out of the original committee.

In the Seventh Legislature during the first session, separate ombudsman bills were introduced in each house. House Bill No. 7 was introduced by Rep. Bradner January 12, 1971. Rep. Kerttula continued his support of the ombudsman measure by signing on as a co-sponsor. Rep. John Huber (D-Fairbanks), Rep. Richard Randolph (R-Fairbanks) and Rep. Helen M. Fischer (D-Anchorage) also signed on as co-sponsors. The bill was referred to the State Affairs and Finance Committees. It was never reported out of the original committee. Sen. Bob Palmer (R-Ninilchik) introduced Senate Bill No. 13 January 18, 1971. It was referred to the State Affairs and Judiciary Committees and never reported out of the original committee.

House Bill No. 15 in the Eighth Legislature was introduced January 10, 1973 by Rep. Randolph. The bill was referred to the State Affairs Committee. It was reported out January 23, 1973 with a do pass recommendation. The committee proposed a minor amendment which will be discussed later. The bill was brought up in the Judiciary Committee during the week of March 19 and tabled until the second session of the Eighth Legislature. There was no further action taken on the bill during the second session in the spring of 1974. The do pass recommendation of January 23, 1973 by the State Affairs Committee represents the furthest an ombudsman bill has ever progressed in an Alaskan legislature.

Senate Bill 276 of the Fourth Legislature, House Bill 52 of the Fifth Legislature, House Bill 132 of the Sixth Legislature, and House Bill 7 of the Seventh Legislature were all identical. The first changes to the original wording came in Senate Bill 13 of the Seventh Legislature. In the original bill

the selection committee for filling the ombudsman office was to include a member of the Senate appointed by the Senate President and a member of the House appointed by the Speaker of the House. Senate Bill 13 revised this to read a minority member of the Senate appointed by the Senate President and a minority member of the House appointed by the Speaker of the House. This insured minority representation since the remainder of the committee was to be the President of the Senate, Speaker of the House, Chairman of the Senate Judiciary Committee. Senate Bill 13 also changed the term of office. Prior bills had established the term of office at three years with reappointment of no more than four terms. This was changed to a six-year term with no reappointment restriction. The salary was also revised in Senate Bill 13 from \$22,500 per year to an annual salary equal to that of a Superior Court judge. Under investigation of complaints, the statement allowing the ombudsman to decline an investigation if there are other complaints more worthy of his attention was omitted from Senate Bill 13.

The most recent bill, House Bill 15, contained the same revisions as Senate Bill 13 with the exception of changing the salary to an annual amount equal to a range 28C position in the classified service. The clause allowing the ombudsman to decline an investigation if there were more worthy complaints was also reinstated. A new statement was added under procedures after investigation; i.e., the ombudsman shall report his opinion and recommendation to an agency even when there are no grounds for any action by the agency.

An article appeared in the June, 1965 issue of the Harvard Journal on Legislation containing a draft model statute for state legislatures creating

an Office of Ombudsman.¹ This was followed by a section-by-section analysis of the draft. With only a few minor exceptions, House Bill No. 15 is identical to this model statute.

Some of the differences between the model and House Bill 15 are: The model provides for appointment by the Governor with advice and consent of the Senate. Another is that the ombudsman be limited to three six-year terms. An interesting section of the model, but not found in House Bill 15, is a section entitled, "Agencies may not open letters to Ombudsman." The section states, "A letter to the Ombudsman from a person held in custody by an agency shall be forwarded immediately, unopened, to the Ombudsman."

As stated earlier, House Bill 15 of the eighth legislature was reported out of the State Affairs Committee with one substantial amendment. Under compensation, range seventeen of the classified service was deleted and the salary of a State Supreme Court Judge was inserted.

Although no committee records are available to determine what discussion occurred on any of the previous bills, it appears that there has been very little interest in its passage. At least no apparent pressure has been exerted that would bring it out of committee. On one of the two occasions the bill was reported out of the original committee, the recommendation was do not pass; however, it was a close committee vote, three to two in favor of the recommendation.

¹"A State Statute to Create the Office of Ombudsman," Harvard Journal on Legislation, (June, 1965), pp. 221-238.

CHAPTER V

Conclusion

The American experience with the ombudsman idea to date indicates that there are widespread, practical and immediate benefits to be accrued by the Alaska public from this institution at a modest cost. That experience, particularly in Hawaii, demonstrates conclusively that the ombudsman idea represents much more than a nebulous, idealistic notion with little or even negative practical application. The tabulation in the appendix indicates the diversity of citizen inquiries and complaints in Hawaii. There is no reason to believe there would be any less diversity or magnitude if adopted in Alaska.

Lacking the legal authority either to prosecute wrongdoing or to compel administrative agencies to act against their will, the ombudsman can still correct inequities in government agencies dealing with individual citizens. The ombudsman's office can preserve a measure of confidence among the public that their governmental agencies have been established to serve them. The power to persuade and to conciliate can be very powerful when provided with an adequate forum.

In implementing the ombudsman idea into its complex system of federal-state-local government, the American experience also indicates that the state level of government offers the greatest potential for the ombudsman. Alaskans can benefit from the same results the people of Hawaii have enjoyed in the

recent years since the ombudsman was established in that state. As this proposal for an Alaska ombudsman is developed, questions such as the following arise: Is the concept of an ombudsman feasible in Alaska? Whom would it benefit? What would be required to implement it? The following conclusion is an attempt to answer each of these questions.

From the standpoint of feasibility, the geographic vastness of the state presents formidable obstacles to the effective functioning of a sparsely staffed ombudsman's office. There are, however, definite population centers (Anchorage, Fairbanks, Juneau, and Ketchikan) which could be visited by the ombudsman on a frequent, scheduled basis. The smaller towns and the bush areas could be visited by the ombudsman and his staff on a less frequent basis. The twelve new native regional corporations might be induced to play a liaison function between the ombudsman and the bush areas to bring a much needed improvement in state governmental services to the outlying areas of the state. Complaints from these villages might be channeled through the corporations on a scheduled basis. Hawaii, made up of islands, also has a geographical problem, although not of the magnitude of Alaska.

Lack of a homogenous population presents another feasibility obstacle. The Hawaii experience indicates, however, that a geographically and culturally disparate population can be well served by an ombudsman on the state level. From this, Alaskans have good reason to conclude that a state with a scattered and heterogenous population needs an ombudsman all the more and that the office can be successfully implemented to meet the needs of all the people in all of its regions.

If implemented successfully, the people of the state themselves would be the chief beneficiaries of the ombudsman. They would have a sympathetic intermediary who is knowledgeable of the internal workings of governmental agencies. Legislators and their staffs, the Governor and his staff, and the departmental commissioners and their line and staff agencies would also be benefitted as shown in the succeeding paragraphs. The widespread popular benefits, however, that the ombudsman could produce need to be stressed primarily. It is designed to serve the people now in a myriad of practical ways which they can understand and appreciate. Open to all who need its services, the ombudsman's office is essentially a classless type of agency. It meets, however, the needs of those less articulate and knowledgeable about governmental affairs to a greater extent than the more fortunate members of society.

The American experience with the ombudsman, and worldwide experience as well, demonstrates that the existence of the office does not affect existing political and administrative power structures or the distribution of power between legislative, executive and judicial agencies. This experience also demonstrates that the ombudsman does not challenge existing structures at the top of the power pyramid or become a meddlesome nuisance in its lower reaches. The justification for the office rests on the simple, observable facts that modern government is complex and that the public often fails to understand its processes and how to avail itself of its services.

What effect then would the ombudsman have on existing legislative and executive agencies in Alaska? (Proposals for an Alaska ombudsman do not include the state judiciary within the jurisdiction of the office.) Generally

speaking, experience indicates that the ombudsman would increase their efficiency. Individual legislators and their staffs would have an agency at their disposal to which they may refer all citizens' complaints for investigation and action. This would relieve them of a burden which hampers the primary function of the legislative process, that of formulating and deliberating upon legislation. The year-round service of the ombudsman's office would assure that all meritorious complaints would be received and processed in even fashion. As a central receiving office, the ombudsman would be situated to observe patterns of grievances and be able frequently to suggest administrative remedies which would benefit all persons similarly affected when an individual complaint is processed.

This proposed system of citizen complaint processing under the auspices of an ombudsman could serve to clarify to the public the essential nature of the legislative process and the inherent limitations under which an individual legislator attempts to serve the public who elected him or her and the state at large. Aside from those who have shouldered the burden of serving in the state legislature, there are relatively few who understand the extent of the demands which legislative service imposes upon the time and the financial resources of the individual. Even though there is little prospect that the public will ever understand this very well, the ombudsman offers to the individual legislator a realistic hope that he or she, as well as constituents, will be served by the ombudsman.

Assessing the impact of the ombudsman on the executive branch presents a more complex and elusive problem than that of assessing its effects on the

state legislature. But, again, both the American and the worldwide experience with the ombudsman experiment should serve to allay any doubts that the office is designed to effect a significant shift of either political or administrative power.

