2531 SJ SJR9 - SJR 30

2531

self-determination for DC
national coalition

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
B'nai B'rith Women
Catholic Archdiocese of Washington
Common Cause
Communications Workers of America
Delta Sigma Theta Sorority, Inc.
Democratic National Committee
Disciples of Christ (Christian Church)
District of Columbia Bar Association
District of Columbia Chamber of Commerce
District of Columbia Democratic State Committee
District of Columbia NOW
District of Columbia Republicans for Self-Government
The Episcopal Church
Friends Committee on National Legislation
Frontlash
Greater Washington Central Labor Council
Greater Washington Board of Trade
Interfaith Conference of Metropolitan Washington
International Association of Machinists
International Union of Operating Engineers
Leadership Conference on Civil Rights
League of United Latin American Citizens
League of Women Voters
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People
National Association of Counties
National Association of Cuban-American Women
National Association of Ecumenical Staff
National Capital Union Presbytery
National Coalition of American Nuns
National Conference of Christians and Jews
National Council of Churches
National Council of Jewish Woman
National Council of La Raza
National Council of Senior Citizens
National Education Association
National Jewish Community Relations Advisory Council
National Urban League
National Women's Political Caucus
The Newspaper Guild
The Ripon Society
Southern Christian Leadership Conference
Unitarian Universalist Association of Churches
United Auto Workers
United Church of Christ
United Methodist Church, Board of Church and Society
United Presbyterian Church
United States Jaycees
United States Student Association
United Steelworkers of America

January 25, 1984

*KENTUCKY

STATUS: Legislature does not meet in 1985, so Amendment is highest priority for 1984.

STRATEGY: Two-thirds of legislature was polled by coalition organizations, and information will be used to approach potential sponsors.

COALITION: Minority Affairs Office of Univ. of Louisville, Nat'l Council of Jewish Women, NAACP, AAUW, AFL-CIO, B'nai B'rith Women, Church Women United, CC, CWA, Delta Sigma Theta, Christian Church Commission, KY Alliance against Racism and Political Repression, KCLU, Urban League, NCCJ, NOW, Older Women's League, SCLC, Unitarian Church, Church of Christ, Methodist Church, Presbyterian Church.

SPONSORS: none at present

SESSION DATES: January 3 - April 15. Senate D/28 E/10; House D/76 R/24.

WHAT YOU CAN DO: If your organization is not listed above, contact Martha Pickering.

CONTACTS: Martha Pickering, 3619 Hycliffe Ave., Louisville, KY, (504) 893-3710 (h), (502) 245-1416

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

*Top priority -- legislature does not meet in 1985

self-determination for DC
a national coalition

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AFL-CIO
American Association of University Women
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American Federation of State, County, and Municipal Employees
American Federation of Teachers
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United States Student Association
United Steelworkers of America

January 25, 1984

LOUISIANA

STATUS: Legislature does not begin until April 16.

STRATEGY: Strategy will be devised at coalition meeting before session begins.

COALITION: LWV, CC, and AFL-CIO have led coalition in the past.

SPONSORS: None at present

SESSION DATES: April 16 - July 9. Senate D/38 R.; House D/93 R/11.

WHAT YOU CAN DO: Have organization affiliates contact Roberta Madden to become involved in the campaign.

CONTACTS: Roberta Madden, CC/LA, 535 No. 6th St., Baton Rouge, LA 70802, (504) 383-6711

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

self-determination for DC
[illegible] coalition
[illegible]

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
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United States Student Association
United Steelworkers of America

January 25, 1984

MISSISSIPPI

STATUS: The Amendment will be introduced by mid-February. Coalition members are approaching legislators (returning as well as newly elected in November) to sponsor the Amendment.

STRATEGY: The Amendment will be introduced in the House first. Coalition members will meet with sponsors to plan strategy.

COALITION: A core group -- LWV, CC, and AAUW -- is involved now. Coalition needs to be expanded.

SPONSORS: Rep. Fred Banks; list of co-sponsors forthcoming

SESSION DATES: January 3 - January 6. Senate D/49 R/3; House D/115 R/5.

WHAT YOU CAN DO: 1) Urge local affiliates to call Fran Leber and join the coalition, and help plan strategy; 2) contact House members about DCVRA support.

CONTACTS: Fran Leber, LWV, 1026 Briarwood Dr., Jackson, MS 39206, (601) 956-2507

Erika Landberg, Self-Determination for D.C. (202) 833-1200

self-determination for DC
a national coalition

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
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United Steelworkers of America

January 25, 1984

MISSOURI

STATUS: A hearing was held before the Senate Constitutional Amendments and Reorganization Committee on January 17, 1984. Prospects are optimistic for passage in Committee.

STRAGEGY: Committees are limited in the number of bills that can be reported. It is essential that the Amendment be among the first that are reported out of the Senate Committee. Since House Committee is not sympathetic, supporters want to work for Senate passage first. Sen. Roger Wilson (D-Columbia), Chair of the Constitutional Amendments and Reorganization Committee, supports Amendment but needs to be encouraged to have bill released from Committee among the first two or three. Sen. John Scott (D-St. Louis), Senate pro tem, also needs to be encouraged to let Amendment be voted on early in the Senate.

COALITION: LWV, CC, AFSCME, NASW, and AFL-CIO.

SPONSORS: Majority Leader Harry Wiggins (D-Kansas City), Rep. Claire McCaskill (D-Kansas City), and 22 co-sponsors.

SESSION DATES: January 4 - May 15. Senate D/22 R/12; House D/11- R/53.

WHAT YOU CAN DO: Have organization affiliates contact Linda McDaniel as soon as possible.

CONTACTS: Linda McDaniel, 2185 Danelle Dr., Florissant, MO 63031, (304) 837-2395

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

self-determination for DC
a national coalition
2030 M Street N.W.
Washington D.C. 20036
202 [illegible]

January 25, 19[illegible]

NEBRASKA

STATUS: Local supporters will investigate introducing the Amendment in 1984.

STRATEGY: Starting in early January, local supporters will conduct an education campaign through distribution of the blue books for legislators and personal visits with legislators. They will simultaneously try to interest legislators in sponsoring the Amendment.

COALITION: No formal coalition exists at present. The LWV and five or six other local organizations would work on the Amendment if introduced.

SPONSORS: None at present

SESSION DATES: January 4 - early April. Nonpartisan election.

WHAT YOU CAN DO: Contact Ann Wilson to offer your assistance.

CONTACTS: Ann Wilson, LWV, 1131 Coachmans Dr., Lincoln, NE 68510, (405) 488-5672

Erika Landberg, Self-Determination for D.C.
(202) 833-1200

self-determination for DC
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SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
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January 25, 1984

*NEW YORK

STATUS: The Amendment has been introduced in the Senate by Sen. Galiber and co-sponsors, and in the House by Rep. Vann. In 1983 the Assembly passed the Amendment 86-56; it must be reintroduced again now but passage is assured. In the Senate the Amendment is assigned to the Judiciary Committee where it is opposed by Committee Chairman Sen. Barclay.

STRATEGY: Coalition members have used pre-session time to lobby key senators, build bi-partisan sponsorship, and build public awareness about the Amendment. The coalition is launching an intensive lobbying and media-oriented campaign to get the Judiciary Committee to, this year, give the Amendment a hearing and send it to the floor of the Senate for a vote. Coalition and sponsors will hold a press conference in the capitol on February 7, 10:30 a.m.

