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# Week of 'ban the bomb' activities begins in U.S.

Associated Press

Marches, speeches, bicycle tours and foot races are serving as forums for blasting the bomb as Americans observe Ground Zero Week — the new peace movement's biggest assault so far on the buildup of nuclear arms.

In one of numerous exercises to demonstrate the effects of a nuclear bomb on an American city, a siren wailed in Fountain Square in downtown Cincinnati and bicyclists, joggers and at least one man in a wheelchair scattered to see how far away they could get from a red "x" marking the symbolic center of the attack.

But most of the 200 people present just stood there.

"This probably will be the way they react to the real thing," said Anne Bernard Becker, who chaired Cincinnati's Ground Zero Organizing Committee.

Along the route of today's Boston Marathon, signs will detail the destruction that would occur at each point if a nuclear bomb were to explode over the finish line.

Later this week, runners in Salt Lake City and Winston-Salem, N.C., will race to see how far they could get from "ground zero" in the half-hour of advance warning residents would get before a nuclear attack.

Children's anti-nuclear letters to President Reagan were to be read at a rally today in San Francisco's Civic Center Plaza.

On Saturday, bicyclists in Missouri will trace a 370-mile ring around Whiteman Air Force Base. A nuclear strike would kill half the population inside the circle, organizers said.

Most atomic warheads are designed to explode in the air, and ground zero is the term used to describe the point on the ground di-

rectly beneath the explosion. It was the name taken by the Washington-based anti-nuclear lobby that began organizing Ground Zero Week two years ago.

Two brothers, Roger and Earl Molander, started the Ground Zero movement. The idea "took off on its own," said Earl Molander. "There's

a lot of interest on the local level, which is where nuclear war would be felt."

"If this were ground zero, a one-megaton nuclear explosion would instantly destroy virtually everything within two miles of this spot," declared a banner unfurled Sunday at a downtown Atlanta rally.

"The living will envy the dead," read a sign at a Phoenix rally that drew 600.

Elsewhere on Sunday, protesters held rallies from Texas to North Dakota.

In Los Angeles, about 200 people carrying a whale-shaped balloon reading "Save the Humans,"



marched through Exposition Park before gathering for a rally at the University of Southern California.

But in New York, activities got off to a slow start when only one of eight runners scheduled to "Run for Peace" participated. The others were at a track meet out of town.

The lone runner made it from 42nd Street to Columbia University, at 116th Street, in less than half an hour. Concerts, lectures, and slide shows were held throughout the day at Columbia.

Sunday's events and the week of anti-nuclear activities they heralded are aimed at awakening Americans from "a state of dangerous apathy" toward nuclear war, said Dr. John Mack, a Harvard medical School psychiatry professor who spoke at a forum in Boston.

There is a "tidal wave of interest" in America in the danger of nuclear war, Rep. Jonathan Bingham,

D-N.Y., told in an anti-nuclear gathering at Columbia University in New York City.

In North Dakota, where part of the U.S. nuclear arsenal lies buried in missile silos, a Nobel Peace Prize winner told 600 marchers in Grand Forks, "I'm sick and tired of listening to academic, intellectual minds telling me the buildup of arms is for our defense."

"That's nonsense," said Betty Williams, who was awarded the 1977 Nobel prize for work in Northern Ireland. "The buildup of arms is for our death and destruction."

The United States should take the first step toward nuclear disarmament by destroying one of North Dakota's Minuteman missiles, said the Rev. Robert Branconnier, a Catholic priest active in the anti-war movement in the 1960s. He said that would put world pressure on the Soviet Union to do the same.

Arms race demonstrators marched in Los Angeles Sunday displaying signs calling for global disarmament



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**How Can  
The Arms Race  
Be Halted?**

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**The Growing  
Outcry Over  
The Bomb**

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**The  
Nuclear  
Nightmare**

**NEWSWEEK**

# PERISCOPE

## Haig's Stake in the Falklands

Alexander Haig's inner circle is worried that failure to defuse the Falkland Islands crisis may end his career as Secretary of State. For the first time in months, aides insist, the White House is actively gunning for him. They believe that Henry Kissinger has positioned former Treasury Secretary George Shultz to replace Haig by maneuvering to have Shultz named director of planning for the upcoming Versailles economic conference. Also in the wings is another Haig rival: former Defense Secretary Donald Rumsfeld, now openly angling for the appointment.

Haig has other problems as well. His sputtering feud with U.N. Ambassador Jeane Kirkpatrick has escalated so savagely that some members of her staff believe the Secretary of State is pressuring Kirkpatrick to resign. The technique: a Byzantine whispering campaign. Last week rumors spread through Washington that Kirkpatrick bucked the Secretary's instructions to vote for the U.N. resolution condemning the Falklands invasion on the ground that she disagreed with the document—when in fact she helped shape it. Meanwhile, connoisseurs of Washington infighting relished the battle. This most recent example of Haig's continued preoccupation with protecting his foreign-relations fiefdom, when combined with the President's vacation in Barbados, even inspired one wag to create a new nickname for Reagan and his combative Secretary of State: Surf 'n Turf.

## Apartheid on the Barricades?

Last February's split in South Africa's ruling National Party—the most serious since it came to power in 1948—may have opened a path to peaceful revolution. Both centrist Afrikaners and English-speaking South Africans are talking of dismantling the apartheid laws that they have long viewed as outdated but never had the power to repeal. "It's stupid of us to take the blame for legislation that we didn't create," one moderate official told Ray Cline, senior associate of Georgetown University's Center for Strategic and International Studies and a former deputy director of the CIA. Cline, who has just returned from a lecture tour in South Africa, reports that such a dramatic change might take place by the end of this year.

## Higher Prices at the Pump

Gasoline prices have probably bottomed out, according to some Washington analysts, and may even climb through the summer. The evidence they cite: spot-market prices for gas have been firming recently and gas inventories are low for this time of year. But even more significantly, the futures market is rising. In early March regular gasoline for July delivery to service stations logged 74 cents a gallon, before taxes. Now gasoline for July delivery runs at 91 cents a gallon. With 12 cents for taxes and 7 cents for the dealer factored in, that puts the pump price at \$1.10—above what some stations are quoting today.

## Republican Infighting, cont'd

Relations have soured further between the White House and Sen. Robert Packwood, chief GOP fund raiser for the 1982 Senate elections. At least \$3 million in contributions could have been raised, insist Packwood allies, by a fund-raising letter that Packwood drafted over President Reagan's signature three weeks ago. But the White House refused to approve the letter for mailing.

Senate Republicans suspect that the White House is trying to force Packwood to resign from his GOP post by crippling the fund-raising effort. The White House, in turn, is spreading the word that only Packwood's personal ambition can explain a letter whose text Reagan aides denounced as self-aggrandizing—as well as an Astoria, Ore., speech in which Packwood charged that by abandoning the goal of a balanced budget the President "has removed the glue that held everyone together in the Republican Party."

## Moscow's High-Tech Thievery

The U.S.S.R. has grown so adept at stealing American high-technology secrets that it sends industrial spies to the United States with detailed shopping lists, a former Soviet engineer has disclosed to Senate investigators. Using the assumed name of "Joseph Arkov," the defector detailed how Soviet scientists, students and trade missions arrive with explicit instructions including makes and model numbers of sensitive equipment—such as computers and communications systems—that Moscow covets. This equipment is banned for export by the Commerce Department. But according to Arkov, who will testify publicly next month before the Senate permanent investigations subcommittee, the ban is toothless.

## Cairo's Quid Pro Quo With Baghdad

Arab sources report that Iraq has paid Egypt \$1 billion for military equipment recently airlifted to Baghdad. But the real price tag is diplomatic. Iraq was among the first Arab states to break ties with Egypt over the late President Anwar Sadat's historic trip to Jerusalem in 1977. In exchange for supplying armaments to Iraq since its invasion of Iran in September 1980, Baghdad is expected to be among the first Arab states likely to restore diplomatic relations when the last slice of the Sinai is returned on April 25.

## Nixon on His Knees

Newsman Seymour Hersh's upcoming book about Henry Kissinger's days in the Nixon White House will add some unflattering details to a famous incident recounted in Kissinger's own memoirs. In a sympathetic passage, Kissinger had written of his prayer session with Nixon on the eve of the President's resignation. But what Kissinger left out, according to Hersh, was that afterward he went directly to a White House office where his aide Lawrence Eagleburger, among others, was waiting. Both men laughed at Nixon for kneeling and praying. As Hersh tells it, one witness to this spectacle had an urge to slap the faces of both men for mocking the President.

## Black Power in the White House

Spurred by criticism that President Reagan is indifferent to the impact of his policies on minorities and the poor, the White House is moving two prominent blacks into high-level positions. Melvin Bradley, currently a White House policy consultant and the staff's ranking black, will be named a special assistant to the President; Wendell Gunn, a financial expert with Pepsico, Inc., is to join the White House economic staff. The appointments, explains an aide, "are designed to make sure the President receives sensitive analysis" of his policies. They are also designed to help black voters forget such blunders as Reagan's endorsement of tax-exempt status for private schools that practice racial discrimination.

ELIZABETH PEER with bureau reports

# A Matter

*Harry Barnhill of Auburn, Calif., has been crippled since childhood by a deformed hip that forces him to walk with a painful limp. But his disability has not stopped Barnhill from gathering more signatures—at least 3,000—than any other volunteer in the northern California wing of a mammoth drive to place a nuclear-freeze proposition on the state ballot in November. "Once, I had my table kicked over, and another guy took a swing at me," drawls Barnhill, 72. "I've been called a communist, a subversive and Lord knows what else . . . But I know what our government is doing is wrong. To me it makes a mockery out of that motto on the coin. I don't see how we can trust in God if we trust in nuclear weapons."*

*Jeanne Meacham, 34, had not thought much about nuclear war since the civi-defense drills of her grade-school days near Columbus, Ohio. "I think because we grew up with the threat, we became accustomed to it," she muses. "But now it's come from out of the closet into the front room." As a school-teacher and a member of the city council in tiny Mt. Olivet, Ky. (population: 600), Meacham was intrigued by the idea of a freeze on the growth of U.S. and Soviet nuclear arsenals. She called around for information on the freeze proposal and started a campaign in Mt. Olivet. "We're talking about destruction of civilization for a long, long time," she says. "And that scares me."*

*The Rev. Louis Vitale supervises the labors of 350 Franciscan friars around the West Coast, and often in the last twenty years he has been a lonely voice crying against war. But Vitale, 49, was in good company on Good Friday. He led a band of 150 demonstrators carrying black banners and a large wooden cross to the windy desert site where nuclear weapons are still tested underground barely 60 miles from the gambling capital of Las Vegas. There had been daily prayer vigils at the site since the start of Lent and now the friar's odd assortment of housewives and activists came to trespass on government property and woo arrest (they were released later with no charges filed). "For some of you used to other places, this may not seem like much," Vitale told a swarm of reporters. "But for Nevada, it's a heck of a lot."*

**T**hey are homemakers and businessmen, clerks and doctors, clergymen, teachers, scientists and even military men—a cross section of Americans suddenly enlisted in a loosely linked, burgeoning campaign to end the nuclear arms race. Their numbers are mushrooming now like the deadly clouds they are determined to

# of Life and Death

forestall, growing faster than even their own leaders ever expected. If their arguments sometimes sound simplistic or emotional, they have managed to move the crucial issue of nuclear weapons out of the rarefied domain of think-tank strategists and Pentagon planners. They differ on specific policies and tactics, but the hundreds of separate groups that make up the movement are united by a deep and urgent sense of concern that has reverberated from town meetings and county councils to the halls of Congress and the White House itself. This week they will join forces to signal a milestone of the movement: a nationwide outpouring of protest and propaganda called Ground Zero Week.

At the heart of Ground Zero Week is a dramatic reminder of just how devastating the prospect of nuclear war has become since the primitive 15-kiloton bomb that killed or wounded nearly 100,000 Japanese at Hiroshima 37 years ago. In 150 major cities and 500 smaller communities across the country, banners in prominent locations will proclaim: "In a nuclear war, if this were ground zero, every thing and every person within 2 miles of this spot would be destroyed." The schedule also includes a "March for Survival" in Austin, Texas; an ecumenical "peace witness" outside the General Electric nuclear weapons components plant near St. Petersburg, Fla., and a candlelight procession to the White House—along with seminars, films and protests at 335 colleges and a list of speakers spanning the ideological spectrum from longtime leftist activist Seymour Melman to the evangelical friend of presidents, the Rev. Billy Graham.

Many activists are already planning even larger demonstrations to coincide with a United Nations special session on disarmament this June. Others look ahead to the possibility of direct impact on this year's Congressional elections and the 1984 Presidential contest. "The nuclear-disarmament issue is the issue of the '80s and it will do to Ronald Reagan what Vietnam did to Lyndon Johnson," predicts Los Angeles Democrat Midge Costanza, a veteran of the Carter White House. That remains to be seen, but a NEWSWEEK Poll\* shows that 68 percent of Americans are concerned about the chances of nuclear

war—and that among those who had heard about the proposal, 68 percent favor a freeze. Even Reagan political aide Edward Rollins agrees that there is reason for Presidential concern over the anti-nuclear movement. "The potential is out there for it to become a real force," Rollins



John F. ...—Photoreporters

A demonstrator in Washington: 'Psychic numbing'

*The message of Ground Zero Week is that nuclear arms control is too important to be left to politicians.*

says, "if not this fall, clearly by 1984."

The White House rejects hasty action on strategic-arms control, and particularly the ground swell of support for a freeze—a mutual, verifiable freeze of U.S. and Soviet arsenals at current levels. Ronald Reagan plans to build up the U.S. nuclear arsenal with \$240 billion worth of B-1 bombers, MX mis-

siles, Trident subs and other strategic weapons, so as to remove the "margin of superiority" he attributes to Moscow (NEWSWEEK, April 12). Only in that way, he contends, can he negotiate deeper arms reductions in the future. Indeed, Air Force planners came up last week with yet another MX scheme, this time proposing a questionable "dense pack" basing mode that would avoid local political opposition by clustering the new missiles together. The notion behind the plan is that any flock of attacking missiles would blow each other up rather than wiping out the MX cluster. In a weekend radio address, Reagan underscored his objection to an all-out freeze. "If steps are not taken to modernize our defenses," he said, "the United States will progressively lose the ability to deter the Soviet Union from employing force and threats of force against us and against our allies."

To a growing number of Americans, all the talk about preparing for, fighting and winning a nuclear "exchange" with the Soviet Union—in the absence of real progress on arms control—seems a sure recipe for escalating the arms race on both sides. That, in turn, inevitably increases the risk of war through fear, miscalculation or accident. "Even if I don't believe there could ever be a nuclear war, my government does," complains Donna Mickelson, 40, of Oakland, who co-founded a group called Parenting in a Nuclear Age. The staggering cost of Reagan's plans adds impetus to the swelling protest. "People are saying that it's not only morally wrong, but we're killing domestic programs and not buying any additional security," says former Senate Armed Services Committee staffer John Roberts, now dean of the law school at Detroit's Wayne State University.

Many if not most of the volunteers in today's anti-nuclear campaign have never before held a banner or a vigil. Still, the seeds of their grassroots movement were carefully sown and cultivated by veteran antiwar activists. In January 1980 the Fellowship of Reconciliation held a meeting for about 30 peace groups to consider the nuclear-freeze proposal of a disarmament researcher named Randall Forsberg—a statement carefully worded to avoid any hint of unilateral disarmament. The proposal was rejected by the Democratic National Convention in August 1980, but by then it had come to the attention of James Geier, 38, a Burlington, Vt., cabinetmaker and former Army officer. After hearing a speech by anti-nuclear leader Helen Caldicott, Geier and his brother, Frank, began proposing the freeze in those last bastions of cracker-barrel democracy—Vermont's town meetings.

Some natives thought it "presumptuous" to tell the President what to do. But with

\*For this NEWSWEEK Poll, The Gallup Organization surveyed 757 adults by telephone on March 17 and 18. The margin of error is plus or minus 4 percentage points.

## NATIONAL AFFAIRS

skillful organizing help from the American Friends Service Committee, Forsberg's proposal swept the state like wildfire: it was approved in eighteen towns in March 1981 and 161 this year—many of them towns that had voted for Ronald Reagan. After endorsing the freeze in West Windsor, citizens rose and sang "God Bless America." Says Vermont AFSC coordinator David McCauley: "Someone once criticized the

freeze as a mom-and-apple-pie issue. That's exactly what it is."