Given the broad scope of the ombudsman's investigatory powers over the executive branch, the most formidable objections to the creation of the office have usually come from this source when ombudsman proposals have been advanced. However, after overcoming the initial negative reaction to the idea, it has proved to be an even more welcome addition to the governmental scene among executive branch agencies than among legislators and their staffs wherever the experiment has been tried. How does one account for this ready acceptance of the ombudsman in practice?

The essential role of the ombudsman as a conciliation service between the public and its governmental agencies has quickly emerged when the experiment has been tried. In the evolution of the office, ombudsmen have been armed at various times with the power to prosecute and to take lessor yet stern corrective measures in resolving citizen's complaints. Such powers have not proved to be consistent with the style and the technique of the successful ombudsman. It is noteworthy that where the power to prosecute is vested in the office, as it presently is in some of the Scandanavian countries, it has seldom been exercised. One does not find any American ombudsman experiment where the power to prosecute is vested in the office. Such powers have not been included in any of the proposals for an Alaska ombudsman.

Typically, the ombudsman has had an extensive background in the governmental system in which he is appointed to serve and is aware of the policies and procedures of the system's various governmental agencies. When specific citizens' complaints do arise, the formal, legal power of the ombudsman to compel the disclosure of specific information seldom needs to be invoked. Informal and semi-formal procedures in complaint processing are characteristic of the ombudsman's practice.

There are a variety of complaint processing patterns to be found among governmental agencies. There is one characteristic problem, though, which one regularly encounters. Too many complaints are either received at or are referred up to a too high level in the administrative hierarchy. The typical citizens' complaint neither requires the attention of top management nor can it be satisfactorily resolved on that level. Its merit is difficult to assess on that level and even when such problems are resolved to the citizen's satisfaction, top management officials may have disrupted agency policies and procedures which have been soundly devised at the operating level.

The higher the complaint is lodged and accepted, the more agency officials in the chain of command hierarchy are brought into confrontation with each other, frequently in a crisis type of atmosphere. Relatively simple citizens' complaints have been known to demoralize an agency seriously from top to bottom, to substantially reduce its capacity for productive work output and to leave it in a state of tense anticipation that such an event will soon recur with similar results.

The impartiality of the ombudsman also benefits the entire administrative organization when unreasonable citizens' complaints are received or when service demands are made of an organization which either lie beyond the resources of the agency to fulfill or which would disproportionately divert agency resources to the benefit of one person. Ombudsmen are perceptive to such situations and assume the responsibility of explaining to the dissatisfied citizen why his demands cannot be met. Fair-minded citizens tend to regard an ombudsman's explanation as more objective and reliable than that of a representative of the agency and as a result they tend to accept his conclusions rather than to press their case further or to renew it at a later date. In those instances where the complaining citizen demonstrates a lack of concern for fairness and reasonableness, the ombudsman serves as a protective buffer for the agency against overly aggressive conduct.

Top management in an administrative agency are less involved in the entire citizens' complaint process when the services of an ombudsman are available. From their point of view the ombudsman provides both a species of consulting service affording them reliable reports on the performance of their operating personnel and a species of in-service training for their operating personnel when the job can be done better.

The ombudsman intervenes at the lowest level of the administrative hierarchy where citizens' complaints can be resolved. In this manner he may correct inequitable practices of which top level administrators are unaware. His very presence can stimulate first line supervisors and their personnel into re-examining problems within the framework of agency policy and to attempt to

resolve citizens' complaints without referring the issue to higher administrative officials. In modern management terminology, the ombudsman brings "positive reinforcement" to the first line supervisor and his personnel.

During the first year of operation in Hawaii, \$103,000 was provided as an operating budget.¹ The first year of operation in Alaska would require only a small staff, probably the ombudsman himself and a secretary. The objective during the first year would be setting up the office and publicizing it. Some travel outside Alaska would be involved to observe other ombudsmen in action. Extensive use of long distance telephone service would be necessary in a state the size of Alaska. No matter in which city the ombudsman were to be located, extensive travel within the state would be required.

A budget figure of \$100,000 would appear to be adequate for the first year of operation. This would allow \$50,000 for salaries, \$20,000 for travel and \$30,000 for office expenses, depending upon what facilities and equipment were made available. This figure would probably double or triple during the second year of operation due to increases in staff, travel and related expenses as the services provided became more widely known. The budget would then level off and remain fairly static (subject to inflation) since primary advantages of the concept are small size and personal attention.

¹State of Hawaii, Report Number 1, p. 2.

APPENDIX

The actual record of the Hawaii experience with its Office of the Ombudsman presents the kind of data which concretely demonstrates the broad range of problems with which their ombudsman has been concerned and his effective disposition of a heavy caseload.¹ The following summaries of cases were taken from the Hawaiian Ombudsman's Report Number 2 for the fiscal year 1970-1971. The cases were selected to give a general idea of the types of complaints received and their resolution. They cover areas where agency corrective action was indicated, where the agency had taken appropriate action, and where legislative action was required. Following the summaries is a chart indicating complaints broken down by department and whether or not they were justified.

Selected Cases

An unsuccessful bidder on some office equipment complained about bidding irregularities. The Department of Education was contacted and a subsequent Attorney General decision called for rejection of all bids and re-advertisement.

A community schools instructor complained about being underpaid for actual number of hours taught. After interviews with students and the

¹See State of Hawaii, Office of the Ombudsman, Fiscal Year 1969-1970/Report Number 1, Fiscal Year 1970-1971/Report Number 2, and Fiscal Year 1971-1972/Report Number 3 (Honolulu: Office of the Ombudsman, 1971, 1972 and 1973). A Report Number 4 was not yet available when this governmental project report was finalized.

registrar it was determined that an error had been made and the Department of Education voluntarily agreed to pay the contested amount.

A State Board was accused of being prejudiced against a certain racial group in its work. The ombudsman made a study of statistics, board files and actions and then determined the charges were unfounded.

A citizen complained of unsanitary odors coming from a neighbor's hog farm. Following the ombudsman's inquiry, a sanitarian inspected the farm and found waste from the pigpen being discharged into a non-functioning cesspool. Orders were issued by the Department of Health to remove the hogs.

A complaint was received regarding the lack of school bus service to an area. The ombudsman investigated and found the reasoning for not serving the area justified, but suggested ways in which the situation might be resolved. The suggestions were followed and the situation was resolved by the complainants themselves.

A claimant for unemployment compensation complained that he was experiencing undue delay in receiving his compensation. The ombudsman investigated and found that corrective action had already been instigated by the department.

A citizen complained of rude and uncalled for treatment by the Parks Division personnel while camping in a state park. The employee did not furnish any identification at the time. Following the ombudsman's inquiry, the employee was reprimanded and all employees were provided identifying shoulder patches.

Welfare recipients claimed rental allowances were not sufficient to maintain health and comfort. The ombudsman found the rates were set by the

legislature, not the agency, and suggested the group testify before the appropriate legislative committee.

A citizen action group complained they were denied a copy of a public hearing transcript. The ombudsman informed the responsible official that a Hawaii Statute made minutes of boards and agencies public records and thus available to the general public with a fee assessed for copying. Subsequently, arrangements were worked out whereby the complainant was provided a copy.

A complaint was received that the State of Hawaii should provide parking for citizens on jury duty. The ombudsman investigated and found there was no reasonable way the State could provide parking until additional parking lots were made available.

A welfare recipient complained that despite repeated requests to the Department of Social Services, she had not been assigned a social worker. The ombudsman's investigation disclosed that the Department had tried repeatedly to contact the complainant, but she was never at the address given. The complainant was informed she must make an effort to be available.

A taxpayer complained that although he had paid a previous year's State Income Tax, he had been notified of tax delinquency. He could not locate any records and could not afford to pay the bank to search for a copy of his cancelled check. The ombudsman convinced the Department of Taxation to make a more thorough search and the return was found misfiled.

A resident living on a narrow dirt road that was nevertheless a public thoroughfare complained of lack of garbage collection. The ombudsman investigated and agreement was reached with the City and County of Honolulu that they would service the area with a smaller than normal vehicle provided the resident would allow turning around in his driveway.