COALITION: AAUW, AFL-CIO, AFSCME, Am. Jewish Comm., Anti-Defamation League of B'nai B'rith, CC, CSEA, NY Frontlash, ILGWU, LWV NYEA, Nat'l Hospital Union, NYWPC, NYCLU, NY State Council of Churches, NY State Committee for Farm Worker Justice, UAW, UFT, Unitarian Church, Citizens Union, and sponsors.

SPONSORS: Rep. Albert Vann (co-sponsors to be added); Senators Galiber (D), Marino (R), Bartosiewicz (D), Berman (D), Connor (D), Halperin (D), Jefferson (D), Leichter (D), Markowitz (D), Nolan (D), Ohrenstein (D), Solomon (D), Weinstein (D), Winikow (D).

SESSION DATES: January 4 - late June. Senate D/25 R/36; House D/99 R/51.

WHAT YOU CAN DO: Urge local affiliates to attend the next coalition meeting and press conference:

New York DCVRA coalition meeting
Monday, February 6, 7:00 p.m.
Barnaby's Restaurant -- in Albany

PRESS CONFERENCE
Tuesday, February 7, 10:30 a.m.
Call Sarah Lipski for exact spot

CONTACTS: Sarah Lipski, Sen. Galiber's Office, (518) 455-2061

Ruth Shur, LWV, 11 Middle Road, Port Washington, NY, 11050, (516) 883-8929

Erika Landberg, Self-Determination, (202) 833-1200

*Top priority state because of Assembly passage in 1983

self-determination for DC

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
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National Jewish Community Relations Advisory Council
National Urban League
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Southern Christian Leadership Conference
Unitarian Universalist Association of Churches
United Auto Workers
United Church of Christ
United Methodist Church, Board of Church and Society
United Presbyterians
United States Jaycees
United States Student Association
United Steelworkers of America

January 25, 1984

OKLAHOMA

STATUS: The Amendment is in the House Rules Committee (HJRL003) and in the Senate General Government Committee (SJR2). The bills will be brought up in committee during the 1984 session. A new broad-based coalition has formed to work on the Amendment in 1984 and held its second meeting at the Capitol on January 20.

STRATEGY: Initial strategy will concentrate on the House Committee -- Rep. Don Ross will bring out HJR1003 before the Rules Committee by the deadline, February 16. Telephone calls, letters, and personal contacts are being made to the 20 Committee members. The vote count looks promising.

COALITION: Mary McQuay, former CC lobbyist, will chair the coalition. Present members are: AFL-CIO, OK Democratic Party, LWV, CC, OK Urban League, UAW-CAP, and the OWPC.

SPONSORS: Senator Bernard J. McIntyre, and Representative Don Ross.

SESSION DATES: January 3 - June. Senate D/32 R/14; House D/76 R/25.

WHAT YOU CAN DO: Urge local affiliates to contact Mary McQuay and help lobby the House Rules Committee.

CONTACTS: Mary McQuay, 1632 NW 39th St., Oklahoma City, OK 73118, (405) 528-2835

Peg Gunter, Self-Determination Oklahoma Coordinator
(202) 833-1200 (w), (301) 229-6280 (w)

Erika Landberg, Self-Determination for D.C.
(202) 833-1200

self-determination for DC
grassroots coalition

2000 M Street N.W.
Washington, D.C. 20036
202-887-0200

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
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United States Student Association
United Steelworkers of America

January 25, 198

*PENNSYLVANIA

STATUS: Amendment needs only Senate passage for ratification. DCVRA passed House of Representatives 117-86 in 1983.

STRATEGY: The coalition is carrying out a low-key, grassroots campaign -- seeking essential bi-partisan support before raising the Amendment for a vote.

COALITION: CC has coordinated a very effective grassroots campaign. Other organizations are:

AFSCME - Council 13	NOW
AAUW	AFL-CIO
ACLU	PA Council of Churches
ADA	AFT
B'nai B'rith Women	PSEA
CC	UAW
LWV	United Presby. Church Synod
NAACP	United Steelworkers
Nat'l Council Jewish Women	Urban League of Harrisburg

SPONSORS: Sen. Freeman Hankins (D-Philadelphia) and 18 co-sponsors. Speaker of the House K. Leroy Irvis (D) was House sponsor.

SESSION DATES: January 3 - all year. Senate D/23 R/27; House D/102 R/100.

WHAT YOU CAN DO: Have organization affiliates contact Debbie Fetterman for swing list of Senators.

CONTACTS: Debbie Fetterman, CC/PA, 600 No. 2nd St., 4th Fl., Harrisburg, PA 17101, (717) 232-9951

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

*Top priority state -- only Senate passage needed for ratification.

self-determination for D.C.
a federal coalition

SUPPORTING ORGANIZATIONS

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American Association of University Women
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United States Student Association
United Steelworkers of America

January 25, 1984

SOUTH CAROLINA

STATUS: A broad-based coalition is forming to work closely with legislators to raise the Amendment in 1984.

STRATEGY: The February organization meeting of the coalition will be used to plan strategy, to profit from and build on past experience with the Amendment in South Carolina.

COALITION: Calls are being made, and meeting notices sent to groups active on the Amendment in the past, as well as members of another local coalition. A strong broad-based coalition is needed.

SPONSORS: None at present. Supportors are talking to several legislators.

SESSION DATES: January 10 - June 7. Senate D/41 R/5; House D/103 R/30.

WHAT YOU CAN DO: Contact Lynne Snowber-Marini to join the coalition, and to attend this important first meeting:

South Carolina DCVRA coalition meeting
Friday, February 3, 10:00 a.m.
LWV Office
2838 Devine St., Columbia
(803) 771-0063

CONTACTS: Lynne Snowber-Marini, LWV, 624 College Ave., Rock Hill, SC 29730, (803) 327-9001

Erika Landberg, Self-Determination for D.C.
(202) 833-1200

self-determination for D.C.
a working coalition
2nd
Washington, D.C. 20[illegible]
202[illegible]

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
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January 25, 1984

SOUTH DAKOTA

STATUS: The Amendment has been introduced by Sen. Peg Lamont (R-Aberdeen). At the end of the 1983 session, it was raised directly on the floor and referred to the State Affairs Committee by a vote of 18-17. The Committee voted 7-2 to table it.

STRATEGY: It will be raised in the Senate first. Organizations need to start work with the sponsor on lobbying strategies.

COALITION: No formal coalition exists at present, but Self-Determination is in contact with the LWV, AAUW, CC, and the Democratic State Party to work on the Amendment.

SPONSORS: Senator Peg Lamont (R-Aberdeen); other co-sponsors.

SESSION DATES: January 3 - March 1. Senate D/9 R/26; House D/15 R/55.

WHAT YOU CAN DO: Contact Senator Lamont, Laura Orville, or Mary Henderson to sign on a coalition to legislators, to help conduct a vote count.

CONTACTS: Laura Orville, LWV, 624 St. Andrew, Rapid City, SD, 57701, (605) 343-0802

Mary Leonard, LWV Lobbyist, 1212 1st St., Brookings, SD 57006, (605) 692-8702

Erika Landberg, Self-Determination for D.C. (202) 833-1200

self-determination for DC
a national coalition

SUPPORTING ORGANIZATIONS

- American Association of University Women
- American Civil Liberties Union
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January 25, 1984

TENNESSEE

STATUS: The Amendment carries over to the 1984 session in the Senate Judiciary Committee (SJR35). The House version (HJR81) was defeated last year in Committee.