Success in Vermont—and earlier in eight Massachusetts election districts—caught the media's attention and stimulated freeze proponents elsewhere in the country. So far, nuclear-freeze resolutions have been passed by 309 New England town meetings, 33 city councils from coast to coast, ten county councils and one or both houses in eleven state legislatures. Organizing efforts are under way in 43 states. In California this week,

millionaire Harold Willens has arranged for armored trucks to pull up at county registration offices with petitions bearing 700,000 signatures—more than twice the number needed to put an initiative to the voters in November. At the recent farm and home show in Chamberlain, S.D., more than 300 ranchmen and farmers took time out to sign nuclear-freeze petitions. "This is not just attracting the Volvo-and-quiche crowd," beamed Tim Langley, director of the Peace and Justice Center in Water-



James D. Wilson—Newsweek

*Sign of the times: 'A gulf between the people and the leaders'*

## Who's Who in the Movement

**American Friends Service Committee:** Founded in 1917 by Quakers, this old-line peace group (winner of the 1947 Nobel Peace Prize) helped organize the campaign that resulted in the pro-freeze votes by 161 Vermont town meetings this year.

**Business Executives Move:** A Chicago-based group originally formed during the Vietnam War era, BEM has remobilized against the impact of the arms race on the economy. "Businessmen unite!" says Erwin Silk, a mortgage banker. "You have nothing to lose but high interest rates."

**Clergy and Laity Concerned:** Begun in 1965 to mobilize the religious community against the Vietnam War, this 25,000-member group, with headquarters in New York City, is now a powerful force in the disarmament movement.

**Council for a Livable World:** One of the authoritative voices in the anti-nuke movement, the council is led by top scientists including Jerome B. Wiesner, former president of the Massachusetts Institute of Technology. Co-founder and current chairman George Kistiakowsky, a former Harvard chemist, was one of the fathers of the atomic bomb.

**Federation of American Scientists:** The first anti-nuclear-weapons group, it was founded immediately after atomic

bombs were dropped on Hiroshima and Nagasaki during World War II. The founders were scientists who worked on the first atomic bomb at Los Alamos, N.M. For years their voices went largely unheeded, but, says Nobel Prize-winning physicist Hans Bethe of Cornell University, they are being listened to today because "the Reagan government certainly talks as if it's contemplating nuclear war."

**Fellowship of Reconciliation:** A primary force in the campaign, the FOR sponsored a January 1980 meeting of representatives of 30 peace groups at which the freeze movement was born.

**Randall Forsberg** is the woman credited with the nuclear-freeze proposal. She wrote it in 1979 and presented it at the FOR meeting. Forsberg hopes that the movement will avoid the mistake of going too far. "One of the strengths of this movement," she says, "is that it does not call for nuclear disarmament right now." Forsberg is founder and director of the Institute for Defense and Disarmament Studies in Brookline, Mass.

**Freeze Campaign Clearinghouse:** This information center was set up in St. Louis to emphasize that the freeze campaign springs from the heart of the nation—"a groundswell coming out of middle-class America," says its co-director.

**Thomas Gumbleton** is auxiliary bishop of Detroit and president of the American section of Pax Christi, which numbers 54 American bishops among its members. He is convinced a nuclear war couldn't possibly fall within the Roman Catholic concept of a "just war." He is one of many Catholic religious leaders speaking out against nuclear arms. Others include: Bishop Leroy Matthesen of Amarillo, who challenged those working with nuclear weapons to quit and "seek employment in peaceful pursuits"; Archbishop Raymond Hunt-hausen of Seattle, who urged Washingtonians to withhold 50 percent of their taxes in "nonviolent resistance to nuclear murder and suicide" and Archbishop John Quinn of San Francisco, a key voice in the California freeze initiative, who calls the nuclear arms race "a moral form of theft."

**Howard Hiatt:** The dean of Harvard's School of Public Health has made the nuclear issue a personal crusade over the past two years. He was a member of a group that met with President Reagan last December at the request of the Pope. Hiatt reminded the President of the blood he received for shock after he was shot and told him the hospital wouldn't have been able to handle five additional patients with the same needs. Hiatt says, "I told him there would be 800,000 people in shock from burns and radiation if a 1-megaton bomb exploded over Washington."

**Robert Jay Lifton:** A Yale psychiatrist and one of the pioneers in investigating the psychological effects of the nuclear arms

*Buttons: Many words—one message*

Andy Linn—Black Star



town, S.D. In Washington a freeze proposal sponsored by Senators Edward Kennedy and Mark Hatfield, among others, has won the support of 24 senators and 166 House members—and prompted even greater numbers of legislators to endorse a variety of other arms-control plans.

In the view of its leaders, the movement has been fueled largely by the rhetoric and policies of the Reagan Administration on nuclear armament and U.S.-Soviet relations. It has been influenced by the example

of dramatic anti-nuclear demonstrations in Western Europe. One of its major strengths is the widespread participation of church leaders (NEWSWEEK, Jan. 11). About 70 Roman Catholic bishops have joined the protests, basing their opposition to nuclear weapons on Catholic literature and a Vatican II condemnation of weapons that were "indiscriminate" in their destruction. Bishop Leroy T. Matthiesen of Amarillo, Texas, for example, has urged workers at the near-by Pantex plant—where all U.S. nuclear

warheads are assembled—to consider whether their jobs square with morality. The Mormon Church stunned the Administration by opposing basing of the MX in Utah and deployment of nuclear arms in general. "God calls us to be the stewards of His creation, to take care of the earth and the people on it," says Erick Johnson, pastor of the Prince of Peace Lutheran Church in Dearborn, Mich. "Our technology now has developed to the point of massive destruction of the world as we know it, and

race, Lifton coined the term "psychic numbing" to describe the reaction of victims in Hiroshima. Today, he maintains, policymakers suffer from much the same syndrome—"an inability or unwillingness to feel what happens at the other end of the weapons . . . they see before them no corpses, no people grotesquely injured and maimed, no human beings exposed to lethal radiation."

**Roger Molander** is the former National Security Council analyst who organized Ground Zero. His moment of truth came in 1979 when he watched Congress dismember the Salt II agreement and waited for Americans to come to its rescue. "The silence was deafening," he recalls. "It was quite clear that you couldn't conduct policy on this issue with a gulf between the people . . . and the leaders." Ground Zero, which he founded with his twin brother, Earl, is aimed at bridging that gulf. A key element of their effort is the primer "Nuclear War: What's in It for You?"

**Nuclear Network** is a Washington-based group with a sizable goal—keeping track of the proliferating number of anti-nuke groups.

**Parenting in a Nuclear Age:** This organization was founded by California parents who want to find a way to explain the nuclear issue to their children in "an unalarming way." Arlyce Currie, who runs an Oakland day-care center, came up with the idea after her 9-year-old daughter began having nightmares that the world was coming to an end. "This is definitely a family issue," she says. "The Moral Majority can't strip us of this one."

**Physicians for Social Responsibility:** The group claims 10,000 doctors as members. Its president is Helen Caldicott, an Australian-born pediatrician who resigned from Harvard Medical School last year to devote all her time to what she calls "the ultimate form of preventive medicine." She says, "I couldn't see the point in keeping these children alive another five to ten years with meticulous medical care when during that time they could be vaporized."



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**Jonathan Schell** is The New Yorker writer whose much-ballyhooed series in the magazine is now the movement's bible, a book entitled "The Fate of the Earth."

**Ian Thiermann** is the 63-year-old creator of "The Last Epidemic," a film about what would happen to San Francisco in a nuclear attack. He sold his home and his Los Angeles tree-preservation and pesticide business to devote himself to the movement. "The Last Epidemic" has become one of its principal education and recruitment tools. Says Thiermann of his effort: "It really personalizes death."

**Union of Concerned Scientists:** This group of prominent scientists is headed by MIT physicist Henry Kendall. A sponsor of last November's nuclear-issues convocation on 150 campuses, the union has endorsed a no-first-use policy, the nuclear freeze and cutting the U.S. strategic-weapons arsenal in half. "The real megatonnage is immense," insists Kendall. "Overkill is an understatement."

**United Campuses to Prevent Nuclear War:** An organization trying to mobilize the college population, which has been

conspicuously absent from the anti-nuke movement. UCAM wants to inject the campuses into November's Congressional election campaign, resurrecting a force that has been still since the anti-Vietnam protests of a decade ago.

**Harold Willens**, a Los Angeles millionaire, is the driving force behind California's nuclear-freeze initiative. The freezers have already obtained 700,000 signatures in an effort to put the question on California's November ballot, an effort funded primarily out of Willens's pocket. Willens visited Hiroshima and Nagasaki as a Marine intelligence officer shortly after the bombings. He is convinced that a successful referendum on President Reagan's home turf will "knock the hell out of the myth that Reagan was elected on a mandate to expand the nuclear arsenal."

**Women's International League for Peace and Freedom:** This group was instrumental in pressing for the Nuclear Test Ban Treaty of 1963. It alerted the public to evidence of strontium-90 in women's breast milk. It hopes to register 1 million American women behind its "Stop the Arms Race" campaign.

# A NEWSWEEK POLL: NUCLEAR FOREBODINGS

# NATIONAL AFFAIRS

ar forces. Expanding atomic arsenals only increases the risk of escalation and mutual "annihilation" should war break out, the experts said. "Massive cuts can be made which would still leave each side with adequate retaliatory strength."

Up to now, young people—especially college students, like those who protested Vietnam—have been conspicuously absent from the anti-nuclear movement. "This is not going to be a mass movement on campus," says the Rev. Paul Dinter, leader of the Columbia University chapter of Pax Christi-USA, a Roman Catholic peace group. "Young people, for the most part, prefer not to think about it," explains southern AFSC organizer Bob Brister. But there are some signs of growing student interest. University of Michigan sophomore Liz Galst, 19, recently led 400 fellow students in a symbolic "die-in" that briefly blocked traffic on an Ann Arbor street, and similar demonstrations are scheduled on other campuses this week. Moreover, a new group called United Campuses to Prevent Nuclear War has pledged to organize schools in every Congressional district so that candidates for House seats can be questioned on the nuclear issue.

**'Dupes':** Economic and geographic factors make some areas of the country more difficult than others for the anti-nuclear forces to organize. In the South and West, for example, military bases and missile sites provide many jobs and considerable local income. "We have a nuclear establishment deeply rooted in the economy," notes author Garry Wiils, a professor of American culture at Northwestern University. "I don't underestimate the resistance." In Arizona, the state legislature recently passed a resolution urging Congress and the President to adopt a policy of "peace through strength," and rumors about communist support have greeted Ground Zero Week. "The people participating in this are dupes of Soviet policy, well intentioned as they may be," charges retired Army Col. Sam Sharp of Tucson. In Alabama, Rep. William Dickinson, ranking Republican on the House Armed Services Committee, has "no doubt" that the KGB's "disinformation division"

Which one of these categories best describes you?	
Frequently worry about the chances of nuclear war	19%
Concerned, but try to put nuclear war out of mind	49%
Don't think nuclear war likely—don't worry	30%
Don't know	2%

The advocates of a nuclear freeze say that both the United States and the Soviet Union already have enough nuclear weapons to destroy each other and want both sides to ban all testing, production and deployment of nuclear weapons. What is your view of the nuclear-freeze movement?*	
Strongly favor	30%
Favor	38%
Oppose	17%
Strongly oppose	8%
Don't know	7%

Do you think a stepped-up civil-defense program would increase your chances of surviving a nuclear attack?									
A great deal	18%	Somewhat	34%	Not very much	26%	Not at all	20%	Don't know	2%

The major problem in arms control is the difficulty in verifying whether the other side is complying with the agreement. Some people feel that verification is essential for such an agreement. Others feel that it is more important for the United States to halt the growth of its nuclear arsenal even if we cannot be sure the other side is doing the same. Which is more important in your view?	
Verification	67%
Halting growth	25%
Don't know	8%

If we should get into a limited nuclear war in which the Soviet Union attacked some of our military bases and installations with nuclear weapons, what do you think would be your chances of living through it?	
Good	9%
Poor	51%
Just 50-50	33%
Don't know	2%

\*Based on the 43% who had heard of the nuclear-freeze movement. The NEWSWEEK Poll © 1982 by NEWSWEEK, INC.

Cynthia Z. Rachlin, Jerry Eitelberg—Newsweek

that is certainly a matter of faith... If anything, I'm not political enough."

If clergymen view nuclear policy as a moral issue, the nation's doctors have made it a pragmatic one. Groups such as Physicians for Social Responsibility emphasize the gruesome facts and figures of even a "limited" nuclear exchange in medical terms—especially the inadequacy of surviving health-care facilities and specialists to deal with the injured and dying. In a meeting with Reagan, Harvard Public Health School dean Howard Hiatt tried to personalize the issue by comparing the President's treatment after his shooting last March with the emergency aid that would be needed after a nuclear blast in Washington. "Those people who talk about winning or surviving a nuclear war," says Hiatt, "don't understand what they are talking about."

**Emotional Dangers:** Psychotherapists also have begun to examine the emotional dangers posed by simply living with the threat of nuclear war. Yale psychiatrist Robert Jay Lifton talks of "psychic numbing," and San Francisco area therapist Chellis Glendenning sees "enormous feelings of grief and despair" among people who sign up for her group-therapy sessions (\$35 for two days) on life in a nuclear age. The great majority of people may not express their nuclear concerns in everyday conversation, says Dr. John E. Mack, professor of psychiatry at Harvard. But that, Mack suggests, may be because it is not easy "to talk about the fact that you don't think your kids are going to grow up because of nuclear war."

Lending credibility to the campaign for

effective arms control is the support of several nuclear experts who helped give birth to the nation's first atomic bomb. Manhattan Project veteran Marvin Goldberger, now president of the California Institute of Technology, says that today's vast stockpiles of nuclear warheads (nearly 50,000 on both sides) are "an obscenity [that] changed completely the character of warfare—and that hasn't been grasped in either the Soviet Union or the United States." Nobel physicist Hans A. Bethe, who also worked on the first bombs at the Los Alamos Scientific Laboratory, says he joined the arms-control crusade "the day the second bomb was dropped on Nagasaki." Bethe favors a plan that calls for the United States unilaterally to reduce its nuclear arsenal by 5 percent and challenge the U.S.S.R. to do likewise. If the Soviets comply, each side would make annual reductions of 5 percent until the nuclear stockpiles were cut in half.

A fortnight ago Bethe also joined four other fathers of the bomb, plus MIT president Jerome N. Wiesner, retired Admirals Noel Gayler and John M. Lee in endorsing a new proposal by the Union of Concerned Scientists. It called for the United States to forswear first use of any nuclear arms, agree to a verifiable, bilateral freeze on strategic weapons and immediately seek negotiations with Moscow to cut strategic and medium-range nucle-

Wiesner: Livable world

Willems: 'No mandate'



is behind the nuclear freeze.

It is clear from the NEWSWEEK Poll that most Americans believe that any freeze must be verifiable, and that it must not leave the United States in an inferior position. Even many dedicated supporters of disarmament wonder whether a freeze would really set the stage for arms reductions or instead remove any incentive for budging either side from the status quo. "The problem is that the freeze presents an arms-control position, not a disarmament position," says David McReynolds, co-secretary of the War Resisters League. But traditional negotiations to limit or reduce strategic weapons have generally taken long and complex bargaining, and meanwhile, arsenals on both sides have grown apace. Proponents of the freeze say the best way to stem that growth is simply to put an end to it—and work out the details later.

**Spots and Stars:** Proponents of the freeze and other anti-nuclear activists plan a broad range of educational and organizing activities leading up to and beyond the U.N. disarmament meeting in June. There will be rallies in New York and Los Angeles. The AFSC is gearing up a Jobs With Peace campaign to support local referendums asking Congress to shift funds from the Pentagon to social programs. Other groups will press local governments to spurn the stepped-up Federal civil-defense program (page 31)—as some have already done. And the Women's International League for Peace and Freedom will be promoting its Stop the Arms Race (STAR) campaign with television and radio spots featuring such stars as Joanne Woodward and Marlo Thomas.