TABULATION OF CASES
OFFICE OF OMBUDSMAN, STATE OF HAWAII
FISCAL YEARS, 1969-1970, 1970-1971, 1971-1972
(by department)

Department	1969-1970				1970-1971				1971-1972			
	Received ²	Justi- fied	Unjusti- fied	Infor- ³ -mation	Received	Justi- fied	Unjusti- fied	Infor- -mation	Received	Justi- fied	Unjusti- fied	Infor- -mation
Accounting and General Services	33	19	7	5	24	12	7	11	24	12	5	6
Agriculture	10	1	7	2	6	2	4	3	3	0	2	1
Attorney General	10	4	3	3	6	2	3	7	8	2	4	7
Budget and Finance	11	5	3	1	10	7	6	3	10	7	0	6
Defense	1	0	1	0	3	0	2	2	2	0	1	0
Education	68	38	17	7	61	29	22	10	66	23	26	23
Hawaiian Home Lands	5	1	1	0	13	4	5	1	8	4	4	2
Health	60	29	18	4	45	17	15	37	40	0	19	24
Labor and Industrial Relations	56	22	20	10	81	27	36	47	98	43	43	47
Land and Natural Resources	29	9	14	3	25	9	14	0	30	12	10	13
Personnel Services	10	5	5	6	15	3	11	8	12	2	7	6
Planning and Economic Development	4	0	0	4	2	0	1	2	4	1	2	6
Regulatory Agencies	50	11	16	11	58	23	15	55	41	7	24	34
Social Services and Housing	83	22	38	14	103	27	59	56	147	32	76	62
Taxation	30	7	14	8	50	18	25	34	42	10	22	20
Transportation	52	13	27	5	46	19	14	13	43	12	14	6
University of Hawaii Counties	41	20	9	7	50	23	10	19	57	16	19	20
Lieutenant Governor	229	65	82	40	209	64	72	115	155	40	71	66
Consumer Protection	1	1	0	0	1	0	0	7	0	0	0	2
Hawaii Office of Equal Opportunity	11	3	4	3	6	2	2	37	8	0	7	14
Hawaii Office of Equal Opportunity	1	0	0	0	0	0	0	1	1	0	0	0
TOTAL	811	275	286	133	822	298	323	486	807	232	364	365

¹Abstracted from State of Hawaii, Office of the Ombudsman, Fiscal Year Reports No. 1, 2 and 3.

²At the end of each fiscal year there were Received complaints which were either subsequently withdrawn or in the process of investigation and resolution. Therefore the sum of the figures in the Justified and Unjustified columns does not usually equal the figure in the Received column.

³As the Hawaii Ombudsman's office developed over the three years shown, it was perceived that certain inquiries should not be classified as citizens' "complaints" since the inquiring citizen needed only to be given correct information and guidance to solve his problem. For fiscal years 1970-1971 and 1971-1972 informational inquiries were not included in the total of Received complaints. For the purpose of this study the Information column has been included because it lends perspective to the broad range of public services which the Hawaii Office of Ombudsman performs.

BIBLIOGRAPHY

I. Books

Anderson, Stanley U. Ombudsman Papers: American Experience and Proposals. Berkeley: University of California, Institute of Governmental Studies, 1969.

Citizens Conference on State Legislatures. The Sometimes Governments. Toronto: Bantam Books, 1971.

Gellhorn, Walter. Ombudsman and Others: Citizens Protectors in Nine Countries. Cambridge: Harvard University Press, 1966.

_____. When Americans Complain: Governmental Grievance Procedures. Cambridge: Harvard University Press, 1966.

Green, Mark J., James M. Fallows and David R. Zwick. Who Runs Congress. Toronto: Bantam Books, 1972.

Keefe, William J. and Morris S. Ogul. The American Legislative Process, Congress and the States. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1973.

Rowat, Donald C., ed. The Ombudsman: Citizens Defender, 2nd Edition. Toronto: University of Toronto Press, 1968.

Stringfellow, William. My People is the Enemy. New York: Holt, Rinehart and Winston, 1964.

II. Periodicals

American Bar Association, Section of Administrative Law, Ombudsman Committee. Development Report April 15, 1971-June 30, 1972. Allentown, Pennsylvania.

"A State Statute to Create the Office of Ombudsman." Harvard Journal on Legislation, (June, 1965) pp. 213-238.

Benchley, Nathaniel. "Ombudsman." New Yorker, (July 1, 1967) pp. 33-35.

Capozzola, John M. "An American Ombudsman: Problems and Prospects." Western Political Quarterly, (June, 1968) pp. 289-301.

- Chang, Hing Yang. "The Emergence and Spread of the Ombudsman Institution." The Annals of the American Academy of Political and Social Sciences, (May, 1968) pp. 20-30.
- Doi, Herman. "The Hawaii Ombudsman Appraises His Office After the First Year." State Government: The Journal of State Affairs, (Summer, 1970) pp. 138-146.
- Gellhorn, Walter. "The Ombudsman in New Zealand." California Law Review, (1965) pp. 1155-1211.
- "Handling the People's Grievances: Ombudsman." Christian Century, (October 27, 1965) pp. 1310-1311.
- Ikeda, Walter H. "The Ombudsman in Hawaii: The Basic Premises." Hawaii Bar Journal, Volume 7, Number 1, pp. 17-29.
- MacDonald, Scot. "Reorganization Along Functional Lines Makes Congress' GAO More Responsive." Government Executive, (June, 1972) pp. 54-57.
- Marshall, Geoffrey. "The British Parliamentary Commissioner for Administration." The Annals of the American Academy of Political and Social Sciences, (May, 1968) pp. 87-96.
- Nelson, Dalmas H. and Eugene C. Price. "Realignment, Readjustment, Reform: The Impact of the Ombudsman on American Constitutional and Political Institutions." The Annals of the American Academy of Political and Social Sciences, (May, 1968) pp. 128-138.
- "Ombudsman at Work." Economist, (June, 1962) p. 1222.
- "Ombudsmanship: The Citizen and the Administration." Economist, (November 4, 1961) p. 413.
- Reuss, Henry S. and Stanley V. Anderson. "The Ombudsman: Tribune of the People." The Annals of the American Academy of Political and Social Sciences, (January, 1966) pp. 44-51.
- Reuss, Henry S. "We Need an American Ombudsman." Christian Century, (March 3, 1965) pp. 269-271.
- Sandler, Ake. "An Ombudsman for the United States." The Annals of the American Academy of Political and Social Sciences, (May, 1968) pp. 104-110.
- Stephens, Jack H. "Hawaii's Ombudsman." National Civic Review, (February, 1970) pp. 81-84.

Unruh, Jesse M. "The Need for an Ombudsman in California." California Law Review, (1965) pp. 1212-1213.

_____. "The Ombudsman in the States." The Annals of the American Academy of Political and Social Sciences, (May, 1968) pp. 111-121.

III. Government Reports

State of Hawaii. Report of the Ombudsman, Report Number 1. Honolulu, 1971.

State of Hawaii. Report of the Ombudsman, Report Number 2. Honolulu, 1972.

State of Hawaii. Report of the Ombudsman, Report Number 3. Honolulu, 1973.

State of Minnesota. Ombudsman for Corrections: 1972-73 Annual Report. St. Paul, Minnesota (July, 1973).

State of Washington. Legislative Council, Committee on State Government, The Ombudsman in Scandinavia: Advantages and Disadvantages for State Governments. Olympia: Legislative Council, n.d.

IV. Bibliographies

Kessler, Mary Z. Ombudsman: A Selected Bibliography. Indiana Department of Commerce, Division of Planning, Council of Planning Librarians, n.d.

Francis M. Flavin
3729 Clay Products Road
Anchorage, Alaska 99503

April 21, 1975

Representative Terry Gardiner
State House
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Terry:

I have submitted my application for the Ombudsman position to the selection committee. I would appreciate any support you can give me.

During the past four years I have participated extensively in legislative, administrative and judicial processes on both management and individual levels. As Director of Alaska Legal Services I am deeply involved in insuring the public accountability of governmental agencies. I am familiar with urban and bush governmental concerns through the administration of eight separate law offices consisting of thirty attorneys and ten paralegals.

While my contact with you in the legislature has been primarily on fisheries and bush justice issues, the overall ALSC program is fairly balanced between urban and rural concerns.

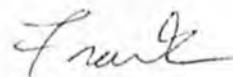
Under my direction Alaska Legal Services has successfully pursued an active program of legislative, judicial and administrative advocacy, all without major controversy. This is because I firmly believe that negotiation and compromise produce more benefits than rhetoric or confrontation. I would continue and expand this commitment by pursuing the Ombudsman's duties in a temperate yet vigorous manner.

yet

The Ombudsman position will require legal, management and administrative skills. I believe that the record shows that I am competent in these areas to utilize my experience for the benefit of Alaskan citizens.

Thank you for your consideration.

Sincerely yours,



Frank Flavin

STATE OF ALASKA

file
Pouch C
Juneau, Alaska 99801
586-3613

EXAM. RECORD	WT.
W	
O	
P	
E&T	
AV	
V.P.	
E.C.	
FINAL	
AV	

APPLICATION

Date Received

PERSONNEL ACTION	
ACCEPTED	
REJECTED	
PERSONNEL FILE	
A	G
B	H
C	J
D	EA
E	EI
F	SO
DENT. NO.	

Ombudsman

(Title of Position applied for. A Separate Original application must be submitted for each position. Use Typewrite or Ink.)