STRATEGY: Unsuccessful attempts were made to the Speaker of the House, Ned Ray McWherter (D), to be chief sponsor of the bill. Other former co-sponsors of the resolution will be approached. Once a new sponsor is obtained, the coalition will plan House strategy. In the Senate, the coalition will formulate strategy procedure with sponsor Senator Williams.

COALITION: Members at present: LWV, AFL-CIO, TN Democratic Party, AAUW, CC, and AFSCME. Coalition will be expanded when a new sponsor in the House has been obtained.

SPONSORS: Senator Avon Williams; Representatives Robinson, Love, King, Jones, Deberry, Drew, Pruitt, Brewer, Miller, Coff, Davidson, Covington, Clark, and Dixon were co-sponsors of the House bill last year.

SESSION DATES: January 10- April. Senate D/22 R/11; House D/60 R/38.

WHAT YOU CAN DO: Contact Dixie Aubrey to join the DCVRA coalition, and to be informed of the next meeting.

CONTACTS: Dixie Aubrey, LWV, 6304 Torrington Rd., Nashville, TN 37205, (615) 255-9032

Peg Gunter, Self-Dererminination Tennessee Coordinator (202) 833-1200 (w), (301 229-6280 (h)

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

January 25, 1984

VIRGINIA

STATUS: Sen. Doug Wilder (D-Richmond) will again handle the Amendment. It was referred to a study committee in 1981, where it has remained. A new coalition has formed to work closely with the sponsor.

STRATEGY: Sen. Wilder plans to enter a resolution from the study committee to the Privileges and Elections Committee. Depending on printing dates, it could be entered February 25 or 26, and taken to the Privileges and Elections Committee the following Tuesday, February 28. Supportors are making plans to testify.

COALITION: Headed by CC, the following organizations have been contacted and have promised to support and work for passage of the Amendment:

LWV	NAACP
VEA	VA Council of Churches
VA Nurses Assn.	Democratic Party
United Methodist Church	PTA
ACLU	AFSCME
AAUW	Total Action Against Poverty

SPONSORS: Senator Doug Wilder (D-Richmond), Chair, Priveleges and Elections Committee

SESSION DATES: January 11 - March 10. Senate D/31 R/9; House D/66 R/33 I/1.

WHAT YOU CAN DO: Contact Blythe Rogers about the next coalition meeting; offer to testify.

CONTACTS: Blythe Rogers, CC/VA, 530 East Main St., Richmond, VA 23219, (803) 643-0157

Peg Gunter, Self-Determination Virginia Coordinator
(202) 833-1200 (w), (301) 229-6280 (h)

Erika Landberg, Self-Determination for D.C.
(202) 833-1200

self-determination for DC
a national coalition

SUPPORTING ORGANIZATIONS

AFL-CIO
American Association of University Women
American Civil Liberties Union
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Nurses Association
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
B'nai B'rith Women
Catholic Archdiocese of Washington
Common Cause
Communications Workers of America
Delta Sigma Theta Sorority, Inc.
Democratic National Committee
Disciples of Christ (Christian Church)
District of Columbia Bar Association
District of Columbia Chamber of Commerce
District of Columbia Democratic State Committee
District of Columbia NOW
District of Columbia Republicans for Self-Government
The Episcopal Church
Friends Committee on National Legislation
Frontlash
Greater Washington Central Labor Council
Greater Washington Board of Trade
Interfaith Conference of Metropolitan Washington
International Association of Machinists
International Union of Operating Engineers
Leadership Conference on Civil Rights
League of United Latin American Citizens
League of Women Voters
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People
National Association of Counties
National Association of Cuban-American Women
National Association of Ecumenical Staff
National Capital Union Presbytery
National Coalition of American Nuns
National Conference of Christians and Jews
National Council of Churches
National Council of Jewish Women
National Council of La Raza
National Council of Senior Citizens
National Education Association
National Jewish Community Relations Advisory Council
National Urban League
National Women's Political Caucus
The Newspaper Guild
The Ripon Society
Southern Christian Leadership Conference
Unitarian Universalist Association of Churches
United Auto Workers
United Church of Christ
United Methodist Church, Board of Church and Society
United Presbyterian Church
United States Jaycees
United States Student Association
United Steelworkers of America

January 25, 1984

*WASHINGTON

STATUS: Amendment passed House of Representatives 62-35 in 1983. Vote does not carry over. Amendment is in the Senate and House Rules Committees.

STRATEGY: Washington is a top priority for 1984 because of House passage last year. Senate has the same membership as 1983; vote could be very, very close. Of crucial importance is the support of sponsors Senate Majority Leader Ted Bottiger (D-Tacoma), Majority Caucus Leader George Fleming (D-Seattle), and Representative Gary Locke (D-Seattle).

COALITION: CC, LWV. and AFL-CIO form the core of the coalition. Coalition needs to be expanded.

SPONSORS: Representative Gary Locke, Senator George Fleming, and 18 others.

SESSION DATES: January 9 - March 8. Senate D/26 R/23; House D/54 R/44.

WHAT YOU CAN DO: 1) If your organization is not listed above, please call Chuck Sauvage; 2) contact sponsors listed above an and let them know of the importance of an early vote.

CONTACTS: Chuck Sauvage, CC/WA, 1059 Capitol Way S., Olympia, WA 98501, (206) 352-4446

Mary Jane DeFrank, Self-Determination for D.C. (202) 833-1200

*Top priority state because of 1983 House passage.

NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE
1411 W. 33RD
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE
147 S. FRANKLIN #207
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE
2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

February 24, 1984

TO: Senator Bill Ray, Chair
Members; Senate Judiciary Committee

RE: Senate Joint Resolution 9; Ratifying an Amendment to the United States Constitution to provide for representation to the District of Columbia in the Congress:

NEA-Alaska strongly supports and encourages passage of SJR 9.

In addition to the fundamental and basic constitutional right to be represented by voting representatives in both the House of Representatives and the Senate and to vote in the election of the President and the Vice President, the residents of the District of Columbia are taxed, serve in the military and are subject to the laws of the United States to the same degree as the residents of the fifty States.

Absent the attendant rights of other American citizens the people of the District of Columbia bear all of the responsibilities of citizenship. By their actions on various occasions both the Congress and the Supreme Court have treated the District of Columbia in the same manner as the rest of the States in making Statute applicable to the District and in the Courts' interpretation of the application of the Statute.

Since there is not a constitutional prohibition to the provision contained in SJR 9, we urge its passage.

Respectfully submitted:

Robert Manners
Executive Secretary

BOBM1:55:jc

STATEMENT OF CAROLYN BURG, A NOTARY PUBLIC, BEFORE THE ALASKA STATE 13TH LEGISLATURE ON THE JUDICIARY IN THE BUTROVICH ROOM 205 AT 1:30 P.M. ON WEDNESDAY, MARCH 7, 1984 AS TO SJR 9, - AMENDMENT TO THE USA CONSTITUTION RATIFYING THE CONGRESS' JOINT RESOLUTION PROPOSING THE AMENDMENT IN SJR 9.

My name is Carolyn Burg and I am a citizen of the Union in the Harris Mining District, Juneau, Alaska and have lived in this private international Capital for over thirty years.

I disagree with the District of Columbia being made a "State" as the District of Columbia is exactly like the Capital in Juneau, Alaska and is a permanent capital under federal jurisdiction, under the dominance of Congress.