Whether the movement will become more pointedly political is a question that its leaders themselves have not agreed on. The Council for a Livable World has set up a political-action committee to help finance the right Congressional candidates. The nuclear issue is already a key element in the



© Burk Uzzle—Magnum

Stop sign: Does the movement have political muscle?

decision by A. Stephen Dirks, five-term Democratic mayor of Ogden, Utah, to challenge GOP freshman Rep. James Hansen, a strong supporter of a nuclear buildup.

Yet some political experts believe that the movement will be most effective if it is nonpartisan. A group of movement leaders and sympathetic congressmen has arranged to discuss that subject privately this week at the Georgetown Center for Strategic Studies. They will consider the value of nationwide hearings and local forums like those of the League of Women Voters. Rather than demanding support for a single anti-nuclear position, these forums would "get every candidate to think about the issue and have a position that goes beyond generalities," says direct-mail specialist Tom Mathews, who sees vast potential for fund raising among anti-nuclear activists.\*

The potential of this grassroots pressure has already been felt on Capitol Hill, where a variety of arms-control bills have recently been introduced. The latest plan: Arizona Rep. Morris Udall's proposal for a continuing exchange of U.S. and Soviet students—including the sons and daughters of

\*On the guest list along with Mathews: Senators Hart and Charles Mathias of Maryland, Congressman Lee Hamilton of Indiana and Joel Pritchard of Washington, Ground Zero founder Roger Molander, former Ambassador Malcolm Toon and several international union presidents.

government leaders—to ensure against sneak attacks. Democratic Rep. Les Aspin of Wisconsin suggested last week simply ratifying the spurned SALT II agreement—which both sides still abide by even though it has never been approved.

Still, the main competition is between the Kennedy-Hatfield freeze bill and the proposal by Senators Henry Jackson and John Warner (already endorsed by a majority of senators) to build up U.S. nuclear forces as a prelude to negotiating balanced reductions. Some congressmen believe that even dedicated supporters of the nuclear freeze might settle for something less, especially if President Reagan begins to seem more interested in arms control. In his radio address, indeed, the President agreed that "a nuclear war cannot be won and must never be fought," and on that score he assured protesters: "I'm with you."

**Energize:** How Reagan handles the nuclear issue will largely determine its impact on the 1984 election. Most of the Democrats mentioned as Presidential contenders—Kennedy, Hart, former Vice President Walter Mondale and Ohio Sen. John Glenn—generally disagree with the Administration on key elements of the debate. They do not see any clear-cut Soviet superiority, any way to limit a nuclear exchange nor any value in increased civil defense, and those views put them closer to the movement whatever their positions on a simple freeze. At the least, says Democratic National Committee Chairman Charles Manatt, growing interest in nuclear policy seems likely to energize traditional party supporters.

"Republicans have an opportunity to co-opt this issue by making 'verifiable' the key word [in any arms proposal] and being very tough about that," insists GOP strategist Roger Stone. He concedes there is great danger in the issue "if we mishandle it." Democrat Hart agrees that the President could undercut some anti-nuclear momentum with a diplomatic flourish—perhaps a meeting with Soviet President Leonid Brezhnev. (Reagan has already proposed a June meeting in New York, but at the weekend Moscow suggested October in a neutral country instead.) "He can take some steam out of it that way," says Hart. "But it doesn't stop the movement." Says Kennedy: "The issue will not go away." Citizens thronging Ground Zero activities this week would undoubtedly agree. The difficult task of bringing nuclear arms under control can only benefit from a growing debate spurred by the nightmare that Americans can no longer afford to consider "unthinkable."

DAVID M. ALPHEIN with JAMES DOYLE in Washington, RON LABRECQUE in Los Angeles, PAMELA ABRAMSON in San Francisco, MARILYN ACHIRON in New York and bureau reports

Caldicott: 'Vaporized'

Wendy Maerla



Matthi sen: Job challenge

© Henry Ortega





# A Complex of Tricky Issues

Behind the current ground swell of anti-nuclear sentiment in the United States is a wide-ranging technical debate over the relative strengths of the U.S. and Soviet nuclear arsenals, the survivability of nuclear war and the possibility of a "limited" nuclear exchange. NEWSWEEK explored such key questions with five experts—Paul Warnke, former chief U.S. SALT II negotiator and now a leading proponent of the nuclear freeze; Edward Luttwak, a longtime consultant to the Pentagon; Roger Molander, former nuclear strategist for the National Security Council and now executive director of Ground Zero; Sen. Gary Hart, Democrat of Colorado and an outspoken member of the Senate Armed Services Committee, and Richard Perle, Assistant Secretary of Defense for International Security Policy. A sampling of their opinions:

*Do you agree with President Reagan's statement that the Soviet Union enjoys a "definite margin of superiority" in nuclear weapons?*

**Warnke:** He's been badly misinformed . . . Obviously there are asymmetries. The Soviets, for example, have something like 80 percent of their strategic nuclear resources in their land-based ICBM's. We have less than 30 percent . . . But if you look at 100 percent of both forces, the respects in which we have the edge more than balance the respects in which the Soviets have the edge. [And] we have the edge in the most important respect, which is survivability, because . . . over 50 percent of our strategic warheads [are] on the least vulnerable part of the nuclear-deterrent triad . . . ballistic-missile submarines.

**Molander:** I have never met . . . a U.S. military officer who would trade the strategic nuclear forces of the United States for those of the Soviet Union now, or for the foreseeable future.

**Perle:** The only way you can argue that we retain an advantage is if you count all the bombs that go on our bombers and regard them as comparable to the warheads on missiles. We don't think that is an appropriate measure because there are massive air defenses that would [limit] the number of bombs that would actually be delivered.

**Luttwak:** Roughly ten years ago . . . we were ahead in every single index except one—gross megatonnage. Today . . . we are only ahead in one—number of warheads.

How important that difference is depends on whether you believe in limited nuclear war or not. If you think everybody is going to throw everything at each other, including the kitchen sink, then the difference in the over-all total hardly counts. However, if nuclear weapons are going to be used . . . in controlled doses, it makes a very big difference.

*If America builds up its nuclear arsenal, what is to prevent the Soviets from keeping pace?*



Herman J. Rokojan—Black Star

*U.S. soldiers with nuclear missile: The debate goes on*

**Luttwak:** We're twice as rich as [the Soviet Union] is. We're technologically more advanced. We definitely ought to be able to beat [the Soviets] in a competition for these weapons.

**Hart:** We see no indication of any political constraints on the Soviet leadership [which might limit] the amount of resources available to them, military or financial, to seek whatever level of nuclear arms they wish . . . There is no prospect for success for the United States in an unlimited nuclear arms race with the Soviets. And in fact, there's probably some prospects of losing the race in quantitative terms.

**Warnke:** There is no way in which either side can gain strategic superiority ever again unless the other side gives up. Now, we know we're not going

to give up, and we have no reason to believe they will, so that all you will do is preserve the present nuclear stalemate at higher levels of risk.

*Are there any circumstances under which the United States should use nuclear weapons first—for example, to prevent a victory by Soviet conventional forces in Western Europe?*

**Perle:** There is nothing to be gained by gratuitously assuring the Soviets that we would not do so under any circumstances.

That's the first point. And the second point, which is not well understood but is terribly important, [is] that in the presence of nuclear weapons on the Western side, the Soviets must disperse their conventional forces, and this greatly diminishes the effectiveness of their conventional forces in any possible invasion of Western Europe.

**Hart:** I think there are circumstances where we ought to have that option . . . I can see a tactical nuclear deterrent—short-range missiles or weapons with relatively low yields and high degrees of accuracy and in limited numbers.

**Molander:** It may be the only policy—if we and the Europeans are unwilling or unable to build those conventional forces that would ensure that we could blunt a Soviet attack on Western Europe.

**Luttwak:** We must also remember what the context of such a nuclear attack [might] be. Soviet armies are invading Western Germany . . . Terrific destruction is being inflicted by artillery barrages. Thousands of tanks are smashing their way through this urban landscape. NATO armies have tried and failed to stop the invasion. Then we say stop or else . . . And one of the ironies is that if

you're talking about . . . neutron bombs [enhanced-radiation weapons that destroy people, not buildings], the damage of this famous first strike in Europe probably would scarcely be visible.

**Warnke:** Whether or not we're going to use an American nuclear weapon in Europe is something that Western Europeans would have to decide along with us . . . If I were

they, I think I'd take my chances on a conventional defense because I would figure I can live and fight again.

*Can there be a limited nuclear war?*

**Luttwak:** There's a reasonable hope, if a crisis gets out of hand . . . that one can shock everybody back into a ceasefire by using one or two nuclear weapons against one or two

Paul Warnke  
Eric Houtel



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## NATIONAL AFFAIRS

very minor targets . . . You can't get an advantage out of using them . . . but you can at least stop the conflict . . . If you go beyond that simple reasoning and try to develop plans that call for very graduated, cleverly calculated usages of 30 or 40 or 50 warheads, that is all, of course, absurd.

**Hart:** I find the notion of limited nuclear war to be, for all practical purposes, folly. The survivability and operability of command and control of communications systems is practically nil. The dependability of intelligence or information . . . would be destroyed. There would be no means . . . of determining in the chaos of the exchange the long-range intentions of the other side.

**Warnke:** When people talk about a limited strategic exchange, they talk about a counterforce exchange in which [the Soviets] try and destroy our missiles as we try and destroy their missiles. We have 1,052 ICBM silos . . . [That means] 2,104 Soviet warheads. Now, is that a limited strike?

*How effective is a stepped-up civil-defense program likely to be in the event of nuclear war?*

**Molander:** U.S. civil-defense programs which plan for crisis evacuation of cities could, if successful, save American lives in the short run—if one had the five to seven days of warning that would be necessary to implement such a plan and if people went where they were told to go. It's quite clear that many of [those] people . . . would [eventually] suffer and die in that struggle for food, shelter and medical services—even uncontaminated water . . . It comes down to . . . whether saving some lives in the short run is worth \$4.8 billion.

**Hart:** The idea of relocation . . . presupposes a great deal of time . . . an enormous amount of planning . . . and that everything works right—chokepoints flow freely, enormously expensive stocks of supplies are updated . . . In the time it would take to relocate urban centers, missiles that are targeted on those centers could be retargeted . . . It makes very little sense.

**Warnke:** There's no possible defense against a nuclear attack . . . In a period of rising tensions, are you going to give the order to evacuate the cities? . . . [The Soviets] might figure that this indicates that the Americans are getting ready to strike, therefore strike first.

**Perle:** The Administration's approach to civil defense has been overstated. We are not moving toward the ability to cope with an all-out nuclear war . . . I can imagine a situation where a nuclear weapon was in the hands of a terrorist,

in which case you might want to evacuate a city, for example. [Reagan's program] will add something to the quality of our deterrence . . . It sends a signal that we are not going to be abjectly and deliberately unprepared to take any measures at all.

*What's motivating the current nuclear-freeze movement in the United States?*

**Hart:** It's latent. It's been there all the time . . . What brought it to the surface, obviously, were the policies of this Administration, of not going forward with [arms control] negotiations in a meaningful way, of building up the nuclear arsenal on an almost mindless basis across the board, of believing that there was such a thing as nuclear superiority, of having policies of limited nuclear war or at least discussing those [policies].

**Molander:** What [people] realize is that . . . the post-Cuban missile-crisis effort to try and find a technical solution to the problem of preventing nuclear war . . . has failed and has not been replaced by anything that they find credible or assuring.

**Luttwak:** Until the military buildup began with the Reagan Administration, we were like a patient very comfortably drifting into a coma. If we had continued with the pre-Reagan defense strength, we would not have woken up . . . But with the Reagan defense program, the patient . . . is asked to get out and to recover. And now, all the wounds hurt.

**Warnke:** A whole variety of factors have come together . . . We aren't talking with the Soviets about controlling intercontinental-range nuclear missiles . . . [And] the anti-nuclear movement in Western Europe was bound to have a reflection over here after a period of time.

**Perle:** [The movement in Europe] was exaggerated . . . and polls tend to bear that out . . . You know the Russians are involved covertly in financing demonstrations abroad, as the Danes discovered.

*Do you favor a freeze of U.S. and Soviet nuclear arsenals? What would you propose instead?*

**Molander:** The freeze is . . . a very useful and badly needed vehicle for people to confront the nuclear-war issue . . . But you cannot justifiably say that [it] is the formula for an arms-



Gary Hart



Bruce Hoertel

Richard Perle



Bruce Hoertel

Edward Luttwak



Roger Molander

Wally McNamee—Newsweek

control treaty . . . The fundamental lesson of the last twenty years is that we are not going to be able to find an exclusively technical . . . solution to this problem. The next step is confronting the challenge of dealing with the Russians . . . When you find that your agent for working that relationship—the U.S. President—has only met once in the last six and a half years with the principal agent on the other side . . . it gives you

some idea as to why we have such an extreme problem in the U.S.-Soviet relationship. Not only do we start from a point where we don't understand each other very well, but we're not even working [on] the problem.

**Luttwak:** This colossally insane proposal . . . is born out of impatience and fear . . . This is the politics of unilateral surrender masquerading as politics of controlling irresponsible leadership . . . We ought indeed to feel very uneasy about the fact that our system of government, which was built to cope with ordinary problems, which is run by ordinary men in a rather ordinary way, is now supposed to control nuclear weapons, which [are] none of these things. I think there is a case for seriously considering an addition to our system of government that can cope with [nuclear-weapons control]. If we have a Supreme Court to look after the Constitution, we ought in my view to have a Supreme Nuclear Council to look after nuclear weapons.

**Hart:** I introduced my own proposal, the acronym of which is STOP—Strategic Talks on Prevention . . . I would go back to the bargaining table on over-all limitations on numbers but expand those talks . . . to include agreements on how to reduce the possibility of the use of the weapons.

**Perle:** I favor the Jackson-Warner approach to bring about sharp reductions in nuclear weapons to a level of equality and then freeze them at that level. A freeze at current levels would legitimize . . . the current Soviet advantages and permit further Soviet buildups to weaken our capability . . .

The freeze would prevent us from modernizing our bombers, but it wouldn't stop them from building air defenses to shoot down our existing bombers.

**Warnke:** I think that most of the critics of the freeze mischaracterize it. [The Kennedy-Hutfield proposal] says that the two countries ought to get together and try to negotiate a mutual, verifiable freeze, that they ought to decide when and how to bring the freeze into existence, and that they ought to concentrate on the most destabilizing weapons and they ought to proceed with reductions. Now, what the hell's wrong with that?