PERSONAL DATA

1. Name Whittaker Richard Lee 2. Maiden Name N/A
(Last) (First) (Middle)

3. Mailing Address P. O. Box 13 (648 Main Street)
(Street and/or Box number)
Ketchikan Alaska 99901
(City) (State) (Zip Code)

4. Telephone No. 225-3824 (Home)
225-5333 (Business)

5. Date of Birth March 3 1931
(month) (day) (year)

6. Place of Birth Princeton, Illinois 7. Social Security Number 544-32-8980

8. Sex Male Female

9. Marital Status Single Married Widowed Divorced Separated

10. Height 5'8 1/2" Weight _____ 11. Physical Disabilities Yes No If yes, give details: _____

12. Name and occupation of spouse Judy F. Whittaker, Housewife

13. Number and ages of dependents Six--17, 15, 14, 13, 9 and 4

14. Alaska State Employee Currently Formerly Give job title, status, department, and dates of State or Territorial employment
District Attorney, Ketchikan, 1964 to 1967--Legislator, 1971 to 1972
(Permanent employees should file form P-122 for promotional credit)

15. Dates of Alaska residence: From July 1952 to Present
(month) (day) (year) (month) (day) (year)

16. U.S.A. Citizen Yes No By birth By naturalization

22.

EMPLOYMENT HISTORY

Include all jobs within past ten years. Give earlier job history, if pertinent to job applied for. Include military experience as part of job history. Include any period of unemployment over three months in length. Use additional pages if needed to give complete employment history.

START with MOST RECENT JOB FIRST

Dates of Employment	Job Title: District Attorney
From August 1964	Duties:
To: January 1967	
Starting Salary	
\$ Unknown per	
Final Salary	Name of Employer: State of Alaska
\$ Unknown per	Address: Ketchikan, Alaska
Hrs. per week:	Reason for leaving: Opened own Office

Dates of Employment	Job Title: Attorney
From January 1967	Duties:
To: Present	
Starting Salary	
\$ per	
Final Salary	Name of Employer: Self Employed as Attorney
\$ 50,000 per year	Address: P. O. Box 13, Ketchikan, Alaska
Hrs. per week:	Reason for leaving:

Dates of Employment	Job Title:
From	Duties:
To:	
Starting Salary	
\$ per	
Final Salary	Name of Employer:
\$ per	Address:
Hrs. per week:	Reason for leaving:

Dates of Employment	Job Title:
From	Duties:
To:	
Starting Salary	
\$ per	
Final Salary	Name of Employer:
\$ per	Address:
Hrs. per week:	Reason for leaving:

Dates of Employment	Job Title:
From	Duties:
To:	
Starting Salary	
\$ per	
Final Salary	Name of Employer:
\$ per	Address:
Hrs. per week:	Reason for leaving:

SPECIAL QUALIFICATIONS

List here those special qualifications required by the job you are applying for:

- 3. Membership in professional associations: American Bar Association
- 24. Registration and/or licenses: Admitted to practice law in Oregon and Alaska.
- 25. Required college subjects: None

- 26. Languages spoken other than English: None
- 27. CLERICAL AND OFFICE SKILLS:
 Typing.....words per minute Shorthand..... words per minute Office Machines experienced in (list).....

- 28. List kinds of mechanical equipment, electronic equipment, or machinery that you are qualified to:

Operate	Repair
.....
.....

29. Other Special Qualifications:.....

- 30. List three references (not relatives or employers) who have knowledge of your character, experience and ability.

	(1) <u>R. Collin Middleton, 500 "L" St.</u>	<u>Anchorage</u>	<u>Alaska</u>
	(Name) (Street)	(City)	(State)
	(2) <u>William Timme, Doyon Ltd.</u>	<u>Fairbanks</u>	<u>Alaska</u>
	(Name) (Street)	(City)	(State)
	(3) <u>Edward E. Head, Alaska Timber Corporation, Klawock</u>	<u>Klawock</u>	<u>Alaska</u>
	(Name) (Street)	(City)	(State)

CONDITIONS OF EMPLOYMENT

Please read carefully the announcement for the job for which you are applying. Your name will be certified only to vacancies that meet the conditions of employment indicated in your answers below. Restrictions not common to the job may result in removal from the register or in rejection. You may alter your stated conditions of employment by notifying the Personnel Division in writing at any time during the life of the register. Failure to accept a job offered under conditions you have indicated may result in removal from eligible list.

- 31. Lowest entrance salary I will accept: Statutory per month.
- 32. I will accept employment at the following places in Alaska. I understand I will be certified only to places I have listed below:

<u>Anchorage</u>	<u>Juneau</u>	<u>Ketchikan</u>
.....

- 33. Will accept job requiring travel:
 - continuous
 - frequent
 - occasional
 - remote areas
 - no travel
- 34. Available for following types of positions:
 - probationary (permanent)
 - seasonal
 - temporary (6 months or less)
 - part-time
 - School year

35. How soon would you be able to report for work after being notified that you had been hired?.....
Immediately. Only problem is closing my law office.

CERTIFICATE OF APPLICANT

I HEREBY CERTIFY that all information made on or in connection with this application is true and complete to the best of my knowledge and belief and I have not knowingly withheld any fact or circumstance. I understand that any misrepresentation or concealment of material fact will be sufficient ground for rejection of application, removal from eligible register, or removal from employment. I authorize my present and previous employers to release to the State of Alaska any information they may have regarding my character or my employment record and release said employers from any damage or claim for furnishing said information. I hereby agree to submit to such physical and/or mental examination as the State of Alaska may require.

Date: May 5, 1975 Signature:

CHECK YOUR APPLICATION! Be sure you have filled it in completely.

RESUME

Richard Whittaker

Born, 1931 at Princeton, Illinois

Raised on farms in rural Oregon. Graduate, 1949, Ophir High School, Ophir, Oregon.

Attended University of Oregon, majoring in Journalism, 1949 to 1952, when volunteered for the draft. Entered army from Annette, Alaska, where parents were teaching at the time. Served for two years as Military Policeman at Sandia Base, Albuquerque, New Mexico. Had AEC "Q" and "Top Secret" clearances.

Returned home after army in 1954. Parents were living at Metlakatla where they were teaching. Became managing editor of the Ketchikan Chronicle, the only daily newspaper in Southeastern Alaska to be pro-statehood and anti-fishtrap. Left Chronicle in 1955 to go to Kodiak to start own newspaper. Worked in 1955, to raise money for venture, as laborer and deep sea diver. Started Kodiak Islander and North Pacific News in spring of 1956 and went broke three months later. Worked on fish packer and edited the Mailboat Monitor published by the Mailboat Expansion, then serving the Aleutian chain.

The year 1957 commenced with being employed by the late Bernie Kozinski, managing editor of the Anchorage Times, to start that newspaper's night news bureau. Met wife-to-be, Judy, on the Times where she was working as advertising salesman. Married at Kodiak, where parents were then teaching, in May. Judy, a graduate of the University of Missouri School of Journalism, became a reporter for the Times, and we worked together until leaving for law school in 1957.

Entered University of Oregon Law School in the fall of 1957 and had the first of six children February of 1958. Had a disagreement with the dean of the law school in spring (he didn't want me to come back) and transferred to Northwestern College of Law at Portland, Oregon.

Was awarded B.S. degree from Oregon in 1958.

Worked at Oregon Legislature, session of 1959 while in night law school, and then worked for rest of time in school, as Medical Practices Investigator for Oregon Board of Medical

Resume
Richard Whittaker
Page 2

Examiners until graduation from Law School and passing of Oregon Bar examination in late 1963.

Became law clerk to the Honorable Raymond Plummer, United States District Judge in 1964, filling out a term, and then District Attorney at Ketchikan in August of 1964.

Entered private practice of law in 1967 and have operated as a sole practitioner at the same location ever since.

Member of Alaska Legislature, 1971 to 1972, serving as Vice-Chairman of Local Government Committee and as member of Health and Social Services Committee.

Became a founding member of Southeastern Alaska Community Action Program, Inc., in 1968 and serve as president currently. Member of RuralCAP Board of Directors. Have been a member of the Portland, Oregon, City Club since 1962.

As an attorney in private practice, I have had as an avocation, the representation of many of the small cities and communities in Southeastern Alaska, including at one time or another, the cities of Saxman, Hydaburg, Klawock, Kake and Yakutat; the town of Metlakatla and the village of Klukwan. I served as Reservation Magistrate at Metlakatla in 1973.

I have been active in the battle to plan for the economic needs of Southeastern and have done legal work for the Tongass Conservation Society, the Southeastern Mountaineering Association, the Alaska Timber Corporation, where I am general counsel (the very large sawmill at Klawock), the Commercial Fishermen's Cooperative Association cooperative, and the Southeastern Consumer's Cooperative. I am a partner in the St. Francis Mining Company. I was a founding board member of the Ketchikan Day Care effort and the Ketchikan Habilitation House.