It has Home Rule, just as Juneau Alaska has Home Rule and may decide now the local things that come before it without making it a so-called "State."

It is now a private international Capital and its boundaries, therefore, encompass the entire civilized world, and abolishing its present charter is illegal, as the power of a home rule city is measured by its charter.

The phrase in our own home rule charter "dissolved in the manner provided by law" is not interchangeable with "in the manner provided by the legislature" City of Douglas v. City & Borough of Juneau, Sup. Ct. Op. No. 672, 484 P. 2d 1040 (1971) unless "legislature" means the highest legislature in the nation - the people, and we wish this respectfully and clearly understood. because our government is "by the consent of the governed." We did not give the power to dissolve cities to the legislature, if our charter is merged to take away our life, liberty and property. The promise was made in the Act of Congress of May 16, 1884 that Indians and other persons were to retain their lives, liberty and property, and the Oregon Constitution states that no one is to interfere with the primary disposal of the soil, as we believe ours does.

The District of Columbia still retains all of its powers, if it retains its original charter of being a "foreign corporation under private international law such as Juneau is, and it would be very foolish to give up its original charter.

Although it might be callled a so-call "State", it is not really a State at all, because, like Juneau, it is under the Articles of Confederation and the Northwest Ordinance of 1787, under the dominance of Congress. Only the first 13 original States are known as States and come under the United States Constitution and the Declaration of Independence. This would change nothing excepting weaken our Nation's Capital. Its home rule powers give it all of the power it needs to govern locally and these powers should be strengthened rather than change our Nation's original Charter. Naturalization laws should be changed.

Besides, the Nation's Capital is vested, and as Judge Wickersham said in McFarland et al v. Alaska Perseverence Mining Co., 3 Alaska Reports page 337 "...when it is shown that possession has once attached, abandonment will not be presumed." There's no way to change this now, because it is exactly like Juneau, Alaska - a permanent Capital.

Respectfully submitted,

Any questions?

Carolyn Burg

(Mrs. Amos) Carolyn Burg

SJR

12

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the foll wing recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

_____

_____

_____

_____

_____

_____

_____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

_____

_____

_____

_____

_____

_____

CHAIRMAN

SJR 12

Passed

BE IT RESOLVED by the Legislature of the State of Alaska:

WHEREAS Congress is now considering legislation which includes provisions concerning the export of Alaskan crude oil; and

WHEREAS there are proposals before Congress to change existing federal law which effectively prohibits the export of Alaskan crude oil; and

WHEREAS the export of Alaskan crude oil will result in a large increase in federal revenues by increasing collections under the windfall profits tax; and

WHEREAS oil export to Pacific Rim allies will strengthen their national security by reducing their dependence on unstable foreign sources and discourage the development of an energy supply relationship between such countries and the Soviet Union; and

WHEREAS the Alaska Legislature believes it makes no sense to spend billions of tax dollars annually to provide for the military security of countries on the Pacific Rim without also reducing the possibility of armed conflict by providing for the energy security of those countries; and

WHEREAS oil export will provide incentives for further oil exploration in Alaska, thus increasing the energy security of the United States, and reducing oil costs to the American consumer over the long term; and

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Legislature respectfully requests the U.S. Congress to enact provisions of law which will permit the export of Alaskan crude oil; and

BE IT FURTHER RESOLVED that the Alaska Congressional delegation is urged to use its best efforts to effect passage of legislation which will permit the export of Alaskan crude oil.

Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; Honorable George Bush, President of the U.S. Senate; Honorable Thomas O'Neil, Speaker of the U.S. House of Representatives; the Honorable Jake Garn, Chairman of the Senate Banking, Housing and Urban Affairs Committee; the Honorable Clement Zablocki, Chairman of the House Foreign Affairs Committee; to the Honorable Ted Stevens and Honorable Frank

Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the Representative of the Governor of Alaska in Washington D.C., for such other distribution to members of Congress, representatives of the National Administration, and other individuals as he sees fit.

Excerpts from the Speech of
ESTHER C. WUNNICKE
Department of Natural Resources
at a
Conference on the Export of Alaska Oil
sponsored by
The Legislative Budget and Audit Committee
and the
Oil and Gas Committee, a joint Senate/House Committee
April 23, 1983

As you know from the comments of the previous speakers, the State is very concerned about the current limitations that apply to the export of North Slope oil. Governor Sheffield has considered this issue very carefully since taking office, and, after much thought, has decided to join the national Administration in supporting efforts to remove the current impediments to oil exports. John Katz, as Special Counsel to the Governor in Washington, will . working with Senator Stevens and other members of the State's Congressional Delegation to try to achieve that result in Congress.

Governor Sheffield made his decision for two primary reasons. First, he believes that our foreign trade opportunities with the nations of the Pacific Rim should be as unrestricted as possible, as a matter of principle. We support increasing the available options for disposition of oil produced in Alaska. Second, the State could reap some significant revenue benefits from the sale of North Slope oil to Japan, as would the producers and the federal government.

To the extent that wellhead prices increase, producers will have a greater incentive to explore and develop more marginal fields in the Arctic.

At the present time, about 1.6 million barrels of North Slope oil are delivered to Valdez every day; of that amount, about 800,000 b/d are sold and refined in Alaska or on the West Coast, and 800,000 b/d are sold and refined in the Gulf of Mexico or East Coast. Of particular interest to the State is the dispostion of our royalty oil, which is exactly one-eighth of that production, or about 200,000 b/d. Eighty-six thousand b/d of that oil is presently committed under long-term contracts with North Pole Refining, Golden Valley Electric and Tesoro. Two additional agreements, with Tesoro and Chevron, which would commit another 44,000 b/d of North Slope oil for in-state use, are currently pending before the Legislature. Since these commitments are all contractually expressed as a fixed percentage, as opposed to a fixed volume, the actual volumes delivered under the contracts

will decline as Prudhoe Bay production declines. The State can also under contracts now proposed "take back" (subject to third party contracts, of course) some 50,000 b/d of residual oil for export or in-state refining.

The State has not yet committed any of its Kuparuk royalty production, which is presently about 10,000 b/d. If Kuparuk production increases as planned, over 30,000 b/d of royalty oil would be available from that field. We also expect that new fields on State lands on the North Slope will add another twenty to fifty thousand b/d of royalty oil during the next ten years.

The State could benefit if oil exports were allowed through either the sales of some of its remaining royalty share at a higher price than it now receives, or through an increase in all royalty and severance tax collections resulting from sales at a higher price by the producers. Estimating the exact value of these possible benefits is difficult, because of the variety of the factors which will influence the netback, or wellhead, price of oil sold to Japan. Will the oil move in operationally-cheaper foreign tankers, or in Jones Act American bottoms? Will the Japanese pay the price of other equivalent crudes, or attempt to share in the benefits of exports by bargaining for lower prices?

For a variety of reasons, the State would like to see producer sales to Japan, as well as consideration of royalty sales, if the ban were lifted. The producers have seven times as much oil within their control as the State, and possess a great deal of expertise in commercial trading. Because of the much greater volumes of oil that could be sold to Japan by the producers, the State could stand to gain far more from the severance tax and royalty valuation benefits of producer sales than from the sale of its own royalty oil. Additionally, the national treasury would only benefit from producer sales, since the State pays no federal taxes on its royalty sales.