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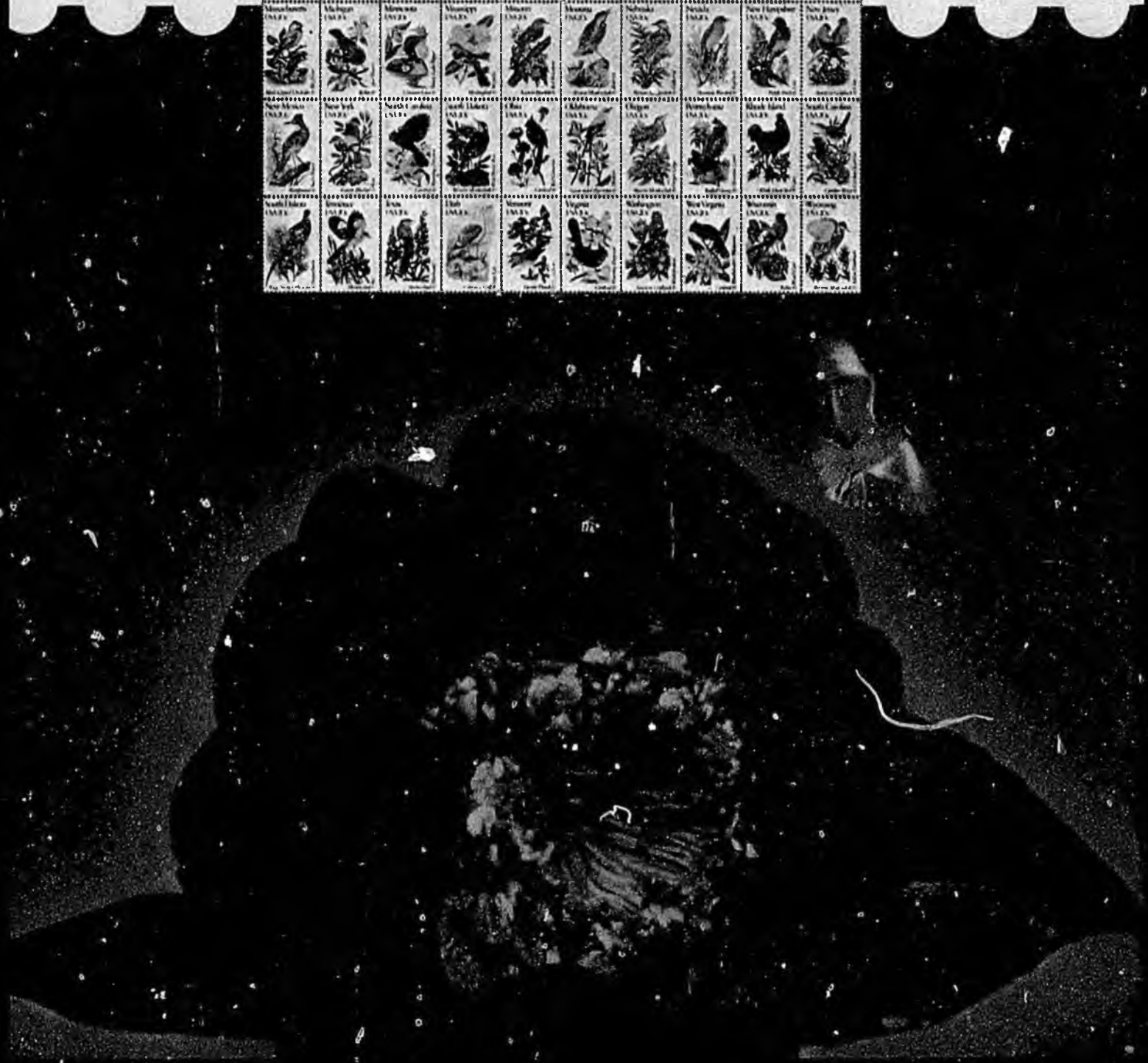
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# Does Civil Defense Make Sense?

Susan Rothbaum remembers the original flap over civil defense, the plans to take shelter from atomic attack, the drills that had schoolchildren diving under their desks against the day when a fireball seared the sky. And she remembers how suddenly civil defense died away. "When I was in the third grade, in the early '60s," says Rothbaum, now a San Francisco social worker, "a family in our neighborhood built a fallout shelter in their front yard. Passing it every day on my way to school, I saw the lawn being torn up, the dark pit growing larger . . . Frightened by the air-raid drills in school, I asked my parents if we could build a shelter. They refused. I pondered ways to make friends with the neighbors so they would let me in when the warning sirens sounded. Before I was able to put a plan into action, heavy rains came. When I walked by the neighbors' house the next morning, I saw the shelter had caved in, leaving a gaping ruin of concrete and earth. It was not long after this that the school stopped having air-raid drills. Along with my country, I had entered the long silence about nuclear war."

That long silence has ended, and with it the indifference to civil defense. After a period of two decades in which Americans assumed—and American nuclear doctrine demanded—that there would be few survivors in a nuclear war, the Reagan Administration now wants to devote \$4.2 billion over the next seven years to a plan for mass evacuation of cities and other "high risk" areas if attack ever seems imminent.

**Debate:** This new policy has rekindled an old debate. One side, alarmed by what it regards as an ominous improvement in the Soviet Union's ability to protect its civilian population, argues that civil defense is not only a lifesaver of last resort, but also an essential element of nuclear deterrence. The other side says, in the words of Sen. Alan Cranston of California, that civil defense is "a cruel and dangerous hoax that encourages the false notion that nuclear war is . . . tolerable and perhaps even winnable." So far, a NEWSWEEK Poll (page 24) suggests, Americans are ambivalent. But as the larger nuclear-weapons controversy heats up, a new consensus for civil defense may emerge—or the whole idea may slip back into the obscurity that enveloped it for the past twenty years.

Most of the argument will rage around the Reagan Administra-

tion's head-for-the-hills approach, known in Federalese as "crisis relocation." The plan designates nearly 450 cities and strategically important areas like missile sites and airfields as likely targets for Soviet warheads. In all, about 145 million Americans live in such places, and they would be removed to "host communities" in rural areas throughout the countryside. The Federal Emergency Management Agency (FEMA), which is in charge of the program, estimates that an orderly evacuation even of a metropolis like New York could be managed within a few days—just about the amount of time that would be available, assuming that a previous evacuation of Russian cities had signaled the Soviet Union's intention to attack. The result, according to advocates of the plan: the death toll would be cut from perhaps 140 million to fewer than 50 million Americans.

Critics say that for relocation to work, every one of a series of optimistic assumptions must pan out. There must be not only adequate warning time but also decent weather, docile evacuees and hospitable hosts. The plan for Texas calls for residents

of high-risk areas to drive to host counties, then calmly surrender their cars to authorities for impoundment. The goals are obvious—traffic control and fuel conservation—but cooperation is uncertain, at best. Similarly, the ban on taking firearms and alcoholic beverages along in an evacuation would doubtless be ignored. Even with the best will imaginable among evacuees, the process seems likely to degenerate into congestion and often panic. Many important American cities—San Francisco, for example—have overwater escape routes that are clogged enough during normal rush hours. Perhaps mindful of the problem, Marin County at the other end of the Golden Gate Bridge recently voted not to plan for civil defense. "The bottom line," says Marin supervisor Barbara Boxer, "is that there's no way we can evacuate skeletons."

**Imponderable:** What life would be like when evacuation was complete is another imponderable. In some places the refugees would be less than welcome, even though they would be housed exclusively in public buildings rather than private homes. Both they and their hosts might well have to spend

time together in fallout shelters, adding social and possibly racial tensions to the already formidable difficulties of life in a cramped underground space. The Federal plan envisions the eventual training of 20,000 shelter-management instructors who would teach 2 million others how to keep peace under pressure—but that is years away. "I won't . . . say that there's not going to be [confusion] at all," says Thad Zale, planning manager for the Nuclear Protection Division of the Michigan state police. "Obviously, there's going to be some. But in every disaster we've seen, the crisis period is probably the only time that we pull together as a people in this country."

Even so, law and order may turn out to be the critical problem for a post-attack United States. FEMA has plans for ensuring the continuity of government, but like all plans for the apocalypse, they can't be readily tested. If the President were dead—vaporized in the White House or buried under the rubble at an underground facility—who would be in charge? A central locator system devised by FEMA and run by the White House could keep track of everyone in the constitutional line of succession, but would the survivors accept the top remaining official? Or would there be confusion

'Picnic': Evacuees shouldn't leave home without credit cards

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## NATIONAL AFFAIRS

on a scale to invite takeover by the military?

Government planning calls for evacuation not only of the President, Cabinet officers and Congressional leaders, but also of the top officials of vital Federal agencies. About three dozen agencies have been designated Category A, meaning that their operations must not be interrupted even by nuclear attack. Among these are the Central Intelligence Agency, the Federal Reserve Board, all Cabinet-level departments and FEMA itself. Moreover, each Category A agency has established three emergency teams—one to stay in Washington even during a period when officials would be aware of a coming attack, one to hie itself to the underground government complex known as Mt. Weather, near Paris, Va., and one to disperse to a secret location somewhere within a day's drive of the capital city. Less essential agencies, such as the National Labor Relations Board, have been relegated to the expendable categories B and C. Whether any of these bodies would retain their authority in a postwar world is an open question.

**Victory?** The government hopes to provide civil defense for the economy, too, on the theory that—as a Federal Reserve System booklet puts it—“Victory in a nuclear war will belong to the country that recovers first.” Nine of the twelve Federal Reserve banks maintain emergency quarters underground, and records are updated every day. The system will try to clear all checks—including those drawn on destroyed banks,” according to the National Plan for Emergency Preparedness—but just in case, the Fed's main relocation center in a hillside bunker in Culpeper, Va., also has a large stockpile of currency. Credit cards will also be honored in a post-attack economy, the government advises; evacuees should not leave home without them. Skeptics, however, envision a reversion to a primitive barter economy. The most valuable items for trading purposes, says survivalist Duncan Long, will be penicillin, candy and .22-caliber bullets.

The extent to which industry survives would depend, of course, on the magnitude of the attack. Oil refineries would be a prime target in almost any conceivable Soviet strategy, even one for “limited” nuclear war. They cannot be protected. Heavy industries would also be at risk. But sheltering some equipment is at least within the realm of possibility; Boeing, the aircraft manufacturer, has gotten encouraging results by packing sand, polyurethane foam and earth around machinery, then mounting high explosives nearby. One critical industry, communications, would probably survive in some form. The American Telephone and Telegraph Co. has already “hardened” a nationwide network of cables against the effects of nuclear weapons. Many companies, including AT&T and Exxon, have plans of their own for relocat-



Demonstration bomb shelter in Los Angeles, 1951: 'A cruel and dangerous hoax'?

ing top executives to underground refuges.

According to defense analysts like T. K. Jones, the Deputy Under Secretary of Defense for Strategic Theater Nuclear Forces, the Soviet Union now has a commanding lead in the ability to protect both civilian population and industrial resources. These analysts claim that the Soviets devote about \$2 billion a year to such projects as evacuation plans and hardened factories—compared with the \$133 million the U.S. Government is spending in the current fiscal year and the \$144 million the Senate Armed Services Committee recently recommended for 1983. To Jones and others, this is evidence that the Russians are prepared, if necessary, to wage and “win” a nuclear war; they believe they can absorb a nuclear strike better than the United States and recover from it sooner. Thus, it is argued, the balance of terror has shifted, and the best way to restore it is to close the civil-defense gap. The only alternative would be to develop new weapons capable of overpowering Soviet civil defense, Jones wrote last month, and even a \$10 billion evacuation-and-shelter program would be cheaper and less dangerous than that.

Civil-defense critics are unconvinced by such tales of fortress Russia. They say—citing a 1978 CIA study—that the \$2 billion the Soviets are said to spend actually represents a calculation of what it would cost them if they paid their soldiers and workers on an American wage scale, which they don't. Moreover, there are doubts that any Soviet evacuation could be as efficient as the civil-defense camp thinks. Much of it would be on foot over long distances, with food supplies tight all the way. Given that relatively more of their population and industri-

al capacity is concentrated in high-risk urban areas, the Soviets might well conclude that even with civil defense their country is too vulnerable to risk a nuclear war. Indeed, defense analyst Fred M. Kaplan suspects that the real aim of Soviet civil defense is not defense at all, but conditioning: by evoking the threat of war and preparing people for the idea of evacuation, the Kremlin reinforces the garrison-state mentality it needs to remain in power.

**Unreality:** If there is an aura of unreality to claims for Soviet civil defense, the same might be said of American plans. As the pro-freeze Physicians for Social Responsibility tirelessly point out, no civil-defense scheme has ever come to grips with the staggering medical impact of even a limited nuclear strike, to say nothing of a war in which “only” 50 million Americans died. The most successful evacuation program would still have to cope with millions of burn and radiation victims, deprived of the hospitals left behind in the deserted, devastated cities. Disease would feed on a post-attack environment of decaying flesh and polluted water—and the drug companies and supply houses would also lie in ruins. It is for such reasons that Beverlee Meyers, the director of California's Department of Health Services, last month denounced as an “illusion” and a “hoax” the idea that care could be provided for relocated populations. In the aftermath of the holocaust, Americans might find that their government's best civil-defense plan was its 130,000-pound stockpile of opium, a source of morphine, to help them face the dark at the end of the tunnel.

PETER McGRATH with MARY LORD in Washington, DAN SHAPIRO in Houston, JACOB YOUNG in Detroit and bureau reports

# "But it seemed so simple in the store."

Thousands of eager new camera owners are finding their SLRs more complicated than they bargained for.

## The new Konica FP-1 with Automatic Pilot. The simplest SLR in the world.

A recent survey of SLR owners reveals that the majority are unprepared for the complexity of their purchase.

We're not surprised. The 35mm single lens reflex camera is not child's play.

And once you get past the cavalcade of claims, every one of the best-selling SLRs demands some setting: either the lens or the shutter.

So "fully automatic," it turns out, isn't automatic at all. Enter the Konica FP-1.

### Photography without intimidation.

The Konica FP-1 is so automatic, you're on Automatic Pilot. That means nothing to set. Nothing to figure.

Perfect exposure—and therefore perfect pictures, has been programmed into the camera.

Action shots. Portrait shots. Travel and landscapes. The results are astonishing, even for tremulous beginners.



It says "shoot."



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And the FP-1 even loads itself. No threading. No fumbling. Room to grow.

When you're ready, add a flash, a winder, or one of over 25 different Konica lenses to your FP-1.

### Our crowning glory.

In 1903, Konica\* made Japan's first camera. Since then, we've had a clear focus: turning complex technology into easy-to-use cameras.

Back in 1967, we made Japan's first automatic exposure SLR.

Today, with the FP-1, more people than ever can cross the threshold into SLR photography.

### Don't buy the wrong camera for the right reason.

If you want better pictures, but want to avoid the technical hocus-pocus, beware.

The much-touted SLRs may frustrate you. And what good is a camera that collects dust?

The freedom and ease of Automatic Pilot makes SLR photography breezier than it's ever been.

We've done everything.

You do nothing. Except take great pictures.

For more information write: Konica Corporation, Woodside, N.Y. 11377. In Canada: General Photographic Products Ltd., Ontario.



Other 35mm cameras you thread.



The FP-1 loads automatically.



# Konica FP-1

P R O G R A M

## THE OLDEST AND THE BOLDEST

H B

1

OPENING STATEMENTS FOR PERMANENT FUND/ROYALTY PAYMENTS VIDEO TELECONFERENCE

I. The CHAIRMAN'S opening comments

Welcome to the first statewide Senate State Affairs Committee Meeting . . .

II. Our program is designed around six communities around the state. Rural and urban Alaska are represented and we will treat this just as we do a normal committee meeting, in that we will make a complete round on the first bill, HB 1, then we will move on to the second top, SB 66 & 67, royalty payments to Alaskans. The rotation we have established, will be followed throughout the meeting: KOTZEBUE, ANCHORAGE, FAIRBANKS, SITKA, BETHEL. Testimony is being limited to FIVE MINUTES per person and will be adhered to. This is so everyone will have a chance to have their say on both bills that are before us today. IF TIME PERMITS, we make a third round of communities for additional comment from anyone who might have walked in to the studio. After that, if there is time remaining, journalists from any of the locations can ask questions.