By way of further Alaskan background, my mother was born near Cordova, (her father was a stamper prior to the days of '98) and my sister Betty Johnson Farni, is a teacher at Fairbanks.

During my travels, I have lived at Ketchikan, Annette, Metlakatla, Kodiak, Anchorage, and Fairbanks, (and Juneau for the legislative sessions of 1971 and 1972).

In Ketchikan I have been very active in the Ketchikan Community Council and its various projects, and in 1974 was president of

Resume
Richard Whittaker
Page 3

Camp 14, Alaska Native Brotherhood and a member of the Ketchikan School Board. Judy, having played with the Anchorage Symphony at the time we met, organized the Ketchikan Shoestring Symphony and has kept it alive since (it has near 40 members these days) and started two local film societies and helped form the local chapter of the League of Women Voters. She served on the board of the Alaska State Council of the Arts in 1967 and was very active in putting together the Ketchikan Alcoholism program.

I have served on the Comprehensive Health Planning Board for Ketchikan for three years. I am a founding trustee of the Juneau and Ketchikan branches of the Rosewater Foundation.

At this writing the six Whittaker children range in age from almost 4 to 17, with the oldest graduating from high school this year.

STATEMENT OF VIEWS ON THE

OFFICE OF OMBUDSMAN

BY Richard Whittaker

I believe the alienation of people from their several governments to be one of the cardinal issues of our time. This alienation is both abstract and real; real in the sense that we Alaskans can reach out and touch the problem, and can attack and seek to correct it.

The Alaskan Ombudsman will have perhaps the most challenging job in our government; affirming and reaffirming the faith of Alaskans in the institution of government. Anyone can build a building, but not everyone can get agreement that the building is a good idea.

The effectiveness of the office will depend upon the skill which the Ombudsman utilizes during the first years of the establishment of the office.

The Ombudsman must be sensitive to and knowledgeable of the geography and social orders of the State.

The ombudsman must have a feeling for the frustrations of people in dealing with their government. And the Ombudsman should have some sensitivity to the problems of the agency people working within a legislated problem-solving framework.

The Ombudsman should have a general involvement both with the major population centers of the State, but as well with rural Alaska and he must perceive the interrelationship of one to the other, as well as the social organization of any one given area.

The Ombudsman must have an ability to assure the image of the office in the public eye is a positive one; that the Ombudsman is known as a person to go to in order to seek redress for grievance or for an understanding of what has happened. The Ombudsman's job is to equalize the person to the government for fair resolution of problems.

The Ombudsman must never be an apologist for government; he must seek to understand the nature of the concern beyond the simple question of the impact of an agency decision.

The Ombudsman, initially, will be concerned with developing the relationship of Alaskans to the office, and to develop

Statement of Views on the
Office of Ombudsman
By Richard Whittaker
Page 2

techniques providing the most expeditious access to the office for every Alaskan.

A legal education may or may not be a qualification for the office beyond training in the workings of government, but the most single important characteristic an Ombudsman must have is a strongly developed moral sense. Government has lost its common touch and its sense of humanity. And legal analysis, here, is only secondary.

An Ombudsman must, beyond concerning himself with wrongful acts of agencies, regard the very real problems people have when agency decisions have gone against them, making every effort to evaluate and explain to citizens that government, in their case, has functioned properly.

And because the job of Ombudsman is to make government work rather than to destroy government, the majority of his work will be done quietly as he functions as an objective intermediary. In a State such as ours, rarely will an agency resist recommendations to change practices.

The legislature is close to the people and responsive to their needs; every good legislator is an Ombudsman at heart.

*Put in Ombudsman
F.C.C. file*

AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

SOUTHEAST ALASKA CHAPTER
Box 292 Juneau, Alaska 99802

March 24, 1975

Senator Jalmar M. Kerttula, Chairman
Free Conference Committee, S.B. 1 (Ombudsman Bill)
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

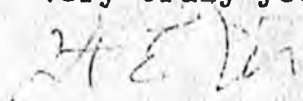
Dear Senator Kerttula:

Last Friday afternoon I followed through on my statement that I would contact Hawaii Ombudsman Herman S. Doi by telephone to determine whether his subpoena power gave him access to documents made confidential by statutes of that state. We made connection at approximately 1:45 pm., Juneau time, 11:45 am., Honolulu time. The conversation was brief.

Mr. Doi informed me that he has not regarded his subpoena power as empowering him to gain access to records made confidential by state statute. Hawaii, he said, did have several statutes making various records confidential. The issue of his gaining such access has never actually arisen and been tested. He explained to me that individual complainants would usually provide him with the information he needed in cases where there were issues of confidentiality when conducting investigations on their behalf. In other cases, he said, his staff has gained the cooperation of agencies during the conduct of investigations and that they have been able to work around confidentiality problems administratively. I then specifically asked him whether he had ever had a case which he could not investigate sufficiently, because of confidentiality, to resolve the complaint or grievance being processed. He responded that he could not recall a single such instance.

I sincerely hope that the foregoing information will assist the committee in their deliberations.

Very truly yours,



Robert E. Newton, Chairman
Ombudsman Committee

cc: Committee members

April 22, 1975

Doug Thompson
636 Schoenbar
Ketchikan, Ak. 99901

Dear Doug,

A special six-man committee is receiving applications for the office of the Ombudsman. Representative Mike Miller of Juneau is the head of the House delegation. Any applications should be sent to him and to the other members of the committee. These include Rep. Helen Beirne, Rep. Charles Parr, Senator Jay Kerttula, Senator Pat Roday, and Senator John Sackett.

Sincerely,

April 17, 1975

Terry,

HB 242 seems to fill a need by enabling effected employees to appeal arbitrary dress codes to the legislature and as such fills a need. The Port Steward Klien^{er}berg has addressed a memo dated april 9, 1975 to all chief stewards asking them to support his expressed opinion that the law should exempt his department and others like his. He asked them in this memo on state stationary to write their legislators to stop passage of 242 as written. This would seem to me to be an improper use of both his position's influence and State law. A request as he phrased it would by his very position be coercing his subordinates. As a prime offender it would seem this is an especially touchy action. I believe he should be told to refrain from such future actions.

You left a letter here the last time down, it is enclosed.

10/27/75

*What is the congressman's standing now that
it is passed & time schedule for implementing*

*File with that
other application*

TELEGRAM

BCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6440
JUNEAU, ALASKA 99801

1975 APR 12 AM 2 44

02110 POM ANCHOAGE ALASKA 15 04-11 0500PADT

PMS REP KATHRYN OSTROSKY
1101

JUN

WE SUPPORT GEORGE CURTIS FOR OMBUDSMAN

BOB AND MAE HEATHERINGTON 1526 G ANCHORAGE 99501

TELEGRAM

File

BCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6440
JUNEAU, ALASKA 99801

1975 APR 12 PM 7 48

02056 POM ANCHORAGE ALASKA 15 04-12 0345P ADT

PMS REP KATHRYN OSTROSKY
1182

JUN

WE SUPPORT GEORGE CURTIS AS OMBUDSMAN

MR AND MRS DON LAWSON 1923 JUNEAU DR
99501

April 1, 1975

Fred Selkregg
5811 Radcliffe
Anchorage, Ak.

Dear Mr. Selkregg:

Thank you for your interest and application for the Office of the Ombudsman. The free conference committee substitute for the Ombudsman bill sets up a selection process that begins with nominations by a special committee of members of the House and the Senate appointed by the Speaker and the President. This special, six person, joint committee will receive and review any and all applications. I would expect this committee to be appointed as soon as the Governor has signed the bill into law. At that time I will certainly give your resume to the special committee.

The free conference committee substitute also requires confirmation by 2/3 vote of the legislature and the concurrence of the Governor.

Again, thank you for your interest. I look forward to meeting with you at some future date.

Sincerely,

Terry Gardiner
Representative

March 24, 1975

Representative Terry Gardiner
Pouch V
Juneau, Alaska 99801

Dear Terry,

I was elated to read in the Wednesday, March 12th Daily News that H.B. 45 to create the office of Ombudsman has finally passed. I trust that the joint conference committee will be reporting out the final bill shortly and that the state will finally have an Ombudsman. I have long supported this concept and feel it is long overdue.

I am writing to alert you of my interest in becoming Alaska's first statewide Ombudsman. Aside from my long support and enthusiasm for the concept, I feel that I am particularly well qualified to do an effective job in setting up the office and shaping the role of service to be provided. Attached is a resume of my work experience.

Most of my life I have been involved with furthering people programs and investigative work. My early experience, as a War Department Civilian with the military in Italy, was in personnel administration and research to acquire the statistical data base needed to formulate policy. This introduced me to governmental and bureaucratic procedures. My legal education allows me to knowledgeably interpret and apply statutes and regulations. My seventeen years as an insurance investigator and adjuster well qualifies me for the type of digging needed to get to the bottom of things; to find, develop, and analyze the facts. As Alaska's first chairman of the Human Rights Commission I gained valuable insight into the impact of unjust laws and procedures. My experience as a member of the Greater Anchorage Area Health Board, the Greater Anchorage Area Community Action Agency, the Alaska Training and Planning Agency, and the Greater Anchorage Area Borough Comprehensive Planning Advisory Commission, most recently, has added to my understanding of people's needs and problems. I am convinced that services and their delivery systems must be designed to respond to those needs. The system fails too many people.