Although the State could relize a substantial increase in revenues from royalty sales to Japan, we feel that the processing and use of that oil in Alaska should have first priority. Indeed, under current State law, oil cannot be sold outside the State unless it is surplus to in-state needs. The criteria established by the State statutes provide that in-state processing and supply are the highest and best use for royalty oil, all other things being equal.

In the contracts which are presently pending before the Legislature, we will help a longstanding existing Alaska refiner stay in operation despite a shortage of supply to its worldwide system, and help another longstanding Alaska

refiner construct a significant new expansion. Both of those agreements mean jobs for the State's citizens, a boost to the local and regional economies, and an improvement to the local and State tax base. We do support export, but only of the barrels remaining after we have provided for in-State needs.

Current law allows for the export of residual oil and petroleum products. And we understand some Alaska refiners have had discussions with the Japanese, but there have been no transactions to date. We cannot at this time estimate firm opportunities for sales of residual oil to Japan.

Oil exports might also provide an "opening door" that would stimulate further Japanese interest in other energy resources found in Alaska that are not subject to export restrictions, such as coal. We would very much like to do anything we can to aid the efforts of our coal lessees to market their products in the Pacific Rim.

The State will need to approach its effort to influence Congressional consideration of this issue delicately. It is worth remembering that the State's last effort in this area failed to accomplish its goal, and instead saw the tightening of export restrictions in Congress.

In conclusion, the Governor would very much like to see export restrictions on Alaska oil lifted by the Congress. He has asked his staff in Washington, supported by the rest of the Administration, to work toward that end. We know that we have a tough job ahead of us. In light of our stance on oil exports, we still see our pending royalty oil agreements with Tesoro and Chevron as being very tangibly in the best interests of Alaska.

FRANK H. MURKOWSKI
ALASKA

COMMITTEE ON ENERGY AND NATURAL RESOURCES
COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, D.C. 20510

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(907) 456-0233

April 14, 1983

Honorable Bettye Fahrenkamp
Chairman
Senate Committee on Resources
Alaska State Legislature
Pouch V
State Capital
Juneau, Alaska 99811

Dear Bettye:

Please excuse the delay in my responding to your letter of March 14, 1983. I just got back from an Alaska forest products sales promotion trip to Japan and China and have only recently had time to give your letter the proper consideration it deserves.

In your letter you mention your concern that passage of SJR 12 could potentially harm our efforts to relax oil export restrictions in Congress. While that may have been the case one month ago, the situation has changed.

Opposition to relaxation of any restrictions has increased lately, with 184 cosponsors in the House on Congressman McKinney's bill to extend export restrictions. The Administration is perceiving very little support in Congress to relax restrictions and is holding back from leading the charge.

With opposition mounting on all fronts I do not think it would be counterproductive or inappropriate to send a strong signal from Alaska favoring exports. It would actually be helpful, because without the State's support it would be very easy for opposing interests to point out the State's disinterest in exports.

I hope this answers your questions. We are still hopeful but realize we have a lot of hard work ahead of us.

Sincerely,

Frank H. Murkowski
United States Senator

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

March 10, 1983

Dear Colleague:

A great deal has been written and said recently regarding the issue of export of Alaska oil to Japan. Lobbyists are actively opposing export and presenting position papers in support of their arguments. We are writing to urge you to maintain a neutral position until all sides of the issue have been heard.

We are not prepared at this time to endorse any specific proposal until we have had a thorough analysis of the economic impact and effects of removing part or all of the restrictions. However, we would advocate lifting the restrictions if assured that national security, maritime, and oil industry concerns have been adequately addressed. For instance, it may be desirable to protect our maritime industry by providing for carriage in U.S. tankers. One thing is certainly clear, there are strategic, economic, and international trade reasons that merit your consideration before making a commitment on this issue.

A critical component of any international trade agreement with Japan may involve the willingness of our government to consider modifying what was described to us by Dr. Utz Lantzke, Executive Director of the International Energy Agency, as an unsightly example of United States protectionism serving no demonstrable national policy.

Remember that this issue involves more than Japan, other Asian nations have also expressed interest. By allowing some degree of oil exports we would be sending a signal overseas that the U.S. is acutely aware of the economic and strategic importance of our Pacific Rim neighbors.

It is our hope that you will take the time to review the attached point paper which mentions some of the key benefits which would stem from allowing some level of Alaska oil export. The Administration is weighing all of these factors in its negotiations with the Japanese on comprehensive energy and trade issues. Again, we urge you to remain uncommitted until sufficient information is available for a reasoned decision by the Congress. Thank you for your attention to this important matter.

Cordially,

Ted Stevens
United States Senator

Frank H. Murkowski
United States Senator

Attachment

EXPORTING ALASKA OIL: THE REASONS WHY

In response to the oil shocks of the 1970's, Congress has essentially banned the export of crude oil produced on Alaska's North Slope. The Trans-Alaska Pipeline Authorization Act of 1973 established the initial restrictions on export. These were tightened by the Export Administration Act of 1979 to create an effective ban on exports. The Export Administration Act will be considered for renewal by Congress later this year. The time has come for a fresh look at the exportation of Alaska oil. The case for easing export restrictions is compelling:

- it will lead to the discovery of new domestic reserves;
- it will increase federal revenues;
- it will enhance national security by reducing the dependence of key Asian allies on unstable sources of supply;
- it will improve the U.S. balance of trade with Japan;
- it will facilitate efforts to secure reciprocal trade agreements with the Japanese;
- it will not reduce U.S. oil supplies; and,
- it will not raise the price consumers pay for oil.

Background on Alaska Oil

Each day, 1.6 million barrels of Alaska crude oil are shipped through the Trans-Alaska Pipeline to Valdez for transfer to tankers serving the West Coast and Gulf Coast markets. West Coast refineries can absorb only about 800,000 barrels a day. The balance is either shipped through the Panama Canal or transported via the new Northville pipeline across Panama and then taken by smaller U.S. vessels to the Gulf Coast.

It costs approximately $1.50 a barrel to ship oil from Valdez to the West Coast, a distance of 3,000 to 4,000 miles. Shipping to the Gulf Coast costs over three times as much -- from $4.00 (via the Northville Pipeline) to $5.00 (via tankers) a barrel -- for a distance of about 13,000 miles. In contrast, it is estimated that it would cost from $ .50 to $1.10 a barrel (depending on the vessel) to ship oil to Japan from Valdez, a distance of 7,000 miles. If export is allowed, approximately 60 percent* of the transportation cost savings would go to the federal government.

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* The Windfall Profits Tax (at a 70 percent rate) is applied to the wellhead price of oil, after an allowance for the state severance tax and royalties. The effective tax rate is 52 percent. In addition, the federal corporate income tax captures about 7 percent of the transportation cost savings.

Whether or not the export restrictions are eased, the West Coast will remain the preferred market for Alaska crude oil because of its proximity to Alaska and its refining and marketing facilities. The West Coast will continue to receive as much Alaska oil as it can absorb. The balance will be shipped either to the Gulf Coast, as currently done, or exported. The decision to export will be made by each major producer. The producers' decisions concerning the timing and volume of exports will be based on market considerations. Undoubtedly, the process of exporting oil will be a gradual one involving substantially less than half of current production.

Some of the reasons for easing oil export restrictions are discussed below.