III. The prime sponsor of House Bill 1 is here to testify first from Juneau, Rep. Oral Freeman . . . . .

Groundrules for Video Teleconference

April 30, 1981

1. The Chairman of the Committee will ALWAYS make the transition from site-to-site. Local site moderators will always provide an "out" and you will make an AUDIO transition to the next site. Alascom will make the VIDEO transition on to the next site.
2. Because of the format, the speaking roster is already full. But, if time remains at the end we will go around our schedule of sites again to see if there is any public testimony remaining. Politeness will help alleviate any frustrations from "studio walk ins!"
3. If time is remaining at the end and if there is no further testimony, we will have a round of journalists questions. It will follow the schedule of towns as in previous rotations.
4. In regards to 3 & 4 (above), when you make these rounds, they will be AUDIO ONLY. The rest of the state will see Juneau as we check for both additional testimony and journalist's questions.
5. Questions from State Affairs Committee members should be restricted to Juneau testifiers, as much as possible. As the show progresses, we will know how the technical switching is working and can make our improvisational decisions based on that data.
6. Moderators in the six locations:

Kotzebue	Mary Schaeffer
Anchorage	Kathy Baltes
Fairbanks	Maxine Walton
Sitka	Teresa Brooks
Bethel	Wally Richardson
Juneau	Perry Brewster

## Audio &amp; Video Conference Sites

## - TWO-WAY VIDEO CONFERENCING

- \* Anchorage
- \* Fairbanks
- \* Kotzebue
- \* Kodiak
- \* Juneau
- \* Bethel
- \* Barrow
- \* Nome

## - RECEIVE ONLY VIDEO CONFERENCING

- \* Sitka
- \* Ketchikan

## - AUDIO CONFERENCING ONLY

Dillingham  
Kenai Peninsula (Soldotna)  
Mat-Su (Wasilla)  
Valdez  
Seward  
Homer  
Haines  
Delta Junction  
Sand P

OFF NET (via phone)

Wrangell  
Petersburg  
Others by special request through LTN office



CONFERENCING SITES

SITE Kotzebue PARTICIPANTS Marie Schwind

Pam Herman

COORDINATOR \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION Mary Schaffel

Journalists: Stan Jones

SITE Anchorage PARTICIPANTS Jim Rhode

Tom Fink

COORDINATOR \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION KAKM--Media Services--ACC

Journalists: Pete Spivey, Anch D. News  
Heather Arnett, APRN  
Steve Lindbeck, Daily News

Kathy Baltes

SITE Fairbanks PARTICIPANTS John Butrovich

Robert Weeden

COORDINATOR \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION \_\_\_\_\_

Journalists: Dermot Cole, News Miner  
Tom Snapp, AA-Weekly

Maxine Walton

CONFERENCING SITES

SITE Sitka PARTICIPANTS Brad Shaffer

Cecil McClain

COORDINATOR PHONE

LOCATION

Teresa Brooks

SITE Bethel PARTICIPANTS Bev Hoffman

Don Shantz or Harold Sparks

COORDINATOR PHONE

LOCATION

Wally Richardson

Journalists: Barbara Albert

SITE Juneau PARTICIPANTS Committee members

Rep. Oral Freeman, D-Ketchikan

COORDINATOR PHONE

Rep. Hugh Malone, D-Kenai

Commissioner Tom Williams,  
Dept. of Revenue

LOCATION Perry Brewster

Journalists: Jean Kizer, AP  
Dave Carpenter, Anch. Times  
Jon Matthews, Anch. Times



FORMAT

1. Program OPEN (Long Shot Senate Hearing Room)
2. Chairman Vic Fischer  
Intro to Program and Format  
Intro of State Affairs Committee  
Chairman Fischer introduces sponsor of HB 1--Rep. Oral Freeman
3. Rep. Oral Freeman  
D-Ketchikan
4. Chairman reviews the order of communities and the time limit  
Intro to Kotzebue
5. Kotzebue: Marie Schwind  
Pam Herman
6. Anchorage: Jim Rhode  
Tom Fink
7. Fairbanks: John Butrovich  
Robert Weeden
8. Juneau: Chairman Fischer  
Rep. Hugh Malone  
~~Response from a Committee member (Colletta, Stinson, Eliason)~~  
~~Chairman Fischer intro's Sitka~~
9. Sitka: Brad Shaffer  
Cecil McClain
10. Bethel: Bev Hoffman  
Don Shantz or Harold Sparks
11. Juneau: Chairman Fischer intro's Administration spokesperson  
Tom Williams-Comm. of Revenue  
Fischer closes testimony on HB 1
12. Juneau: Chairman Fischer's introduction to SB 66 & 67  
Intro's Tom Williams  
Chairman Fischer introduces next round beginning with Kotzebue
13. Kotzebue: Pam Herman  
Marie Schwind
14. Anchorage: Tom Fink
15. Fairbanks: John Butrovich  
Robert Weeden
16. Sitka: Brad Shaffer  
Cecil McClain
17. Bethel: Bev Hoffman  
Don Shantz or Harold Sparks
18. Juneau: Questions from Journalists if time permits  
Close of program

~~Committee for~~  
~~Response from a Committee member (Colletta, Stinson, Eliason)~~  
~~Chairman Fischer intro's Sitka~~

FORMAT

- 2:00 1. Program OPEN (Long intro of Senate Hearing Room)
- 2. Chairman Vic Fischer  
Intro to Program and format  
Intro to State Affairs Comm. Members
- 2:04 3. ✓ Rep. Oral Freeman
- 4. ✓ Chairman Fischer intro's Kotzebue
- 5. ✓ Kotzebue: Mary Schaeffer, moderator  
2:08 ~~Pam Herman, NANA~~  
~~Marie Schwind, Maaneluk~~  
Fischer audio transition to Anch.
- 6. ✓ Anchorage: Kathy Baltres, moderator  
2:12-30 Jim Rhode  
2:15 Tom Fink  
2:18 Fischer audio transition to Fbx.
- 7. ✓ Fairbanks: Maxine Walton, moderator  
2:30-2:40 Sen. John Butrovich  
2:35 Robert Weeden  
Fischer switch back Juneau
- 8. ✓ Juneau: Sen. Fischer intros Rep. Hugh Malone  
2:40-2:45 Rep. Hugh Malone  
Questions from Committee members  
Intro to Sen. Eliason to intro Sitka
- 9. ✓ Sitka: 2:34 Teresa Brooks, moderator.  
2:50-3:00 Brad Shaffer
- 10. ✓ Bethel: Wally Richardson, moderator  
3:00-3:10 2:46 Beverly Hoffman  
~~Don Shantz~~  
2:48 Lyman Hoffman
- 11. ✓ Juneau: Chairman Fischer intro's Tom Williams  
3:00-3:15 2:52 Tom Williams, Comm. of Revenue INTRO TO Tom Williams  
3:15-3:20 3:08 Questions from committee members SB 66 & 67 Royalty Payments  
Chairman Fischer (intros Kotzebue)
- 12. ✓ Kotzebue: Maxine Walton, moderator  
3:20-3:25 3:16 Marie Schwind — public assistance noble  
? Pam Herman  
Fischer audio transition to Anch.
- 13. ✓ Anchorage: Kathy Baltres, moderator  
3:25-3:30 3:29 Tom Fink  
Fischer transition to Fairbanks
- 14. ✓ Fairbanks: Maxine Walton, moderator — cash. lowest priorities  
3:30-3:40 3:38 Robert Weeden  
3:43 John Butrovich  
Fischer intros Sitka
- 15. X Sitka: Teresa Brooks, moderator  
3:40-45 Brad Shaffer (might leave)
- 16. Bethel: Wally Richardson, moderator  
3:45-3:50 3:46 Don Shantz  
3:48 Bev Hoffman, Lyman Hoffman
- 17. Juneau: Chairman Fischer???? Is anyone left to testify  
3:50 3:50 Same rotation
- 18. Juneau: Questions from journalists in same rotation

RON GARDNER



HB 1 -- ONE OF MOST IMPORTANT BILLS OF 1981 SESSION

-- TO APPROPRIATE \$1.8 BILLION TO PERMANENT FUND.

PF ESTABLISHED BY VOTE OF THE PEOPLE TO ASSURE THAT PART OF OIL INCOME WILL BE AVAILABLE TO MEET ALASKA'S NEEDS IN THE FUTURE.

HB 1 - PRINCIPAL AUTHOR ORAL FREEMAN

SIMILAR BILL INTROD BY GOV HAMMOND, WHO HAS ESPOUSED THE CONCEPT OF PF AS FAR BACK AS THE 1969 BROOKINGS SEMINARS ON THE FUTURE OF ALASKA

~~HB 1 PASSED HOUSE BY~~ SO FAR, THE ENTHUSIASM FOR PUTTING THIS MUCH MONEY ASIDE FOR FUTURE USE IS LIMITED IN THE SENATE -- MANY MEMBERS FEELING THAT WE HAVE CURRENT NEEDS THAT WOULD BE MET BEFORE WE STASH MORE MONEY AWAY IN PF. THAT'S WHY THIS HRG PARTICULARLY IMPORTANT...

+ SB 66 & 67 -- DISTRIBUTION OF ROYALTY DIVIDENDS TO THE PEOPLE -- THEIR RESOURCES, BELONGS TO ALL. CASH DIVIDEND TO ALL ALASKANS - OR SOME OTHER EQUITABLE METHOD OF DISTRIBUTING OR USING THE MONEY OTHERWISE

~~THIS~~ HEARING PART OF LEGISLATURE'S EFFORT TO OBTAIN VIEWS OF PEOPLE FROM ALL OVER STATE. GENERALLY, THIS IS DONE BY AUDIO TELECONFERENCE. TODAY -- VIDEO CONNECTIONS -- AND WE'LL BE HEARING AND SEEING PEOPLE IN ANCH, BETHEL, FAI, KETCHIKAN, KOTZ JUNO, AND SITKA - THEY WILL SEE US, BUT WE'LL ONLY GET AUDIO FROM S.

FIRST, HB 1, THEN 66 & 67

TIGHT SCHED. - LIMIT TIME 5 MIN MAX

REP ORAL FREEMAN, KETCHIKAN, PRINCIPAL SPONSOR HB 1

COMMITTEE MEMBERS PRESENT: SN COLLETTA, ELIASON, STIMSON

GARY C. NEWMAN  
S.R. BOX 51233  
FAIRBANKS, ALASKA 99701

Senator Vic Fischer  
Chairman, State Affairs

May 5, 1981

Dear Vic,

Herewith are the comments I have to make regarding the Permanent Fund, about which I wrote you last week.

I support House Bill 1 which would put an additional 1.8 billion dollars into the fund. While the state may have a lot of requests for funding that certainly exceed the revenues regardless of whether additional funds are put into the Permanent Fund, it is not reasonable to assume that all worthwhile projects could be funded in one or even in two legislative sessions.

Secondly, the oil royalty money income is of limited duration and it was the hopes of two thirds of Alaskans in creating the Permanent Fund that some of that royalty money could help stabilize the economy of the state after the oil ran out.

Realistically speaking, people who put money away for their retirement try to put enough away so that they can live only off the interest. I would like to see the state put enough away so that government could fund itself and the needs of Alaskans off of that interest. Instead of a law limiting state government expenditures to some fixed dollar amount, tie it to the interest off the Permanent Fund.

It is my hope and desire that we would use what moneys we do not put into the Permanent Fund to finance the most worthwhile projects to improve Alaskans' social condition, to work toward self-sufficiency in food and energy production, and to provide a solid educational base for our citizens, both young and old. I feel that the several billion dollars available this year is enough to do some of those things this session. We are a young state in many ways and we should not presume that we can solve all of the state's problems and take advantage of all the opportunities in a single year.

I recognize the position that we should invest in Alaskans and not use the big pot of money just to make more money. Yet I strongly feel that the oil money belongs not just to Alaskans today, but to future Alaskans as well. To try to stimulate the economy is fine to a point, but I want to, at all costs avoid the boom and bust economy that Alaska has always suffered from. I believe this can be done if we set the direction and goals now by providing first for our future.

I hope my comments will aid your committee's deliberation.

Sincerely,

Gary C. Newman

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

HB 1

FISCAL NOTE

I. REQUEST CS  
Bill/Resolution No. HOUSE BILL NO. 1 (Page 1 of 2)  
Title Making a special appropriation to the Alaska Permanent Fund  
Requested by House Finance Committee Date 2/4/81

II. FISCAL DETAIL  
Agency Affected: Dept. of Revenue/Ak. Permanent Fund Corp.  
Program Category Affected: Revenue Collection and Management  
BRU, Program, or Subprogram(s) Affected: Treasury Management  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		27.5	30.3	33.3	36.6	40.3
200 TRAVEL						
300 CONTRACTUAL		50.0	55.0	60.5	66.6	73.3
400 COMMODITIES						
500 EQUIPMENT		2.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	80.0	85.3	93.8	103.2	113.6

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	80.0	85.3	93.3	103.2	113.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill appropriates \$1.8 billion to the Alaska Permanent Fund. This would be accomplished as quickly as possible starting July 1, 1981 in line with prudent cash management and cash flow requirements necessary to finance other state government operations. Payments would be made in several installments.

Above costs include a Loan Closer II to maintain related investment files and documentation because of increased activity in this area; contractual expenditures are for increased safekeeping fees related to marketable securities because of large fund balance increase; equipment is related to new position and additional working file storage.

*Anselm C. Staack*

IV. DATE February 17, 1981 PREPARED BY Anselm C. Staack, Treasury Comptroller  
AGENCY Dept. of Revenue/Treasury Division  
Original: Legislative Finance PHONE 465-2351

1	POSITION TITLE Loan Closer II			RANGE/STEP 12A	BARG. UNIT. G	LOCATION Juneau	BOV	APPROV	DIS					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No. HB 1	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG						
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES: SALARY 1,761 x 12		21,132		<p>To implement HB 1 because Fund will be expanding its investments in loans and mortgages. Additional \$1.8 billion greatly expands the ability of Fund in this area.</p> <p>Responsible for making sure that all necessary and required documentation is included in each investment package in order to assure proper title for the Fund's investment. Assure that all subsequent documentation recieved after purchase is directed to the proper file, follow-up on late or non receipt of necessary legal documents.</p> <p>Equipment cost includes additional filing cabinets necessary to maintain proper control of increased amount of investment folders.</p>									
5	BENEFITS 21,132 x .1533		3,240											
6	FICA SBP @ .0613		1,295											
7	HEALTH INS. Mo. Fix. 12 x 150		1,800											
8	TOTAL PERSONAL SERVICES 01		27,467											
9	TRAVEL 02													
10	CONTRACTUAL 03													
11	COMMODITIES 04													
12	EQUIPMENT 05		2,500											
13	OTHER													
14	TOTAL COST		29,967											
15	CODE	FUNDING SOURCE												
16		FED RCPTS. 1002												
18		GF MATCH. 1003												
17		GEN. FUND 1004		29,967										
18		I-A RCPTS. 1005												
19		PGM RCPTS 1028												
20		OTHER												
21	CONTINUATION													
22	ADDITION		XX		FOR R&M USE ONLY									
1A KEY NUMBER		COLUMN NO.												

AGENCY Department of Revenue PROGRAM Revenue Collection and Management

BRU Treasury Management

**13** REQUEST FOR NEW POSITION

COMPONENT \_\_\_\_\_

HB

36

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

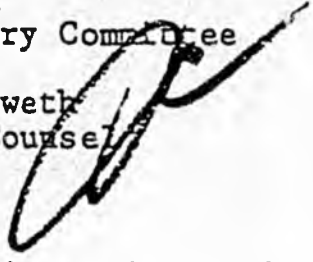
M E M O R A N D U M

February 27, 1981

SUBJECT: Application of Rule 38(e) to CSHB 36  
(Judiciary)

TO: Representative Donald E. Clocksin  
Vice Chairman  
House Judiciary Committee

FROM: John B. Chenoweth  
Legislative Counsel



The responsibility for adopting and revising rules for the state's courts is committed by the state constitution to the Alaska Supreme Court:

RULE-MAKING POWER. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. . . .

Article IV, section 15. The rules adopted by the Supreme Court may be altered by the legislature "by two-thirds vote of the members elected to each house." Article IV, section 15.

The constitutional requirement, as it affects the legislature's review and adoption of legislation, is incorporated as part of the Uniform Rules of the Legislature. By Rule 38(e)

If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases the bill must contain a section expressly citing the rule and noting what change is being proposed. The section containing the change in a court rule must be approved by an affirmative vote of two-thirds of the membership to which the house

is entitled. If the section effecting a change in the court rule fails to receive the required two-thirds vote the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which changes a court rule shall also be noted in the title of the bill.

HB 36 and CSHB 36 (Judiciary) revise and extend the conditional privilege relating to giving of testimony and delivery of evidence by reporters and others generally engaged in the work of the press.

You have asked whether amendments contained in CSHB 36 (Judiciary) are subject to the provisions of Rule 38(e) with respect to both the two-thirds vote and the title requirements.

In my opinion, 1/ the requirements of Uniform Rule 38(e) apply to the committee substitute. I have redrafted the committee substitute as presented by the House Judiciary Committee to conform to the conclusion expressed in this memorandum.

---

1/ There is no unanimity in this division as to whether my conclusion is correct. Two of the four people that I asked to review this opinion in draft said they believed that I was correct, one said that he would have probably come out the other way (i.e., Rule 501 permits the legislature to add one or more privileges without separate notice and a two-thirds vote) and the fourth, disagreeing with all that has been said, suggests that the definition of privileges is "substantive" and wholly within the authority of the legislature to determine by law.