I know the whole scene; from the vantage point of an administrator as well as a precinct worker. My many years as an active Democrat, with a proven social conscience and a continuing concern for more responsive government, has aptly prepared me for such a role of service to the people of the state. I believe that I have met and know on a first-name-basis most of the people involved in government in

various departments and agencies. This rapport would be a real asset in the job.

I know that the legislature will have the final say on who is hired for the position. It is unclear at this juncture just what steps will be followed or what role you personally will or can play in the final selection process but I would greatly appreciate your support and anything that you could do to further my chances of being selected for the position. Thank you.

Best regards,



Fred M. Selkregg

R E S U M E

NAME: Fred M. Selkregg, Jr.

DATE OF BIRTH: June 1, 1921

MARITAL STATUS: Married, wife, Dr. Lidia L. Selkregg; father of three children: Alicia, age 29; Sheila, age 25, Lief, age 19.

EDUCATION: B.S. in Law, 1951, University of Illinois Law School, Urbana, Illinois.

VETERAN: World War II, overseas service, North Africa, Sardinia, Corsica and Italy, 1941-1945. Honorable Discharge January 7, 1945. Disabled veteran.

EMPLOYMENT RECORD: June 21, 1970 - Present

1970 to Present Urban Environmental Inspector, City of Anchorage.
Employed as Building Safety and Code Enforcement Officer under the Housing and Urban Development Program funded to the City of Anchorage. This involved code enforcement, demolition, development of low cost and low income housing and general relocation problems.

August 1, 1974 to September 15, 1974
Self-employed as Social Economic Consultant, d/b/a
1974 Applied Planning and Research Center.
Worked with local attorney Bob Goldberg. Conducted an investigation involving the tracing of missing heavy weight drill pipe embezzled from the attorney's client. Involved travel to Fairbanks and Kenai, recovery and working through corporate records of embezzler's defunct corporate files for evidence of transactions affecting the pipe that they had held under a lease contract with the attorney's client.

February, 1974
Self-employed as Social Economic Consultant, d/b/a
1974 Applied Planning and Research Center.
Attended special legislative session for appropriation of impact funding with reference to pipeline construction. Represented AHTNA Native Corporation. Attempted to get the legislative session to create a local quasi-governmental committee to be funded and staffed with proposed impact movies to implement the planning and program originally outlined in the document "A Background To Planning" on which we had worked in 1973 as one of the state's primary areas of impact.

March 1, 1973 to December 31, 1973
Self-employed as Social Economic Consultant, d/b/a
1973 Applied Planning and Research Center.
As a subcontractor of Alaska Planning and Management under contract with the Alaska Arctic Environmental Data Center of the University of Alaska, who were working under a H.U.D. funded program to prepare a data base for the AHTNA Native Corporation in preparation of land use and capital improvement planning. Made a survey of current development of existing services of both the public and private sectors. Assessed goals and needs of the area. Published a report, "Background To Planning", covering the area of land use and development planning in the Copper Valley area, which will provide a guideline to the Native Corporation for the development of programs for services under the Alaska Native Land Claims Act.

January 1, 1970 - June 21, 1970

Self-employed as Social Economic Consultant, d/b/a

1970

Applied Planning and Research Center.

Prepared a report on native housing in Alaska for M.I.T. Department of Architecture as part of the nation-wide study of Indian housing. Prepared final report for Alaska Federation of Natives Economic Development Grant ending FY-1.

February 1, 1969 - December 31, 1969

Supervisor: Emil Notti, President

1969-1970

Employed as Economic Development Coordinator under a Technical Assistance Grant from the Economic Development Administration. Worked with OEO-funded Development Boards and Native Associations representing six census districts of Western and Northern Alaska to develop two six-man Overall Economic Development Boards to initiate development planning and projects for implementation in two Overall Development Districts (the Northwest Economic Development and Planning District Census Districts 21, 22 and 23, and the Yukon Kuskokwim Economic Development and Planning District Census Districts 24, 16 and 17).

Worked with locally hired Native field planners resident in the districts (Kotzebue and Bethel); trained and coordinated their planning program and field work; developed a village survey form as a module to assess the viability of individual villages for economic development and village needs and priorities.

Worked with the field planners in organizing and preparing for Board meetings; instructed the two Native Boards in board responsibility, Robert's Rules of Order; provided technical assistance to the field planners and Boards in project development and developing planning objectives.

Worked with the field planners and Boards to develop overall area priorities and an Economic Development Plan; prepared work programs for the two districts for Phase II refunding grant based on area-wide priorities as determined by the Boards.

Worked with all Federal and State agencies providing services to Western Alaska to coordinate activities and economic development planning (BIA, FHA, HUD, ASHA, BLM, PHS, Rural CAP, CEDC, USGC, Corps of Engineers, Federal Field Commission for Development Planning, AVEC, State Departments of Education and Highways, Division of Aviation, RDA, Department of Economic Development, State Planning Office, State Office of Economic Opportunity, State VISTA).

Assisted Boards in writing Resolutions and handled their distribution as the Board directed.

Prepared quarterly progress and activity reports to the Economic Development Administration Technical Assistance Branch.

Was responsible for overall budgetary supervision of the grant funds; wrote and prepared refunding application. The grant is on a matching 75-25 basis; developed contribution in-kind consultant assistance with two private architects and one mining engineering firm as well as with the University of Alaska, Institute of Social, Economic and

Government Research. Also obtained travel contribution from two State agencies (OEO, RDA).

Assisted field planners in negotiating with the cities of Bethel and Kotzebue for a contribution in-kind support of office space, equipment and utilities as called for in the initial grant.

Worked with Institute of Social, Economic and Government Research, the in-kind consultant to the initial grant; supervised and developed with them the area of input of their technical assistance.

Prepared three work projects and applications for a Western Inter-State Commission on Higher Education for student work-trainees, of which one was granted; shared in the supervision of his work in the village of Kotzebue.

Supervised an overall staff of five and two six-man boards. In charge of the total administration of the grant of \$121,000.

Special Projects developed:

1. Salvage operation of military site at Tin City for materials to be used at the villages of Wales, Brevig Mission and Shishmaref.
2. Worked with Yukon Delta Fish Marketing Cooperative to prepare EDA application for freezer barge.
3. Worked with the villages of Selawik and Emmonak to develop application for village complex.
4. Prepared refunding application including Work Program for both districts.

1967-1968 Level 14, Acting Postmaster, Anchorage Post Office, Anchorage, Alaska 99501. I received temporary appointment, lasting 20 months. Supervised a complement of 335 employees of the Anchorage Sectional Center Facility. The Anchorage Post Office, which is a Sectional Center, has seven classified branches, six contract stations and two rural stations. The management functions include direction of a supervisory and management staff of 18 at the Airport Facility and nine in the other branches. As acting Postmaster, I had total accountability of \$1,577,991.79. I directed a postal fleet of 91 vehicles, and a carrier force of 114 people.

1958-1967 Owner-Manager, Selkregg & Son Adjustment Company, 519 8th Avenue, Room 207. Founded November 15, 1958. Staff: Two secretaries, one adjuster. Independent insurance adjuster representing solely insurance companies in Alaska.

1953-1958 Employed as an insurance adjuster by various insurance companies, independent insurance adjusters and attorneys doing investigation and handling claim settlement in all lines of insurance in Illinois.

1945-1953 Completed college education, entered Law School in 1949. Obtained B.S. in 1951. Continued additional law study in Illinois and Washington, D.C., until 1953. Wrote the Illinois Bar in 1953.

1945-1947 Employed as War Department Civilian following discharge in Italy. Clerk Fiscal and Administrative Assistant. Direct supervision of Peninsula Base Section (PBS) Italian personnel at Foggia and Leghorn. Wrote PBS employment policy manual. Prepared surveys of Italian industries, Florence, Pisa, Leghorn area, to determine prevailing wage rates paid by the different trades to the end of determining PBS wage scale and employment policy. Also in charge of preparing payrolls and administrator of both Italian and American Civil Service Personnel.

* * * * *

Attached is a resume of my civic activities.