Reason #1: Export Will Encourage Development of New Reserves

Incentives must be provided to encourage exploration for new oil reserves in Alaska. In the event of a national emergency, the size of developed domestic reserves will be crucial. Currently, the amount of oil being produced from existing fields on the North Slope is projected to fall by one-half over the next fifteen years. However, estimates of remaining undiscovered recoverable reserves in Alaska range up to 30 billion barrels. Permitting the export of Alaska oil will provide an incentive for further exploration and development of these oil reserves.

Because the West Coast can absorb only 50 percent of current North Slope production, any oil produced from new discoveries will have to be shipped to Gulf Coast markets at a cost of $4.00 to $5.00 a barrel -- $3.50 to $4.50 more than it will cost to ship the same barrel to the Pacific Rim. Because oil from new fields is not subject to the Windfall Profits Tax, this transportation cost penalty has a significant negative impact on the profitability of new development. Eliminating this cost penalty by easing the export restrictions will increase the incentive for exploration.

Reason #2: Export Will Increase Federal Revenues

Export of oil from the Prudhoe Bay field will increase federal revenues. Because the transportation cost to market is deducted from the market price in calculating the wellhead price of crude oil, inefficient transportation patterns reduce the amount subject to federal tax. Currently, the federal government captures approximately 60 percent of any increase in the wellhead price of crude oil from Prudhoe Bay. As a result, the American taxpayer will be the main beneficiary of the reduced transportation costs associated with exporting this oil.

Reason #3: Export Will Enhance National Security

The last ten years have shown that U.S. security is tied to the security of its trading partners. Export of Alaska oil will help diversify the sources of supply for one of our most important Asian allies. Japan now relies heavily on oil from the Middle East. New sources of energy now being developed in the U.S.S.R.

and China may provide Japan with an alternative supply. It is in the national security interest for Japan to diversify away from Middle Eastern supplies and to avoid an energy relationship with the Soviet Union or China.

It is significant to note that, under the terms of the International Energy Agreement, the U.S. will be required to supply Japan with oil in an energy emergency. In such an event, any oil exported to Japan from Alaska could be credited towards U.S. obligations.

Reason #4: Export Will Improve Balance of Trade

The U.S. balance of trade position with Japan will improve with the exportation of Alaska oil. For instance, if only 200,000 barrels a day is exported, the U.S. balance of trade position will be improved by over $2 billion a year.

Reason #5: Export Will Facilitate Trade Negotiations

The existing restriction on oil export is an example of U.S. trade protectionism. U.S. willingness to remove this barrier will create a more positive climate for convincing Japan to ease its import restrictions.

Reason #6: Export Will Not Reduce U.S. Oil Supplies

Export of Alaska crude oil will not affect the amount of oil available to the United States. Any oil exported by the United States will displace other oil in the world market. This oil will then be routed (through the action of the free market) to the Gulf Coast. The U.S. will continue to have access to all the oil it needs at the world price. It will make no difference to the ultimate consumer whether that oil originated in Alaska, Mexico, Venezuela or the Middle East.

Reason #7: Export Will Not Raise Consumer Costs

Regardless of the final destination of a portion of Alaska's output, consumers will continue to pay the same price for oil. The delivered Gulf Coast price for oil is the same regardless of where the oil originated. Any difference in transportation costs affects the wellhead price -- not the price to the consumer.

CORD MEYER

Selling Alaskan oil to Japan

It never made any economic sense for Americans to ship 600,000 barrels a day of Alaskan surplus oil through the Panama Canal to our Gulf ports at a transportation cost of $5 a barrel, when the short haul from Alaska to Japan costs less than half as much. The Japanese are only slightly less anxious to buy our oil than the Mexicans are eager to sell to our Gulf Coast refineries, with large savings on transportation at both ends of the swap.

It makes even less strategic sense to push the Japanese into greater dependence on Russian oil and gas as they seek to escape reliance on the Persian Gulf for 70 percent of their oil. Geopolitics and economics now combine to give the Reagan administration a powerful incentive to remove the legislative ban that since 1974 has prohibited the sale abroad of Alaskan oil.

Encouraged by National Security Adviser William Clark and his able staff, President Reagan now has clearly signaled his willingness to see changes in the current law. One of the least-noticed but important results of Reagan's meeting with Japanese Prime Minister Yasuhiro Nakasone was the agreement to set up a joint working group on energy to explore opportunities for cooperation.

Although the membership and terms of reference still are being negotiated, high on the agenda will be Alaskan oil. To avoid the error of the Carter administration in waiting too long before cooperating with Europeans to prevent their growing dependence on Soviet natural gas, this working group is seen as a framework to permit effective joint action before the Japanese become hooked on Russian energy sources. A Japanese consortium, for example, is on the threshold of a $3 billion to $4 billion commitment to the development with the Soviets of the Sakhalin reserves.

In the palmy days of Alexander Haig, the fact that this initiative originated in the NSC staff would have been enough to ensure State Department opposition. But Secretary of State George Shultz has proved receptive.

During his Tokyo trip, Shultz made the point that a very large reduction in the U.S. trade deficit with Japan would be achieved by exporting Alaskan oil. But he realistically warned that negotiating with Congress for changes in the law would be complicated.

In fact, Jimmy Carter, as president, made an abortive attempt to lift the ban on the export of Alaskan oil, only to be discouraged by the organized opposition of the maritime unions. Whether these powerful forces can be won over or overridden in this more urgent situation depends on the administration's ability to take its strong case to the public.

The opposition of the maritime unions derives from the fact that the law now requires that all U.S. coastal trade be carried in American ships with highly paid American crews. Since the Alaskan oil cannot be exported, its shipment along the West Coast and through the Panama Canal guarantees jobs to the unions. More than 2,500 union jobs have come to depend on this protected trade.

Recognizing the political clout of the unions, American Ambassador to Japan Mike Mansfield made a significant speech in Tokyo in December. He revealed that he had indications from the Japanese private sector that importers would agree to having a substantial part of the Alaskan oil transported in American ships even though this would add to the cost.

Another development that makes it easier than before to argue for allowing some export of Alaskan oil is the discovery of vast new oil fields off the California coast and the prediction of huge new reserves still to be found in Alaska.

Under these circumstances, some of the big oil companies that had invested heavily in a pipeline across Panama are no longer supporting the ban on oil exportation to protect this investment. They are shifting their position as Japan becomes more important as a potential buyer of the growing surplus.

Similarly, the world oil glut has reduced the relevance of the argument that we must keep every drop of oil at home. The Japanese may be prepared to spend substantial investment capital on discovery and development of new reserves in Alaska. It may well be that with this kind of joint cooperation more oil will be discovered and brought on line than is actually sold to the Japanese.

ALASKAN OIL TO JAPAN?

Mansfield backs sale as trade-balance aid

MORE than half a decade ago, before the end of construction on the trans-Alaska oil pipeline, congressional and Carter-administration energy experts with a global perspective were pushing the idea of shipping some Alaskan oil to Japan as the best way to deal with an expected oil glut on the U.S. West Coast.

But Congress wasn't listening. Instead, it passed a nonsensical law that bars the sale of U.S. oil abroad. The theory was that the American people would be less inclined to conserve energy if they saw U.S. oil being shipped abroad.

The thought also was advanced that allowing exports would remove pressure to find a way to move oil from the West Coast to the Midwest.

Mike Mansfield

Neither argument made a great deal of sense. The first presumed that the American public was too dumb — to put it bluntly — to see the advantages of oil-transportation savings that would be in the interest of both Japan and the U.S. The second argument poses the question: Why search for ways to move oil from the West Coast to the Midwest when there is no legitimate need for such movement?