Additional research was undertaken by an extern assigned to assist in the work of this division. Her memorandum turned up little case law, but evidence of the debate on the privileges not to testify or present evidence are procedural or substantive:

"In an article by Alfred Clapp, "The Privilege Against Self-Incrimination", 10 Rutgers L.R., 541, substantive

\*

Under authority of the constitutional provision earlier cited, the Alaska Supreme Court, by Order No. 364, effective August 1, 1979, adopted Rules of Evidence applicable "in all proceedings of the courts of the State of Alaska". The material collected in Rules 501 - 512 of the Rules of Evidence establishes certain privileges not to testify or produce evidence, defines the extent of the privileges established (whether by law or by rule), and otherwise describes the relationship between the privileges created and the conduct of discovery or trial. Rule 501 recognizes that the privileges which are covered by the Rules of Evidence may derive from several sources, including legislative enactment:

"PRIVILEGES RECOGNIZED ONLY AS PROVIDED. Except as otherwise provided by the Constitution of the United States or of this state, by enactments of the Alaska Legislature, or by these or other rules promulgated by the Alaska Supreme Court, no person, organization, or entity has a privilege to:

---

1/ con't.

law was described as "defining the rights and duties which give rise to a cause of action or to a defense to an action". Procedural law was described as "adjectival", "it provides the litigant with the means or methods by which these rights, duties, and defenses are enforced through the courts." He concluded that rules of evidence are part of the "adjectival machinery" because they are "but regulations fixing appropriate methods . . . for the ascertainment of facts at trial."

Any right resting on such a regulation -- as, for example, the right of a witness or party to a privilege or the right of a party to exclude hearsay -- palpably does not give rise to a cause of action. It merely operates the machinery of enforcement."

[10 Rutgers L.R. 541]

- (1) refuse to be a witness; or
- (2) refuse to disclose any matter; or
- (3) refuse to produce any object or writing; or
- (4) prevent another from being a witness or disclosing any matter or producing any object or writing."

In commentary to Rule 501 of the Alaska Rules of Evidence, a distinction between legislatively-drawn privileges and those created by Court Rule is noted:

This rule codifies the existing law that privileges are not recognized in the absence of statutes or rules specifically providing for them. No attempt is made in these rules to incorporate the constitutional provisions which relate to the admission and exclusion of evidence, whether denominated as privileges or not. Similarly, privileges created by specific statutes generally are not within the scope of these rules. E.g., AS 09.24.150 - 220 (public officials, reporters); AS 24.55.260 (ombudsman).

The distinction is maintained in the commentary to Rule 502:

"In light of Rule 501, Rule 502 is redundant in its reference to the State of Alaska. Rule 501 establishes that privileges can be created by these rules or by enactments of the Alaska legislature. It is therefore clear that even without Rule 502 any privilege provided for by statute would be recognized. Despite the redundancy, Rule 502 serves two purposes not served by Rule 501 in connection with Alaska law. First, it serves to remind the legislature that these rules will not generally provide a privilege in circumstances where the government is requiring a person, organization, or entity to supply information. If a privilege is to be forthcoming, it must be legislatively created. . . .

\* \* \*

"It should be plain that the existence and scope of required records, laws and privileges are dependent upon legislative action. The legislature can eliminate

any privilege that would exist under this rule."  
(Emphasis added)

While both the Rule and its commentary recognize that the legislature may establish privileges relating to admission or exclusion of evidence, the constitution bars the legislature from "making" rules governing practice and procedure in the civil and criminal courts of the state, vesting this power in the Supreme Court. Channel Flying, Inc. v. Bernhardt, 451 P.2d 570 (1969):

Respondents also contend that AS 22.20.022 [relating to the disqualification of a trial judge] is invalid as violating the rule-making power of this court. The Alaska Constitution vests in the supreme court the authority to "make and promulgate rules governing practice and procedure in civil and criminal cases in all courts." The legislature has no power to make rules, but only to change them by two-thirds vote [citing Article IV, section 15, Alaska Constitution]. The question here is whether the disqualification statute constitutes a rule governing practice and procedure in the courts which the legislature had no constitutional authority to make. The answer to that question depends on whether the subject matter of the statute is substantive or procedural. If it is substantive in nature it is a matter within legislative prerogative; if it is procedural, it falls within the ambit of this court's rule-making power. (Emphasis added)

451 P.2d 570, 575 - 576. See also Thomas v. State, 566 P.2d 630 (1977).

Since it is certain from these earlier decisions that the legislature cannot "make" new rules without violating Article IV, section 15, an act of the legislature which adds or extends a privilege, as authorized by the Rules of Evidence, cannot be an "addition" to those rules.

Whether characterized as a rule "created" by law or as an amendment to the privileges recognized by the Rules of Evidence, that which the legislature does by law to add to the number of circumstances in which a privilege against

giving testimony or providing evidence shall be recognized may, as a matter of constitutional law, only be characterized as an amendment or change 2/ of a rule of court relating to civil or criminal practice or procedure, requiring concurrence of two-thirds of the membership of each house. 3/

JBC:ljb

Enclosure

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2/ See also Leege v. Martin, 379 P.2d 447 (1963):

Appellees [challenging a statute recognizing forfeiture of a commercial fishing license] contend that in this situation, when there is no specific rule in a particular procedural area, the legislature has no authority to act; since its constitutional power to change "These rules" is limited to promulgated, existent rules upon which a change may be wrought. On the other hand, the state argues that the rules promulgated by this court must be considered in their totality; that it is the body of those rules as an entity which the legislature is empowered to change; that an addition to the body of rules is no less a "change", within the meaning of the constitution, than a deletion or amendment of a specific, existing rule; and that the legislature therefore does have the power to enact a procedural statute in an area not covered specifically by a rule of this court.

379 P.2d 447, 449.

3/ Without regard to the requirements of the two-thirds vote and separate notice in the bill title, the legislature may act, of course, on matters of substance (as distinguished from procedural concerns wherein the legislature's power to act is limited). Channel Flying, Inc. v. Bernhardt, 451 P.2d 570, 575 (1969); Thomas v. State, 566 P.2d 630, 637 (1977). There is substantial literature examining without resolving

the question of whether rules of evidence are procedural or substantive. See, for example, "The Coordination of Legislative Bill drafting and Statutory Revision with Judicial Rule-Making in Alaska", Legislative Affairs Agency staff memoranda (July 1, 1960):

"[T]here is general agreement that most rules of evidence are matters of procedure. Most agree, however, that the rule of evidence should be treated as a unit and be considered as being totally substantive or procedural. Levin and Amsterdam propose that all rules of evidence be the primary responsibility of the court with the opportunity for change by legislative review. This, of course, is the clear advantage of the provision in the Alaska constitution over those of New Jersey and Michigan. Permitting rules of evidence to be considered as procedural in Alaska only permits the court initially to promulgate the rules which are always subject to review by the legislature and change by a two-thirds vote. In the most comprehensive review of the problem if the court's power to promulgate rules of evidence, the Institute of Judicial Administration indicates that in several states which have court rule-making power similar to Alaska, evidentiary rules have been made. . . . [T]he federal courts and at least 12 state courts have promulgated certain rules of evidence on the basis of their power to make rules of court practice and procedure. It would seem that the arguments that were made at the Alaska Constitutional Convention for placing the rule-making power in the court applies to rules of evidence also. The courts are immediately concerned and familiar with the subject matter and could maintain a close and constant watch over the rules of evidence. The courts should have the initial responsibility for delays and injustices in the processing of litigation, which is composed in part of the presentation of evidence. It is therefore suggested that rules of evidence be considered matters of procedure with the initial responsibility in the court subject to legislative change."

Staff memorandum, July 1, 1960, p. 39 - 41.

Historically, the legislative process regarded additions or extensions of privilege occurring before August, 1979, as

February 27, 1981

amendments to the Code of Civil Procedure, requiring approval by two-thirds vote of the members of each house. See sec. 3, Chapter 32, SLA 1975 (adding the privilege of the ombudsman not to testify).

In promulgating the new Rule 501 of the Rules of Evidence, there is no reason to believe that the Court "changed its mind" and decided that the constitutional provision giving the Supreme Court the authority to "promulgate" rules and the legislature the power to "change" them with a two-thirds vote should be undermined by a reference in Rule 501 to privileges created by enactments of the Alaska Legislature. Certainly, as had been the practice in the past, the Court recognized that the legislature could make changes in the body of the rules by enacting legislation in accordance with the constitutional provision and Rule 38(e) of the Uniform Rules of the Legislature.

The additional commentary provided by Professor Saltzburg is not dispositive:

"When I drafted and the Advisory Committee approved Rule 501 and the Commentary, I believe that we all had in mind avoiding conflicts between the legislature and the courts. One obvious way of doing this was to incorporate statutory privileges into Rule 501, which we did. And the first sentence of the Commentary accompanying Rule 501 makes clear, I think, that we foresaw that the legislature might enact new privilege statutes.

"No one can say with assurance that privileges are more substantive or more procedural. To the extent that they affect out of court behavior they are substantive. To the extent that they control the evidence that courts receive they are procedural. I think that the position that we took in the drafting of Rule 501 was a conscious recognition that privileges were sufficiently procedural so that courts could promulgate rules covering them when they wished and sufficiently substantive that the legislature could enact statutes dealing with them when it wished.

"Since privileges can be viewed as sufficiently substantive to be the proper subjects of ordinary

legislative action, and since we intended to recognize this in Rule 501, I believe that a privilege rule can be enacted or modified by a majority vote of the legislature. . . ." (Emphasis added)

Letter of Stephen A. Saltzburg to Holli Ploog, February 18, 1981.

Mr. Saltzburg's letter merely underscores the opposite points of the debate. His suggestion that evidentiary matters have both procedural and substantive characteristics confirms my view that the addition of a rule not to testify or provide evidence to the general body of privileges is a matter of practice or procedure and that legislative activity on the subject may only be interpreted as an alteration requiring a two-thirds vote.

As a matter of legislative drafting, debate may now be foreclosed by the Manual of Legislative Drafting. The authority of the Manual derives from the constitution and from a uniform rule of the legislature. By Article II, section 14 of the constitution, "[t]he legislature shall establish the procedure for enactment of bills into law". The legislature has specified that the procedure for handling bills during their consideration by the legislature shall be as set out in AS 24.30 and the uniform rules. AS 24.30.010. Rule 10 directs that the legislative drafting manual prepared and adopted by the Legislative Council "is to be followed in the preparation . . . of all legislative documents and records". The manual itself suggests that matters of "evidence" relate to a rule of practice and procedure, citing the 1960 staff memorandum:

The basic problem facing the draftsman is whether a matter to be included in a bill is a matter of "administration" or "practice and procedure" or a matter of substance. Rules of practice and procedure are usually considered to include such matters as forms of action, how an action is commenced, the manner of notice, pleading and motion practice, joinder of causes, parties, pre-trial practice and discovery, calendars, the conduct of the trial, stay of proceedings, the procedures by which a judgment is enforced, post-trial proceedings such as motions for new trial, the assessment of costs, the time of appeal, venue, evidence, and procedure involved in special

proceedings such as adoption and probate. The limitation of actions, burden of proof, presumption, creation of courts, and matters of jurisdiction are, on the other hand, considered matters of substance.  
(Emphasis added)

1981 Legislative Drafting Manual, p. 20.

(3) "reporter" means a person regularly engaged in the business of collecting or writing news for publication, or presentation to the public, through a news organization; it includes persons who were reporters at the time of the communication, though not at the time of the claim of privilege;

(4) "news organization" means

(A) an individual, partnership, corporation or other association regularly engaged in the business of

(i) publishing a newspaper or other periodical which reports news events, is issued at regular intervals and has a general circulation;

(ii) providing newsreels or other motion picture news for public showing; or

(iii) broadcasting news to the public by wire, radio, television or facsimile,

(B) a press association or other association in individuals, partnerships, corporations, or other associations described in (4) (A)-(i), (ii), or (iii) of this section engaged in gathering news and disseminating it to its members for publication. (§ 1 ch 115 1967)

Editor's note.—Section 2, ch. 115, SLA 1967, provides: "This bill changes Rule 43(h) of the Supreme Court Rules [of Civil Procedure] by adding to the privileges there listed, the conditional privilege for public officers and reporters as to sources of information."

Chapter 30. Judgments.

Article

- 1. Judgments (§§ 09.30.010—09.30.070)
- 2. Uniform Foreign Money-Judgments Recognition Act (§§ 09.30.100—09.30.180)
- 3. Uniform Enforcement of Foreign Judgments Act (§§ 09.30.200—09.30.270)

Section

- 10. Recording copy of judgment as lien
- 20. Priority of lien of judgment
- 30. Judgment where summons not served on all defendants
- 40. Judgments against boroughs and cities

Section

- 50. Confession of judgment
- 60. Property liable on confession judgments
- 70. Interest on judgments

Article 1. Judgments.

Sec. 09.30.010. Recording copy of judgment as lien. A certified copy of the judgment or decree of a court of this state or a court of record of the United States upon which execution may issue, the enforcement of which has not been stayed, may be recorded with the recorder of a recording district. From the recording, the judgment or decree becomes a lien upon the real property of the defendant which is in the recording district, which is not exempt from execution, and which is owned by him at the time or acquired by him afterward but before the lien expires. The lien con-

UNIVERSITY OF VIRGINIA

CHARLOTTESVILLE-VIRGINIA-22901

SCHOOL OF LAW

February 18, 1981

Ms. Holli Ploog  
Staff Counsel  
State Capitol  
Room 110  
Juneau, Alaska 99811

Dear Ms. Ploog:

Pursuant to our telephone conversation of this morning, I am writing to you to indicate my view of the intent of Alaska Rule 501 as it relates to legislative action to establish or modify evidentiary privileges.

When I drafted and the Advisory Committee approved Rule 501 and the Commentary, I believe that we all had in mind avoiding conflicts between the legislature and the courts. One obvious way of doing this was to incorporate statutory privileges into Rule 501, which we did. And the first sentence of the Commentary accompanying Rule 501 makes clear, I think, that we foresaw that the legislature might enact new privilege statutes.

No one can say with assurance that privileges are more substantive or more procedural. To the extent that they affect out of court behavior they are substantive. To the extent that they control the evidence that courts receive they are procedural. I think that the position that we took in the drafting of Rule 501 was a conscious recognition that privileges were sufficiently procedural so that courts could promulgate rules covering them when they wished and sufficiently substantive that the legislature could enact statutes dealing with them when it wished.

Since privileges can be viewed as sufficiently substantive to be the proper subjects of ordinary legislative action, and since we intended to recognize this in Rule 501, I believe that a privilege rule can be enacted or modified by a majority vote of the legislature. With respect to the newsreporter privilege in particular, a statute would not be in conflict with any court rule. Thus, there would be no occasion for anyone to have to decide whether a two-thirds vote of the legislature would be necessary to make its rule stick as against a court rule.

If the Alaska Supreme Court were to adopt its own newsreporter privilege law and if there were a conflict between it and the legislature's rule, the Alaska Supreme Court might conclude that the privilege is more procedural than substantive and thus require a two-thirds vote of the legislature to make its rule stick. Unless and until this situation arises, a majority vote in support of a statute that is not in conflict with a court rule would seem to suffice.

To be extra-safe, you might insert into the statute some preliminary language suggesting that the statute is intended to foster newsgathering and protect the privacy of the editorial process, which are substantive concerns.

I hope that this opinion is of some help to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen A. Saltzburg".

Stephen A. Saltzburg  
Professor of Law



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

DATE: March 11, 1981

TO: The Honorable Jim Duncan, Speaker  
House of Representatives

FROM: Rep. Fred Brown, Chairman  
House Judiciary Committee

#### LETTER OF INTENT CSHB 36 (Judiciary)

The Committee on Judiciary has had under consideration HB 36, "An Act extending the conditional privilege of reporters as to sources of information", and has provided you with a committee report recommending that it be replaced with our committee substitute for that bill, and that committee substitute do pass.

Additionally, we wanted to point out certain matters involving the nature of the privilege addressed by the bill.

The bill addresses the substantive law which defines when a privilege does or does not exist on the part of a journalist or a public official.

The bill does not address the procedure under which that privilege is invoked in the court, except to restate existing law on that subject because of the requirements of good legislative drafting.

This is an important point. During the committee's deliberations, some members of the committee were concerned as to whether there should be a separate section relating to a change in a Rule of Court.

However, in examining Rule 501 of the Rules of Evidence of the State of Alaska, and in consulting with attorneys on the subject, the committee has concluded that the Legislature can rightly stake claim to jurisdiction over all of the substantive law of privilege, even though it does relate to court proceedings.