RESUME OF VIC ACTIVITIES

1. 1957-1958, Chairman for the Social Action Committee of the Unitarian Universalist Church.
We cooperated with the local league of Women Voters to bring about integrated lunch counters and barber shops on the campus of the University of Illinois and Towns of Champaign and Urbana. Also organized a boycott against business establishments who practiced discrimination in hiring. Also conducted a study of housing conditions preparatory to pressing for construction of public housing in Urbana. Also started a surveillance of township board meetings and worked to bring about government reforms.
2. 1958, Chairman for the Clothing Drive for the Hungarian Refugees for the Coordinated Universalist and American Friend Service Committee.
This committee operated inside Communist Hungary at the time of the revolution. I conducted the collection of 10 tons of clothing, county-wide, which were sorted, packed and shipped by volunteer truckers to New Jersey for overseas shipment to go inside Hungary.
3. 1959-1960, Unitarian Universalist Church Social Action Committee.
This was organized as a unifying group. It has been found that many of the people active in such organizations as the Mental Health Association, League of Women Voters, Civil Liberties, NAACP, and other socially conscious associations were fragmenting their efforts in such proliferation and that one unified group could, considering the size and population of this area, do a more effective job of furthering the ends of all these areas of concern. During 1963, this group sparked the effort which culminated in the approval for construction of 150 units of low income housing. During the year I was president, we worked for the creation of a Native Community Center in conjunction with the Cook Inlet Native Association, which was promised fruition as a part of the park that is to be developed for the Alaska Centennial Exhibition this year. This program is now pending before the Greater Anchorage Community Action Agency for funding. We were also pushing for a volunteer Planned Parenthood Clinic, an issue which changing official governmental attitudes, is making somewhat unnecessary.
4. 1959-1960, and again in 1962-1963, President of the Anchorage Unitarian Church.
During my first tenure our fellowship was instrumental in sparking, through a community-wide group known as the Anchorage Youth Action Committee, the creation of the Youth Retention Camp for underprivileged and delinquents under State auspices at Kings Lake, Wasilla, Alaska. Members from our fellowship were instrumental in coordinating the Alaska Mental Health Association, the Alaska State Department of Health and Welfare, the League of Women Voters and other socially conscious groups, bringing pressure to bear creating this camp which was the first of its sort in Alaska under the Youth and Adult Authority of the Alaska Department of Health and Welfare.
5. 1962-1963, Chairman of the Joint Committee of Low Cost Housing.
Growing out of action of the Anchorage Fellowship for Social Justice, for which in the Fellowship I was Chairman for the Committee on Housing. I was instrumental in setting up a community wide group involving repre-

sentatives from the Veterans organizations, the Labor organizations, the Department of Health and Welfare, Salvation Army, as well as the various business and State Legislatures. This committee was successful in applying sufficient political action and pressure to work on change in the membership of the City Council which had once turned down this proposition. It will be recalled that in the council election of that year, one of the main issues was whether the council would support the construction of 150 low cost housing units. The newly elected council did finally pass a cooperative agreement with the Alaska State Housing Authority for the construction of 150 units. The new Loussac Manor off "C" Street is the first 50 units of development implementing this program.

6. 1962-1963, Vice Chairman of the Citizens Committee for Chester Creek Drainage Area.

Until the passage of the referendum for the local Borough Government, there existed a political limbo in the urban areas immediately outside the Home Rule City of Anchorage. In the Muldoon-DeBarr area a recurrent flooding condition had caused health and property hazards. The committee arose from a community protest meeting in the winter of 1962 at which Attorney General Hodges and the Governor met with the citizens of the area to attempt to marshal some State action to come to their assistance. The committee was formed and I was appointed Vice-Chairman. In a period of two months, a series of meetings were held at my residence. Invited to testify before the committee were the Highway Department Regional Supervisor, Director of the Greater Anchorage Health Board, Director of the Alaska State Civil Defense, School Board representatives, military representatives, District Engineer representatives and several City Councilmen. From this testimony and in cooperation with the Local Affairs Agency, we were able to pull together voluntary engineering help and conducted a survey which resulted in a report and recommendations for the creation of a service area on the State Legislature's acting as the Unorganized Borough Assembly. The service area was to establish a draining district in the Greater Anchorage area to resolve the drainage problems and alleviate the flooding conditions during the winter. This report included specific immediate engineering recommendations. The proposal was rejected at a public meeting because of the increased taxes which it would cause. This report, however, continues to be a basic document which is being used by the Borough and City in their present program of sewer expansion.

7. 1962-1965, Member of the Greater Anchorage Board of Health.

I was appointed to the Board on the resignation of one of its members in 1962 and attended meetings regularly until its dissolution with the coming of the health power as a borough function. I have since been re-appointed to the Borough Board. Our role was to review the administration of the Greater Anchorage Health Department which controls the sanitation and the Anchorage milk shed. It does all the water and sewer inspections for FHA. It also inspects food, food handling and handlers, barber shop and beauty shop sanitation for the city. The members of the Board determine policy and review the budget. It reviews the basic functions as reported by the different sections of the Department at monthly meetings.

8. 1962, Chairman of the Sub-Committee on Apportionment of the Greater Anchorage Borough Steering Committee.

A citizens committee nominated as the Steering Committee for the Greater Anchorage, Kenai Peninsula and the Matanuska Valley meetings were held all through the winter of '61-'62, up into the spring of 1962, considering different proposed functions of government, tax structure, implementation of planning and zoning, take-over of the schools, method of election and representation to be included in the newly to be created borough government. I served on this committee as Chairman of the Subcommittee on Apportionment. This committee's duties were to amass information in reference to population and census with the view of determining the number of representatives there were to be in the various election or voting districts and the proportions between the City of Anchorage proper and other first class cities and the rural and urban areas outside the city. I was also invited to address all sections of the government classes at East Anchorage High School on Borough government during the fall of that year.

9. 1963-1964, Secretary; 1964-1965, President; 1965-1966, Program Chairman, Alaska Adjusters Association.
This is a trade organization made up of the independent and company adjusters working in Alaska.
10. 1962, 1964 and 1966, stood for Nomination to the Democratic Ticket for the State House of Representatives.
As part of my campaign, I advocated the development of the State's Human and Natural Resources. In this reference, I advocated a State Survey. This survey was to be separated actually into three separate surveys. This institution would be independent from the University of Alaska and the other departments of the State, but it would be located at the University campus to take advantage of the University's staff and potential graduate students. The purpose of the survey would be to mount a continuing academic study in three areas: Geological, Natural History (flora and fauna), and Economics, to the end of learning exactly what is our development potential and what market our raw materials might enjoy. In terms of human resources, I advocated, in reference to our Natives, an end to paternalism of the BIA and the integration of the BIA school system into that of the State with proper federal assistance. The economic integration of the Native population would be part of the direction of the studies I advocated for the surveys.
11. 1963, Publicity Chairman of the Borough Information Committee.
This committee grew out of the petition circulated by the Greater Anchorage Borough Steering Committee. The petition, which they circulated, presented a proposal for submission to the voters after the necessary signatures were amassed, that would place it on the ballot. This committee was formed in coordination with the Republican Club, the Greater Anchorage Democratic Club, and the League of Women Voters, to do a voter information job of getting the story of Borough government out to the people. I acted as Chairman of the publicity committee for the effort.
12. 1963-1964, Vice-Chairman of the Heart Fund Drive of the Anchorage Chapter of the Alaska Heart Association.
Acting as Vice-Chairman of the drive, I was given specific responsibility to contact and canvass all the large firms and the larger contributors.

13. 1963-1966, Chairman, Alaska Human Rights Commission.
As a result of legislation passed in the 1962 Legislature, a Human Rights Commission was created giving it exclusive authority for the implementation and enforcement of human rights legislation already on the books in the field of employment, housing, public accommodations, legislation against discrimination in the area of race, national origin, sex, or age. The Governor appointed a five man board by which I was elected Chairman as one of the five commissioners. We administer a budget which is funded through the Governor's office. We have a staff recently increased to three by the last Legislature. We have followed a policy of meeting about four times a year, in different sections of the State, reviewing cases, hearing testimony, and planning policy. During our Southeast meeting in Ketchikan, I was able to attend the Alaska Native Brotherhood Encampment at Kake, Alaska, where as Chairman of the Commission I was invited to address the encampment. We also traveled to Bethel to meet with Native chiefs on the Native housing problem. This gave me an opportunity to visit many of the Native villages. This past year also saw the commission sign cooperative agreements with several Federal agencies and the Department of Defense, greatly extending our jurisdiction. We also guided a revision of the Alaska Law in this area, putting it under its own title head in the Code Books. The revision also extended its provisions into new fields, such as banking and lending agencies.
14. 1963-1970, Charter Member, Cook Inlet Native Association.
As Chairman of the social action work of the Unitarian Universalist Church and as Chairman of the Alaska Human Rights Commission, work done with Nick Gray and Emil Notti was instrumental in creating Cook Inlet Native Association, which is one of the many forces within the Alaska Federation of Natives. Emil Notti, then President of Cook Inlet Native Association, was elected President of Alaska Federation of Natives and initiated the drive for land grant settlement.
15. 1964-1970, Anchorage Welcome Center.
The concept of a Welcome Center was born as a result of the initial efforts of the Unitarian Universalist Church's social action area. Along with Nick Gray and members of the Fellowship, we did initial exploratory work for possible funding. Finally, in 1967, culminating the joint efforts of the Fellowship and Cook Inlet Association, a Welcome Center came into being with funds coming from Rural Community Action Agency and Greater Anchorage Community Action Agency, as well as local subscription. I was a sustaining member of the Welcome Center shortly after it came into being.
16. 1965, participated as an Advisor in my capacity as Chairman of the Alaska Human Rights Commission and also as the father of one of the participants in the survey of Discrimination in Rental Housing.
This survey was conducted by Alaska Methodist University students in Dr. James Parsons' class of Social Psychology, the winter of 1965. The results of this survey revealed that some degree of discrimination existed in 93% of the rentals contacted, was presented to the CCCI. These results prompted them to recommend to the Anchorage City Council the creation of a Human Relations Committee. The recommendation was acted upon favorably by the Council and the CCCI has allotted a sub-committee on minority housing.