The Northern Tier Pipeline Co., once rebuffed in its efforts to build a pipeline through this state and eastward to Minnesota, continues its efforts to win state-government approval for that project, although the economic justification for it remains as dubious as ever.

Now a strong and universally respected new voice has spoken out in behalf of allowing Japan to purchase Alaskan oil and gas. Mike Mansfield, U.S ambassador to Japan and former majority leader of the Senate, says such sales could make a major contribution to narrowing America's trade gap with Japan by increasing the value of U.S. exports to Japan by as much as $3 billion to $4 billion annually.

Manfield noted that Secretary of State Shultz supports the sale of Alaskan oil and gas to Japan. We hope this signals a firm administration policy, leading in turn to a change of mind in Congress.

Seattle Times Wednesday 1/27/82

Let's sell Alaskan oil

But carefully, carefully

The U.S. ban on the export of our Alaskan oil comes up for reconsideration this year, and, with that in mind, President Reagan has created a working group to explore the issue.

The 14-year-old ban took on special significance after the Arab oil embargo of 1973, with all the post-embargo stress on U.S. energy independence. Since then, however, several things have happened: an oil "glut" developed, prices began to fall, and major cracks appeared in the facade of OPEC's solidarity.

None of this guarantees smooth energy sailing in the years ahead — indeed, it is prudent to assume the worst — but the situation clearly has improved. The time therefore seems ripe to remove, carefully, the ban on exporting Alaskan crude.

If, for example, we sell Alaskan oil to Japan, we could match those exports with imports from, say, Mexico. Thus we would have sacrificed none of the existing "pool" of oil. Indeed, we would realize a net profit, since shipping equivalent amounts of Mexican oil here costs much less than the current arrangement, whereby Alaska crude is shipped all the way down the West Coast, through the Panama Canal and up to East Coast refineries. Japan, too, would find the arrangement beneficial, because it would save part of the cost of importing Middle Eastern oil.

Thus, all three parties would benefit — Mexico by selling more oil, Japan by importing at a lower cost and reducing its need for Middle Eastern oil, and the United States by paying less for the same amount of oil and narrowing our unfavorable trade balance with the Japanese.

To protect ourselves against another embargo, the United States should insist that contracts signed with Japan or any other buyer contain an escape clause that would cancel the contracts in an emergency. It would also be necessary to work out some form of compensation for U.S. oil companies that have considerable money invested in carrying Alaskan crude to the lower United States.

The loudest opposition comes from maritime unions, which benefit from current Alaskan-crude shipping requirements. The unions' problems should not be ignored, but the guarantees they now have seem too high a price to pay. Lifting the export ban is in our *national* interest, and *special* interests must understand that. ■

Los Angeles Herald Examiner
Monday February 5 1979
Page A15

Good Reasons for an Oil Swap

Oil produced in northern Alaska is a lot closer to potential markets in Japan than it is to the actual markets in the continental United States where it ends up. Distance affects costs. Alaskan oil could be shipped to Japan for about 50 cents a barrel. That same oil costs about $1.25 a barrel to transport to West Coast refineries, and up to $5.50 a barrel to move to Gulf Coast ports. American consumers pay for those high transportation charges.

Japanese consumers similarly pay a high transportation premium for oil shipped from distant ports to their country. Americans and Japanese could both have their energy bills cut somewhat if a reasonable oil swap could be arranged. Some Alaskan oil that now goes to the lower 48 states could be sold to Japan in exchange for American purchases of some oil that Japan has contracted to buy from Mexico and Venezuela. Each country could get what it needed, but at reduced delivery costs.

The main barrier to such a mutually beneficial arrangement is a law first passed by Congress in 1974 and reaffirmed in 1979. The law says that oil from Alaska's Prudhoe Bay can be sold only within the United States. Initially, this requirement seemed to be a sound safeguard. The Arab oil embargo and long lines at gasoline pumps were things of vivid and bitter recency. Dependability of future oil supplies was in the forefront of American energy concerns. Congress wanted American oil to go to American markets.

Under the whiplash of OPEC-dictated price increases, considerable changes have occurred since 1974 in both oil consumption and supply patterns in the United States. Even before the recession, energy conservation and a shift to alternative fuels had worked to reduce significantly the U.S. demand for OPEC oil. Meanwhile, purchases have increased from such non-OPEC oil producers as Mexico. Far more security of supply exists now than did eight years ago.

An oil swap with Japan would of course make the United States more dependent in some measure on foreign suppliers. But there is no reason such a swap arrangement could not carry an escape clause. Any cutoff in supplies contracted for by Japan could trigger a suspension of the swap, with whatever Alaskan oil that had been earmarked for Japan being automatically recommitted to the American market.

A change in the law to drop the ban on overseas sales of Alaskan oil would take some political effort. The ban has acquired a powerful constituency in the form of the maritime unions. Under a 1920 law—the Jones Act—all shipments between American ports must be made in American-flag ships, manned by well-paid American crews. All the oil that leaves the southern Alaska port of Valdez for terminals on the West and Gulf coasts falls under the Jones Act. Even though only some of the 1.5 million barrels of oil that run through the Alaska pipeline each day might be involved in a swap with Japan, the maritime unions would fight to keep the law from being changed.

A second problem involves equity for the American companies engaged in northern Alaska oil production. Legally barred from selling this oil to foreign countries, Exxon, Standard Oil Co. of Ohio and Atlantic Richfield Corp. invested hundreds of millions of dollars in tankers to ship oil from Valdez to other U.S. ports. In addition, the companies are under a three-year contract to move some of the oil going to the Gulf Coast through a pipeline across Panama, offloading from tankers on the Pacific side, reloading to tankers on the Caribbean side. These investments, entered into in good faith, would have to be protected.

Most Alaskan oil would of course continue to be sold in American markets even under a change in the law. But some Alaskan oil plainly could be swapped with Japan to the benefit of American consumers without detriment to the oil companies involved and to the financial gain of the state of Alaska, whose royalty payments on the oil produced from the land that it owns at Prudhoe Bay have been considerably reduced because of the high costs of transporting that oil to market.

There would be far more gainers than losers in an Alaskan oil swap. There is no good reason now not to clear the way for one.

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

APR 4 1983 March 25, 1983

The Honorable Joe L. Hayes
Speaker of the House
of Representatives
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Joe:

I really appreciate your March 16 letter regarding Alaska oil export. In a nutshell, the answer to your question concerning my position on the matter is: I am firmly in support of export of Alaska oil.

First, I think we can expect some Congressional action and debate on this subject this session. The Export Administration Act is up for renewal this year. It is my understanding the Administration is going to support deleting the ban on oil export at that time.

You can certainly count on me to use my position to solicit the support of the White House. I have been in frequent contact with senior members of the President's Cabinet and staff. My staff has also been pursuing the matter to ensure that review of our trade relations with Japan is made with full awareness of our position. This apparently has been a fruitful approach since it is my understanding the Administration intends to support lifting the ban.

Regarding the efforts of the Japanese financed lobbying effort, I believe a properly orchestrated effort can help the situation. Whenever we get into a battle in Congress involving such divergent interests as this question presents, it is important to have a cadre of people willing to come in and assist. This is the role I foresee for Members of the Legislature, working with Steve Silver, Jim Clark and the rest of the team they have put together. This far they've worked as closely as possible with us and with the Governor. I understand they are also working with the State Legislature to keep you fully apprised of developments here in Washington.