Professor Stephen A. Saltzburg, Professor of Law at the University of Virginia, who was reporter to our Supreme Court's

Advisory Committee on the rules of evidence, is of the same opinion. In a letter from Mr. Saltzburg to legislative staff, he notes:

When I drafted and the Advisory Committee approved Rule 501 and the Commentary, I believe that we all had in mind avoiding conflicts between the Legislature and the courts. One obvious way of doing this was to incorporate statutory privileges into Rule 501, which we did. The first sentence of the Commentary accompanying Rule 501 makes clear, I think, that we foresaw that the legislature might enact new privilege statutes.

Rule 501 states in its entirety:

Except as otherwise provided by the Constitution of the United States or of this State, by enactments of the Alaska Legislature, or by these or other rules promulgated by the Alaska Supreme Court, no person, organization, or entity has a privilege to:

- (1) refuse to be witness; or
- (2) refuse to disclose any matter; or
- (3) refuse to produce any object or writing; or
- (4) prevent another from being a witness or disclosing any matter or producing any object or writing.

The language to which Prof. Saltzburg referred to in the Commentary, states that:

This rule codifies the existing law that privileges are not recognized in the absence of statutes or rules specifically providing for them. No attempt is made in these rules to incorporate the constitutional provisions which relate to the admission and exclusion of evidence, whether denominated as privileges or not. Similarly, privileges created by specific statutes generally are not within the scope of these rules. [emphasis supplied] E.g., AS 09.25.150-220 (Public officials, reporters); AS 24.55.260 (Ombudsman).

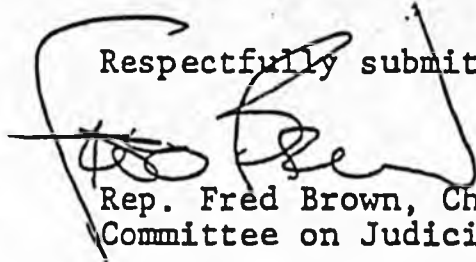
Admittedly, the issue is not an absolutely clearcut one. Staff counsel from the Legislative Affairs Agency's Legal Services Division were evenly divided as to whether a rules change would be required, even in light of Prof. Saltzburg's letter and the commentary language.

However, it appears clear to the members of the committee (which includes laymen and lawyers) that if we specifically acknowledge that we are intentionally legislating in this area, as a matter of substantive law, and are not merely inadvertently overlooking the question of the rules change, the courts will uphold our action.

To some extent the Legislature is charged as well as is the Judiciary with interpreting the Constitution. In this area we strongly believe that the definition of the privilege, and substantive matters relating to who should have the privilege, are all matters of substantive law which should be reachable by the Legislature without the burden of a two-thirds vote. How the courts procedurally apply the privilege in any particular case is entirely within the parlance of the Supreme Court's rule-making power, as long as the implementation by the courts give full respect to the privilege as a matter of substance.

Therefore the Judiciary Committee has concluded that no change is necessary to adopt the provisions of committee substitute for HB 36.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Fred Brown", is written over a large, stylized, handwritten flourish or scribble.

Rep. Fred Brown, Chairman  
Committee on Judiciary

---

CHANGE

~~NOT~~ RULES

- Letter of intent

House Judiciary

BB - 36

---

Letter of intent

MEMBERS  
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Alaska



# Newspaper Association

c/o Box 710, Fairbanks, AK 99707

February 9, 1981

Rep. Fred Brown, chairman  
Judiciary Committee  
House of Representatives  
Pouch V  
Juneau, AK 99811

Re: HB36 extension of privilege

Dear Fred:

We support the basic thrust of this legislation as we understand it: to extend the conditional privilege now enjoyed by reporters to still and TV news photographers.

In performance of their duties, news reporters and photographers must move freely throughout a community. This means coming into contact with sources from various economic and social strata including, occasionally, criminals and others on the fringe of society. In a less dramatic vein, it also means coming into contact with otherwise law-abiding citizens who have grievances against established government authorities, or are suspicious of them.

Without the right to claim a privilege of withholding information or raw, unpublished and unbroadcast film, reporters and photographers would run the risk of being used against their will as tools of law enforcement. Reporters and photographers forced into these unwilling roles could face curtailment of their ability to move freely through a community if their sources viewed them as agents of police.

In Section 2, may I suggest a second look at language that permits a judge to deny privilege merely by finding that withholding testimony or evidence would be "contrary to the public interest."

Certainly, it is reasonable to assume a privilege claimed under the First Amendment would be scrutinized critically if it conflicted with the Sixth Amendment's right to a fair trial. However, an assertion of "public interest" in this case seems unnecessarily broad and ill-defined.

Thank you for the opportunity to testify.

Sincerely,

*Kent Sturgis*

Kent Sturgis  
Chairman, legislative committee

*V. Coe*

*Reporter*

Original sponsors: Brown and Rogers

Offered: 3/12/81  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 36 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the privilege not to disclose  
7 sources of information; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 09.25.150 is repealed and reenacted to read:

11 Sec. 09.25.150. CLAIMING OF PRIVILEGE BY PUBLIC OFFICIAL OR RE-  
12 PORTER. Except as provided in AS 09.25.160 - 09.25.220,

13 (1) a public official may not be compelled to disclose the  
14 source of information obtained by him while acting in the course of his  
15 duties as a public official; and

16 (2) a reporter may not be compelled to disclose the source  
17 of information obtained by him, nor may he be required to produce  
18 photographs, photographic negatives, audio or video tapes, notes,

19 \* Sec. 2. AS 09.25.160(a) is amended to read:

20 (a) When a public official or reporter claims the privilege in a  
21 cause being heard before the supreme court or a superior court of this  
22 state, a person who has the right to question him in that proceeding,  
23 or the court on its own motion, may challenge the claim of privilege.  
24 The court shall make or cause to be made whatever inquiry the court  
25 thinks necessary to a determination of the issue. The inquiry may be  
26 made immediately [INSTANTER] by way of questions put to the witness  
27 claiming the privilege and a decision then rendered, or the court may  
28 require the presence of other witnesses or documentary showing or may  
29 order a special hearing for the determination of the issue of privilege.

*or any other documentation used in the preparation of a news story while acting in the course of his duties*

1 \* Sec. 3. AS 09.25.160(b) is amended to read:

2 (b) The court may deny the privilege and may order the public  
3 official or the reporter to testify, or may order a reporter to produce  
4 photographs, photographic negatives, or audio or video tapes <sup>notes etc</sup> imposing  
5 whatever limits upon the testimony and upon the right of cross-examina-  
6 tion of the witness as may be in the public interest or in the interest  
7 of a fair trial or a fair hearing, if it finds the withholding of the  
8 testimony would

9 [(1)] result in a miscarriage of justice or the denial of a  
10 fair trial or a fair hearing to those who challenge the privilege [; OR

11 (2) BE CONTRARY TO THE PUBLIC INTEREST].

12 \* Sec. 4. AS 09.25.170(b) is amended to read:

13 (b) If, in a hearing, a public official or a reporter should re-  
14 fuse to divulge the source of his information, or a reporter should re-  
15 fuse to produce photographs, photographic negatives, or audio or video  
16 tapes <sup>notes etc.</sup> the agency, [BODY,] person, official, or party seeking the  
17 information may apply to the superior court for an order divesting the  
18 official or reporter of the privilege. When the issue is raised before  
19 the supreme or a superior court, the application must be made to that

20 <sup>court.</sup> *in (c) delete [or the protection of the public interest]*

21 \* Sec. 5. AS 09.25.190 is amended to read:

22 Sec. 09.25.190. EXTENT OF PRIVILEGE. When a public official or  
23 reporter claims the privilege conferred by AS 09.25.150 - 09.25.220,  
24 and the public official or reporter has not been divested of the pri-  
25 vilege by order of the supreme or superior court, the public offi-  
26 cial, the reporter or [NEITHER HE NOR] the news organization with which  
27 he was associated may not thereafter be permitted to plead or prove the  
28 sources of information withheld, and a reporter may not be required to  
29 produce photographs, photographic negatives, or audio or video tapes <sup>notes etc.</sup>

*Vis, this deletion is done to be consistent w/ the change in Sec. 3*

1 unless the informant consents in writing or in open court.

2 \* Sec. 7. AS 09.25.220(4)(A)(ii) is amended to read:

3 (ii) providing newsreels, audio or video tapes, or  
4 other motion picture news for public showing; or

5 \* Sec. 8 This Act takes effect immediately in accordance with AS 01.10.-  
6 070(c).

7  
8  
9 → Sec. 6. AS 09.25.220(3) is amended to  
10 read:

Jack [unclear]

11 "reporter" means a person regularly  
12 engaged in the business of collecting  
13 or writing news for publication, or  
14 presentation to the public, through a  
15 news organization, it includes

16 A) persons who were reporters ~~at~~  
17 at the time of the communication,  
18 though not at the time of the claim  
19 of privilege;

20 B) photographers and technicians  
21 who handle cameras, photographic  
22 or audio equipment; and

23 C) editors and publishers of news  
24 organizations.  
25  
26  
27  
28  
29

+ PL

+ P

HB

53

January 12, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill clarifying the means of calculating credits under the point system for driving offenses by providing for one credit for each 12-month period (instead of each "year") of violation-free driving. The bill also limits the number of credits to a total of five.

Sincerely,

S / JSH

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No: HOUSE BILL NO. 53  
 Title "An Act relating to the point system for driving offenses."  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Public Protection - Life & Property Protection  
 BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services - Driver Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	<sup>81</sup> FY-80	<sup>82</sup> FY 81	<sup>83</sup> FY 82	<sup>84</sup> FY 83	<sup>85</sup> FY 84	<sup>86</sup> FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The proposed bill would have no significant fiscal impact on the affected BRU/ component. The law, as amended, would eliminate storage of driver records beyond five years as opposed to the existing law which provides for indefinite maintenance of driver records due to the method of calculation of driving offenses points. The net tangible effect would be that less microfilm storage and less computer storage would be required.

IV. DATE 12/12/80 PREPARED BY *[Signature]* Marcia Lynn McKenzie, Budget Analyst  
 AGENCY Department of Public Safety  
 Original: Legislative Finance PHONE 465-1349  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

H B

63

January 12, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which clarifies and makes specific the statutes under which the Alaska Police Standards Council operates. Among other things, it eliminates the requirement of submitting an annual report to the legislature because, now that Executive Order No. 45 transferred the council to the Department of Public Safety, the council's activity will be included in the Department of Public Safety's report. The bill also clarifies the jurisdiction of the council, by redefining "police officer" for purposes of the council's authority.

Sincerely,

*S/SS/11*

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB HOUSE BILL NO. 63  
 Title "An Act relating to the Alaska Police Standards Council"  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected Department of Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Alaska Police Standards Council  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The proposed Legislation will have no fiscal impact upon the concerned BRU, as it deals primarily with clarification of existing statutes.

IV. DATE January 6, 1981 PREPARED BY Marcia Lynn McKenzie, Budget Analyst  
 AGENCY Department of Public Safety  
 PHONE 465-4350  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

H B

911

January 19, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to domestic violence, sexual assault, and adult crisis intervention programs. Though \$1.8 million dollars were appropriated from the general fund by the legislature last session for these programs, legislation establishing responsibilities in the area has yet to be enacted. This bill authorizes the Department of Health and Social Services to monitor domestic violence, sexual assault, and adult crisis intervention programs, to adopt regulations to protect persons using those services, and to award grants to local community programs.

Sincerely,

S/SSH

Jay S. Hammond  
Governor

LETTER OF INTENT

It is the intent of the legislature that the Department of Health and Social Services and the Department of Public Safety should cooperate and coordinate to the fullest extent to implement the provisions of HB 91 in order to insure the ongoing functions of programs to be funded in fiscal year 1982. It is the intent of the legislature that funding for services to clients for domestic violence and sexual assault shall not be interrupted during the transfer of program responsibility from the Department of Health and Social Services to the Department of Public Safety.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 91 (Fin) (Page 1 of 2)  
 Title Domestic violence, sexual assault, crisis intervention  
 Requested by Finance committee Date 5/7/81

II. FISCAL DETAIL

Agency Affected Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Council on Domestic Violence (Commissioner's office)  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		106.4				
200 TRAVEL		20.0				
300 CONTRACTUAL		115.0				
400 COMMODITIES		10.0				
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>257.4</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		257.4				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		3				
PART TIME						
TEMPORARY		1				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

100 PERSONAL SERVICES:      1 Project Coordinator, Range 18      41,020  
    1 Research Analyst, Range 16      35,835  
    1 Clerk-Typist, Range 7      21,915  
    98,770

Administration & Support BRU (DPS)  
    1 Admin Support, Range 10 (4 mos)      7,592  
    106,362

200 TRAVEL:      Council members 10,000  
    Staff 10,000  
    20,000

300 CONTRACTUAL      Phone, copying, postage, printing, rent 15,000  
    Media communication 100,000

IV. DATE 5/7/81 PREPARED BY [Signature]

AGENCY \_\_\_\_\_  
 PHONE \_\_\_\_\_

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

400 SUPPLIES	Books, film library	7,500
	Office & duplication	<u>2,500</u>
		10,000
500 EQUIPMENT	New position equip	6,000

# MEMORANDUM

State of Alaska



TO: Hon. Helen D. Beirne  
Commissioner  
Department of Health & Social  
Services

DATE: April 23, 1981

FILE NO: J-66-698-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Proposed Council on  
Domestic Violence  
and Sexual Assault

By:

Rodger W. Peguoff  
Assistant Attorney General

You have asked whether establishment of a proposed Council on Domestic Violence and Sexual Assault poses any legal problems.

In the form proposed by the draft bill for an Act relating to domestic violence and sexual assault, the proposal violates the state constitution in two ways. \*/

The first constitutional infirmity in the proposed bill is that it unduly impairs the appointment authority of the chief executive, transferring it, as it were, to a special interest group under proposed AS 18.66.030(3). The proposed council's job is to carry out the law, and that function is vested by the constitution in the governor. To perform that function, he appoints subordinates to assist him. While reasonable qualifications may unquestionably be prescribed by law for those appointments, the power of selection cannot be shared except as the constitution itself provides. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Accordingly, in order to conform with the dictates of the state constitution, the requirement in proposed AS 18.66.030(3) that appointments be from a list should be changed to a requirement for consultation with the Network of Domestic Violence and Sexual Assault. (We are concerned that the network may lack a formal, corporate status, thereby making even consultation haphazard.)

The second constitutional infirmity is that the bill gives the council tenure and also the authority to super-

\*/ There are other existing and proposed councils on ad hoc subjects which share one or both of these constitutional defects, for example, CSHB 198 (Fin), establishing a seafood market council.

April 23, 1981

wise and direct a unit of state government in carrying out a significant part of the law which, under the constitution, is expressly a function and responsibility of the governor. We are not dealing here with a regulatory or quasi-judicial council, the members of which under the constitution, need not serve at the chief executive's pleasure. Humphrey's Executor v. United States 295 U.S. 602 (1935); Buckley v. Valeo, 424 U.S. 1, 140-141 (1976) (dicta). We are dealing rather with persons who are being placed in charge of carrying on the duties of an executive department of the government, and such officers must be responsible to the chief executive. Myers v. United States, 272 U.S. 52 (1926); cf., Alaska State Operated School System v. Mueller, 536 P.2d 99 (Alaska 1975), Walker v. Alaska State Mtg. Ass'n, 416 P.2d 245 (Alaska 1966).

Accordingly, in order further to conform the bill with the dictates of the state constitution, the last sentence of proposed AS 18.66.040 should be amended to delete after the word "members," the words "shall be limited to no" and insert "serve at the pleasure of the governor and may not serve" instead.

There are other, technical changes which should be made. For example, the Attorney General, rather than the Chief Prosecutor, should be named to retain the parallelism. The Attorney General would have the option of naming a designee. It makes no sense to appoint a subcabinet, non-statutory officer to a statutory council.

Finally, experience teaches that the establishment of a line division on domestic violence and sexual assault in whichever department should handle the subject (with an advisory council of concerned and involved citizens) will have much more effect than the establishment of a separate council which will not be part and parcel of either department's operations. That is a practical matter rather than a legal one, and we do not insist on a change, but we strongly recommend one.