17. 1965-1966, Alternate Representative for the Alaska Human Rights Commission on the Civilian Military Equal Opportunities Committee.
The group arose out of the spontaneous action and threatened demonstrations by the local Negro community expressing resentment at the hiring practices of the local military establishment. In response to threatened developments, the Defense Department sent to Alaska a fact-finding team, whose efforts culminated in the creation of the Civilian Military Equal Opportunities Committee, with representatives from the NAACP, pastors of the several Negro churches in the community, Civil Service Commission, the Chairman of the Local President's Advisory Committee on Equal Opportunities and the Human Rights Commission.
18. 1964-1965, Member of the Local Manpower Training and Development Advisory Board.
With the development of the vocational school under the administration of the local Anchorage Community College, an effective Manpower Development and Retraining Program was instituted. In the winter of 1964, pursuant to national directives, the advisory committee was re-organized and I was appointed. I was instrumental in getting specific Federal legislation changes made to allow greater funding for Alaska, particularly in connection with travel and subsistence while attending courses offered here in Anchorage. This was in recognition of the particular problems related to distances in Alaska. We also have been able to convey to the director and supervisor in On-The-Job Training Program that Alaska minimum average course costs must be recognized as higher. We have also pushed for these programs to be more meaningful for the target recipient of OEO. The general duties of the committee are to set policy and review the justifications and research development of the different courses and program offerings.
19. 1965 to 1968, Greater Anchorage Inter-Agency Council.
Chairman, Nominating Committee, 1965; Second Vice President and Program Chairman, 1966. Represented Alaska Human Rights Commission. Attended meetings regularly since November, 1965.
20. 1965-1972, Greater Anchorage Borough Health Board.
The Greater Anchorage Borough Health Board was carried over from the Anchorage Health Board, a quasi-governmental agency, formed in three parts: the State, City and Spenard Utility Districts. It was reconstituted as Greater Anchorage Borough Health Board, with the acquisition of the health power in 1965. I have attended monthly meetings setting health policies and reviewing health ordinances promulgated by Greater Anchorage Area Borough.
21. Anchorage Family Counseling Agency.
During 1966 and 1967 I remained active with a group of interested people who are attempting to set up a local agency which would provide family counseling services to the community. The National Family Counseling Association recommended against federal funding. Therefore, without funds of any kind we were not able to make the organization a success. Through my activities in the Human Rights Commission, Alaska Rehabilitation Association and Inner Agency Council, I feel that the prime concern of our community centers in the family where there is juvenile delinquency, high divorce rates, poor financial management, unemployment or alcoholism. At present, we have no agency that would aid these families to create a strong family unit. I, however, am sorry to say that two years of effort in making this agency move has been met in frustration.

22. 1966-1967, Alaska Rehabilitation Association.
As a member, I felt that the Alaska Rehabilitation Association was one of the most viable self-help agencies in the area. It was a non-profit organization, and conducted two homes for disturbed children. It provided a work experience program, in terms of the Tundra Club as a restaurant at the Public Health Service Hospital. It trained the handicapped in food services. It collected tuition from the State office of Vocational Rehabilitation. Still more, it ran a bus service for OVR patrons. It also explored the possibility of a sheltered work shop in the area.
23. 1966-1971, Board member of the Greater Anchorage Community Action Agency.
At first representing the Anchorage Inter-Agency Council and more recently the Greater Anchorage Board of Health. This spring I was elected Treasurer of GACA. This agency administers all the War on Poverty programs in the Anchorage area, such as Head Start, Neighborhood Community Centers, etc. which provide social service outreach.
24. 1967-1968, Member, Federal Government Accounting Association.
This is a group made up of Comptrollers and top fiscal and accounting personnel of the various government and military agencies in the Anchorage area. They meet monthly to exchange views and information on new accounting procedures, processes, and government policies. It is a professional organization which invites speakers from various fields to bring information about problems and programs, discussing where they relate to the resources and manpower levels.
25. 1967-1968, Member, Steering Committee of the Local CAMPS Group.
(Comprehensive Agency Manpower Planning Systems)
This is a new thrust directed by the President's Budget Committee that says before training funds would be allocated to a government agency, there would have to be a local planning and coordinating group to eliminate duplication of funding. The CAMPS organized to develop a state plan among the agencies. As a result of a seminar on CAMPS conducted by the local CAP group, where a Mrs. King of the funding section of OEO in Washington addressed representatives of the local Federal agencies, this group was born.
26. 1967-1970, Board Member of F.U.T.U.R.E. (Finding Undeveloped Treasures Uniting Resources to Educate.
This group was interested in developing Day Care Centers and Child Development Programs to relieve working mothers. Presently, I am serving as Vice President of the group. We hope to have the program funded in the very near future.
27. 1967-1970, Society for Personnel Administration.
This group acts as a sub-committee on personnel matters for the Federal Executive Association. Membership is comprised of all the Federal, State and City personnel managers in the Anchorage area. Monthly meetings provided a liaison in terms of job skills, manpower needs, and training programs in both service oriented and mission oriented agencies.
28. 1968-1969, Member of the Policy Committee of the Federal Executive Association.
As Acting Postmaster I was participant in the Federal Executive Association and in the spring of this year I was elected by the membership to

the policy committee. It was the function of the committee to line out the programs and the areas of concern in which the Association would be involving itself. One area of continuing concern was the Native hire program. Also they were pushing contract compliance in Equal Employment Opportunity. I served as the Policy Committee's liaison to the OEO Subcommittee of the FEA.

29. 1968-1971, Alaska Planning and Evaluation Center (APEC).

APEC was a concept designed to provide planning and evaluation services to the Community Action Agencies in Alaska. There is an office of Economic Opportunity directive to the effect that all OEO funded agencies must allocate 3 percent of their funds for evaluation purposes. Combining these funds with \$60,000 as average agencies planning grant, a most effective job can be achieved by combining the money to provide services to all the agencies. As representative of the Greater Anchorage Community Action Agency on the APEC Board, I was elected Treasurer of APEC.

30. 1970, Chairman of the Nominating Committee for Greater Anchorage Area Comprehensive Health Planning Council.

This group was named by the Borough Chairman to prepare an application for health planning coordinator to come up with an areawide health plan to be plugged in to a State plan for Alaska. My participation on the Council is as a member for the Greater Anchorage Borough Health Board.

31. 1970 to present, Member, Planning Association of Alaska (PAA).

Group of professional planners who meet periodically to exchange information on planning efforts in the various communities and governmental entities of Alaska. Instrumental in developing a curriculum of planning at the University of Alaska. Also lobby for legislation in the field of land use development and good planning law in the State.

32. 1974, Member of the Borough Mayor's Citizens Advisory Committee for Comprehensive Planning.

As the President of the College Park Improvement Association, a homeowners group in our subdivision, I was invited to sit on the Citizens Advisory Committee to work up goals and programs to meet citizen demand for development of a Comprehensive Plan for the Greater Anchorage Area Borough to plan for land use, capital improvements, growth levels and the quality of life within the urban scene. As part of the planning process, met with various groups to develop neighborhood councils to provide for continuing input into local government and planning.

33. 1974-1975, Alaska Mental Health Association.

Advocacy group for the public concerns of mental health problems. Worked for expanded state funding through the Department of Health and Welfare Division of Mental Health to establish community based Mental Health Clinics. Conducts various fund raising efforts to fund program. Provides referral service to public in need of assistance. I, as a board member, participated in various seminars of a joint program on child care concerns sponsored jointly with Family Service Agency. Elected in 1974 as President-elect of Association for 1976.

34. 1975, Governor's Task Force for the Division of Mental Health.

As one of the twelve members chosen from the Board of Directors of the Alaska Mental Health Association, was appointed to this Task Force to provide citizens advisory input into developing policy and legislative goals with reference to the State Division of Mental Health program so

as to meet state needs in this area. They will be meeting four times a year. I attended the initial meeting held in Juneau on February 24 and 25, 1975.