RWP/pjg

cc: Hon. W.R. Nix, Commissioner  
Department of Public Safety

Hon. Donald Clocksin  
House of Representatives



400 SUPPLIES	Books, film library	7,500
	Office and duplication	<u>2,500</u>
		10,000
500 EQUIPMENT	New position equipm't	6,000

Original sponsor: Rules/Governor

*X HESS FINANCE*

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 91 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence, sexual assault,  
7 and crisis intervention and prevention programs."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 66. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

11 Sec. 18.66.010. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT;  
12 in the Department of Public Safety

13 There is established the Council on Domestic Violence and Sexual Assault.  
14 *The Purpose of Council is planning & services to victims, families, and perpetrators.*  
15 ~~to provide for coordination of crisis intervention and prevention~~  
16 ~~programs and programs which provide services to victims of domestic~~  
17 ~~violence or sexual assault or their families or to perpetrators of~~  
18 ~~domestic violence and sexual assault.~~

19 Sec. 18.66.020. MEMBERSHIP, TERMS, VACANCIES, AND DISQUALIFICA-  
20 TION. (a) The council consists of

21 (1) three persons appointed by the governor after consulta-  
22 tion with the Network on Domestic Violence and Sexual Assault, a non-  
23 profit corporation; the Network on Domestic Violence and Sexual Assault  
24 shall submit a list to the governor of persons recommended for appoint-  
25 ment;

26 (2) the commissioner of public safety or the designee of the  
27 commissioner of public safety; and

28 (3) the commissioner of health and social services or the  
29 designee of the commissioner of health and social services

(4) the commissioner of education or the designee of the  
commissioner of education;

1 (5) the attorney general or the designee of the attorney  
2 general.

3 (b) The term of office of a member appointed under (a)(1) of this  
4 section is two years. A member appointed under (a)(1) of this section  
5 serves at the pleasure of the governor and may not serve more than two  
6 consecutive terms. A vacancy on the council shall be filled for the  
7 unexpired term by appointment by the governor after consultation with  
8 the Network on Domestic Violence.

9 (c) A person who receives compensation from or is an employee of  
10 a domestic violence, sexual assault, or crisis intervention or preven-  
11 tion program may not be appointed to the council.

12 Sec. 18.66.030. COMPENSATION AND EXPENSES. The members of the  
13 council receive no salary but are entitled to transportation expenses  
14 and per diem in accordance with AS 39.20.180.

15 Sec. 18.66.040. MEETINGS AND QUORUM. The council shall meet at  
16 least four times a year. At least one meeting each year shall include  
17 a statewide public teleconference hearing. The time and place of a  
18 meeting shall be set by the presiding officer or by three members who  
19 submit a written request for a meeting to the presiding officer. Four  
20 members of the council constitute a quorum.

21 Sec. 18.66.050. DUTIES OF THE COUNCIL. (a) The council shall  
22 (1) hire an executive director and necessary staff;  
23 (2) elect one of its members as presiding officer;  
24 (3) in consultation with authorities in the field, develop,  
25 implement, maintain, and monitor domestic violence, sexual assault, and  
26 crisis intervention and prevention programs, including educational  
27 programs, films, and school curricula on the cause, prevention, and  
28 treatment of domestic violence and sexual assault;

29 (4) coordinate services provided by the Department of Law,

1 the Department of Education, the Department of Public Safety, the  
2 Department of Health and Social Services, and other state agencies and  
3 community groups dealing with domestic violence, sexual assault, and  
4 crisis intervention and prevention, and provide technical assistance as  
5 requested by those state agencies and community groups;

6 (5) develop and implement a standardized data collection  
7 system on domestic violence, sexual assault, and crisis intervention  
8 and prevention;

9 (6) conduct public hearings and studies on issues relating  
10 to violence, including domestic violence and sexual assault, and on  
11 issues relating to the role of crisis intervention and prevention;

12 (7) receive and dispense state and federal money and award  
13 grants and contracts to qualified local community entities for domestic  
14 violence, sexual assault, and crisis intervention and prevention pro-  
15 grams with money appropriated under this chapter;

16 (8) oversee and audit domestic violence, sexual assault, and  
17 crisis intervention and prevention programs which receive money under  
18 this chapter;

19 (9) provide fiscal and technical assistance to plan, organ-  
20 ize, implement and administer domestic violence, sexual assault, and  
21 crisis intervention and prevention programs;

22 (10) make an annual report to the governor and the legisla-  
23 ture on the activities of the council, plans of the council for new  
24 services and programs, and concerns of the council, including recommen-  
25 dations for legislation necessary to carry out the purposes of this  
26 chapter;

27 (11) adopt regulations in accordance with the Administrative  
28 Procedure Act (AS 44.62) to carry out the purposes of this chapter and  
29 to protect the health, safety, well-being, and privacy of persons

1 receiving services financed with grants or contracts under this chapter.

2       Sec. 18.66.060. QUALIFICATIONS. A local community entity is  
3 qualified to receive a grant or contract under this chapter if it  
4 agrees to provide services approved by the council to victims of domes-  
5 tic violence or sexual assault or their families or to perpetrators of  
6 domestic violence or sexual assault without regard to ability to pay.

7       Sec. 18.66.900. DEFINITIONS. In this chapter:

8           (1) "council" means the Council on Domestic Violence and  
9 Sexual Assault;

10           (2) "crisis intervention and prevention program" means a  
11 community program that provides information, education, counseling, and  
12 referral services to individuals experiencing personal crisis related  
13 to domestic violence or sexual assault and to individuals in personal  
14 or professional transition, excluding correctional half-way houses,  
15 outpatient mental health programs, and drug or alcohol rehabilitation  
16 programs;

17           (3) "domestic violence" means a crime specified in AS 11.41  
18 when the victim is a spouse or a former spouse of the defendant, a  
19 member of the social unit comprised of those living together in the  
20 same dwelling as the defendant, or a person related within the second  
21 degree by blood or marriage to the defendant;

22           (4) "domestic violence program" means a program that pro-  
23 vides services to the victims of domestic violence, their families, or  
24 perpetrators of domestic violence;

25           (5) "local community entity" means a city or borough or  
26 other political subdivision of the state, a nonprofit organization, or  
27 a combination of these;

28           (6) "sexual assault" means a crime specified in AS 11.41.-  
29 410 - 11.41.450 or AS 11.51.130(a)(4);

1 (7) "sexual assault program" means a program that provides  
2 services to the victims of sexual assault, their families, or perpetra-  
3 tors of sexual assault.

4 \* Sec. 2. AS 44.66.010(a) is amended by adding a new paragraph to read:

5 (10) Council on Domestic Violence and Sexual Assault --  
6 June 30, 1985.

7 \* Sec. 3. Of the first members appointed to the Council on Domestic  
8 Violence and Sexual Assault under AS 18.66.020(a) added in sec. 1 of this  
9 Act

10 (1) one member shall be appointed to serve a term of one year;

11 (2) two members shall be appointed to serve a term of two years.

12  
13 \* Sec 4. Disclosure provision  
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PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

POSITION PAPER  
ON  
CS FOR HOUSE BILL NO. 91 (Finance) am

"An Act relating to domestic violence, sexual assault and crisis intervention and prevention programs."

CS for House Bill No. 91 (Finance) am would transfer the Domestic Violence programs presently funded by the Department of Health and Social Services to a Council on Domestic Violence and Sexual Assault placed, for budgetary purposes, under the Department of Public Safety. The Council would act as an interdepartmental planning and coordinating agency of the Departments of Health and Social Services, Public Safety and Law.

The Council would consist of five voting members appointed by the Governor; three of those persons would be appointed from a list provided by the Network on Domestic Violence and Sexual Assault, two persons from the general public and representatives of the Departments of Health and Social Services and Public Safety; the Department of Law would be a non-voting member.

The Council would be empowered to: hire an executive director and staff, establish program standards, develop and implement a standardized data system, conduct studies on issues relating to domestic violence, develop a resource library of community education as well as a curriculum for use in public schools, award grants to programs, receive state and federal funds, and monitor programs.

The Department of Health and Social Services has some concerns about this Bill:

- 1) The Attorney General's Office has noted concerns regarding certain provisions of this proposed legislation and has prepared the attached memorandum on this topic.
- 2) While we recognize the importance of coordination and involvement of the criminal justice systems as well as other systems and agencies in addressing the problem of domestic violence and sexual assault, this Department is concerned with moving domestic violence programs from a human service treatment agency into a police model which has a primary focus on safety, and not treatment. We perceive a possible conflict of purpose to have the arresting agency and the treatment agency in the same organizational structure. There are differing philosophies in the domestic violence arena with regard to compulsory prosecution of the perpetrator and how that affects treatment of all members of the family unit.
- 3) We question the long range benefit of placing a social service function in a traditionally public safety oriented department. Research by the Center for Women Policy Studies in the summer of 1980 finds that of the 27 states that have services to violent families, 25 states place the lead responsibility in a human service agency. Of the remaining two, Minnesota places it in the Commission of the Department of Corrections; Ohio has joint responsibility shared by the Attorney General's Office and the Department of Economic and Community Development, Division of Criminal Justice Services.

- 4) The Council of State Governments in its publication 1980 Suggested State Legislation places the council on domestic violence problems in a department of health and social services.
- 5) Since the intention of the Bill is to authorize the support of programs which are presently receiving state funding, there appear to be several inconsistencies in some of the language: the title of the Act relates to domestic violence, sexual assault and crisis intervention and prevention programs. The following changes should be made in order to be consistent:

a) Page 1, Line 10 Chapter 66. COUNCIL ON DOMESTIC VIOLENCE, [AND] SEXUAL ASSAULT, CRISIS INTERVENTION AND PREVENTION.

b) Page 1, Line 11 and Line 12: The same changes as above.

c) Page 4, Lines 20-22 provide services approved by the council to victims of domestic violence or sexual assault, their families, or perpetrators of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay[.] and provide services approved by the council to individuals experiencing personal or professional transition; and

- 6) In order to make consistent the granting, standard setting and auditing provisions of this bill, we would recommend that AS 18.66.050 (a) (7) be modified to insure that the Council establishes standards and awards grants only for programs funded by the Council under this Chapter. This would eliminate confusion at the local level when a program might receive a grant from one agency, but yet be liable to meet standards established by both the granting agency and the Council. For example, a sexual assault program such as the Center for Children and Parents board might receive a grant from our Department. As a condition of receiving these monies, our Department would require the Center's board to meet certain standards. If this legislation were passed as written, the Center's board could be required also to meet the standards set by the Council. We do not believe that this is the intent, but rather the Council was indeed planned to be directly responsible only for those programs that receive funds from it. We would therefore recommend that the following change be made:

Page 3, Lines 9-11, Amend AS 18.66.050 (7) to read:

(7) award grants and contracts to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs[;] with monies appropriated under this chapter;

- 7) Since the Bill as written would not be effective, if passed, until 90 days after the Governor's response, rather than July 1, 1981, the interim period will be a crucial time, possibly involving recommendations on the funding level of grants, new program acceptability, and the establishment of new systems, such a transition may place programs and their clients at risk. If this Bill becomes law, the Department of Health and Social Services will work cooperatively with the Department of Public Safety so that in the interest of clients and the state, services will not be interrupted.

The Department of Health and Social Services is pleased with the emphasis in the proposed legislation on the coordination aspects; certainly it is increasingly apparent that domestic violence issues involve several departments. The Department is also pleased that, if passed, legislative appropriations for support of the many programs presently being funded will be in authorized by statute as requested by the legislature last session.

The Department does prefer that the programs remain as the responsibility of our Division of Adult and Aging Services, since both prevention and treatment are provided through programs in our Department.

Recommendations: The Department of Health and Social Services recommends the establishment of a strong advisory council instead of an administrative council. Such an advisory council would have the power to recommend employment of staff, review and recommend regulations, review grant applications and recommend funding, etc. The actual administration would be under the authority of the department. This would relieve the Council of day to day administrative responsibilities so their efforts could go into long range planning and recommended policy development.

Recommended by: Elizabeth Muktarian  
Elizabeth Muktarian, Director  
Division of Adult and  
Aging Services

Date: 5/12/81

Approved by: Helen D. Beirne  
Helen D. Beirne, Commissioner  
Department of Health and  
Social Services

Date: 5/14/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For House Bill No. 91 (Finance) (am)

Title "An Act relating to domestic violence, sexual assault, and crisis intervention and prevention programs." Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Division of Adult and Aging Services

BRU, Program, or Subprogram(s) Affected Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		(47.9)				
200 TRAVEL		(6.8)				
300 CONTRACTUAL		(1.7)				
400 COMMODITIES		(.4)				
500 EQUIPMENT						
600 LAND & STRUCTURES		(1988.8)				
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>(2045.6)</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	(2045.6)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	(1)				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Department of Health and Social Services FY'82 requested funds would be transferred to the Department of Public Safety.

IV. DATE

5-12-81

PREPARED BY Dorothy Walt

AGENCY Division of Adult and Aging Services

PHONE 465-3250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

M&B Approval

[Signature]

Date 5/13/81



DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF ADULT & AGING SERVICES

2/81  
BWMc  
Updated 3/17/81  
Updated 3/19/81

PROGRAM	FY 81 FCC BEFORE GOV. ACTION	FY 81 CONTRACT	LEAA FY 81	TOTAL FY 81	FY 82 GOV. BUDGET	FY 82 LETTERS OF INTENT (PRELIM. REQUESTS)	FY 82 GRANT REQUESTS	FY 82 FCC	FY 82 GRANTS
<u>SHELTERS</u>									
AWAIC (Anch.)	\$386,100	343,000	33,936	376,936		601,000	603,846 (incl. Men)		
AWARE (Juneau)	250,500	225,500	7,300	232,800		405,819	436,154		
WIC-CA (Frbks.)	350,000	300,580	8,711	309,291		354,446	384,483		
TUNDRA WOMEN (Bethel)	199,300	167,000	7,459	174,459		340,695	340,697		
BERING SEA (Nome)	154,900	138,000	4,865	142,865		377,100	377,100		
WISH (Ketchikan)	112,500	110,000	17,347	127,347		357,346	393,080		
KOTZESUE WOMEN ( 9 mos.)	62,800	44,990	0	44,990		193,916	193,916		
ARTIC WOMEN (Barrow)	0	0	0	0		14,328	141,377		
BRISTOL BAY (Dillingham) Men's resid/ treatment)	0	0	0	0		250,000	749,897		
AL/PRIIBILOF ASSOC.	25,000	22,000	0	22,000		125,000	59,272		
Sub-Total	1,541,100	1,351,070	79,618	1,430,688	1,459,155	3,019,650	3,679,822		
<u>SAFE HOMES / WRC</u>									
KENAI/ CRISIS/ WRC	79,100	66,000	14,718	80,718		161,715	161,735		
KODIAK/CRISIS/WRC	60,000	50,000	7,792	57,792		173,357	180,694		
SITKA/ CRISIS/ WRC	20,000	20,000	0	20,000		76,951	76,761		
ADV./ VIOL./VICTIMS (Valdez)	0	0	0	0		100,000	76,813		

DEPARTMENT OF HEALTH & SOCIAL SERVICES  
DIVISION OF ADULT & AGING SERVICES

2/81  
BWMc

PROGRAM	FY 81 FCC — BEFORE GOV'S ACTION	FY 81 CONTRACT	LEAA FY 81	TOTAL FY 81	FY 82 GOV. BUDGET	FY 82 LETTERS OF INTENT <i>Prelim. Requests</i>	FY 82 GRANT REQUESTS	FY 82 FCC	FY 82 GRANTS
<u>Safe Homes - Cont.</u>									
VALLEY WOMEN'S RESOURCE (Palmer)	0	0	0	0		69,736	111,297		
SO. PENINSULA WOMEN (Homer)	0	0	0	0		55,500	81,257		
Sub - Total	159,100	136,000	22,510	158,510	146,880	637,259	688,557		
<u>MALE BATTERERS</u>									
MEN EMERGING NOW (Juneau / 10 mos.) (Other Male Programs incl. : AWAIC, Sitka, Barrow, Kotz., Kediak, Bering Sea & WIC-CA	60,000	42,340	0	42,340		139,596	141,096		
<u>SEXUAL ASSAULT / RAPE</u>									
STANDING TOGETHER AGAINST RAPE (STAR)	89,400	72,500	0	72,500		274,450	261,360		
All other non/Anch. Shelters /Safe Homes work with Rape & Incest Victims.									