Your final question asks "What, in your judgment, should we be doing?". I would suggest you go forward with the hearings I am informed you have planned. It is important for the State to know where all the interests are and what the benefits and costs of opening Alaska's oil market could be. For instance, one major oil company is opposing oil export. The same oil company appears to be in support of gas export, while other majors oppose that initiative. Further, testimony from the maritime community is important. Most importantly, the State should be made aware of the potential this initiative has to open Alaska oil development to an extent not possible if we are constrained only to a domestic market.

When the time is right for meetings with members of Congress, we should have a bi-partisan team ready to come discuss this issue. Your hearings should help prepare your members for this role.

I think this is one of the most important issues our state will be dealing with for years. I look forward to working with you to achieve a positive outcome. Thank you for getting in touch. Please give Diane our regards, also.

With best wishes,

Cordially,

TED STEVENS

SJR -12

STEVE STEVENS

BE IT RESOLVED by the Legislature of the State of Alaska:

WHEREAS Congress is now considering legislation which includes provisions concerning the export of Alaskan crude oil; and

WHEREAS there are proposals before Congress to change existing federal law which effectively prohibits the export of Alaskan crude oil; and

WHEREAS the export of Alaskan crude oil will result in a large increase in federal and state revenues by raising the wellhead price of Alaskan crude oil without increaisng tax rates to any party or costs to the American consumer; and

WHEREAS oil export to Pacific Rim allies will strengthen their national security by reducing their dependence on unstable foreign sources and discourage the development of an energy supply relationship between such countries and the Soviet Union; and

WHEREAS the Alaska Legislature believes it makes no sense to spend billions of tax dollars annually to provide for the military security of countries on the Pacific Rim without also reducing the possibility of armed conflict by providing for the energy security of those countries; and

WHEREAS oil export will provide incentives for further oil exploration in Alaska, thus increasing the energy security of the United States, and reducing oil costs to the American consumer over the long term; and

WHEREAS oil epxort will open trade relationships between Alaska and Pacific Rim Nations which will create the environment for other exports, such as coal, natural gas and agricultural products, which in turn will improve relations between the United States and Pacific Rim countries;

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Legislature respectfully requests the U.S. Congress to enact provisions of law which will permit the export of Alaskan crude oil; and

BE IT FURTHER RESOLVED that the Alaska Congressional delegation is urged to use its best efforts to effect passage of legislation which will permit the export of Alaskan crude oil.

Copies of this resolution shlal be sent to the Honorable Ronald Reagan, President of the United States; Honorable George Bush, President of the U.S. Senate; Honorable Thomas O'Neil, Speaker of the U.S. House of Representatives; the Honorable Jake Garn, Chairman of the Senate Ranking, Housing and Urban Affiars Committee; the Honorable Clement Zobloski, Chairman of the House Foreign Affairs Committee; to the Honorable Ted Stevens and Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the Representative of the Governor of Alaska in Washington D.C., for such other distribution to members of Congress, representatives of the National Administration, and other individuals as he sees fit.

SJR

14

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Sen. Bill Ray, Chair
Senate Judiciary Committee

FROM: Sen. Dick Eliason

DATE: Feb. 8, 1983

RE: SJR 14 --- Proposing an amendment to the Constitution of the State of Alaska relating to the rights of states

SJR 15 --- Proposing an amendment to the Constitution of the State of Alaska relating to cooperation with foreign nations

As requested, I reviewed the above-referenced resolutions and I am now reporting my findings to you.

These two resolutions were introduced at the request of the Alaska Statehood Commission. The Statehood Commission feels "Alaskans should consider two amendments to the state constitution which will clarify the philosophy and the powers of our state government in the federal union."

In support of these proposed amendments, the Statehood Commission relies on its final report, More Perfect Union - A Plan for Action. Excerpts from this publication and a cross-referenced publication, "The Role of the States as Polities in the American Federal System" is enclosed as back-up for SJR 14 and SJR 15.

Brian Rogers (phone: 452-4956), a member of the Alaska Statehood Commission, will be available to testify in support of these amendments on February 14, if you so wish.

1958.[26] Land conveyances are years behind schedule. The land freeze of 1966, followed by federal land withdrawals of the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA, commonly known as the D-2 Act), prevented the state from choosing which lands it wanted for the remainder of its entitlement. The state is facing many difficulties gaining access to lands it holds within blocks of land withdrawn under ANCSA and ANILCA.

In an outrageous move to pre-empt all state opposition, Section 10 of ANCSA put a unique one-year statute of limitations on lawsuits by the state. It penalized legal action with a "blackmail clause"[27] promising to stop all state land transfers for the duration of any suit against ANCSA, however valid.

The federal government may renege again on its land conveyance obligations if Alaska fails to muster its full legal, economic, and political powers to compel the federal government to live up to its solemn promises.

We have been monitoring the fulfillment of an out-of-court settlement between Alaska and the federal government on the rate of land conveyances. In this settlement, *Alaska v. Reagan* (1981), the Interior Department promised to convey 13 million acres per year to the state.

The department has so far kept its promise. It conveyed 13,310,656 acres to Alaska in fiscal year 1981. At the agreed pace of 13 million acres per year, Alaska should have all its Statehood Act lands by the end of 1985.

By Oct. 1, 1982, the federal government had transferred 65,644,104 acres to the state, including about 62 percent of the state's general grant of 102,550,000 acres. Native corporations held 23,202,420 acres towards their entitlement of 40 million acres. Private holdings, not including Native lands, are approximately 2 million acres, or less than 1 percent of Alaska's land.

The federal budget will get tighter, however, and with four more years of conveyances to go, the pace of transfers could slow. State officials and Alaska's congressional delegation should make clear that federal funds for carrying out the Statehood pact are not "optional," to be cut back like a federal grant for library improvements or rat control.

It is time to wind up implementation of the Statehood Act. The federal government is already behind schedule, and in 1980 had to extend the compliance deadline to 1994, 10 years beyond the original 25-year deadline of 1984.

Alaskans should stand against any unilateral attempts by Congress to change any provision of the Alaska Statehood Act, for the act is a compact between the United States and the people of Alaska. Similarly, Alaskans should not permit Congress to rewrite the Alaska Constitution.

It is time to wind up implementation of the Statehood Act.

Congress may attempt to change the formulas contained in the Statehood Act for revenue sharing from mineral revenues from onshore federal lands: 90 percent to the state and 10 percent to the federal government. The Interior Department attempted a unilateral change recently. In 1975 and until corrected by the U.S. Supreme Court, Interior altered the sharing formula for oil revenues from the Kenai National Moose Range to give 75 percent to the federal government, 25 percent to the Kenai Peninsula Borough, and nothing to the state. The Supreme Court set the Interior Department straight on this matter, but we are concerned with the Court's language suggesting that these percentages can be changed in the future, at Congress's discretion.

The Legislature in an omnibus bill should authorize and direct the lieutenant governor to place any proposed change to the Statehood Act or Alaska Constitution before Alaska's voters in a ballot proposition, asking them to say yes or no to the change.

The Alaska Statehood Act required the consent of Alaskan voters to become effective.[28] Similarly, Alaskan voters should have the opportunity to pass upon suggested changes to the Statehood Act. If the voters disapprove the change the state will have a mandate to oppose the attempted change in court.

In our two years of study we have devoted more time to monitoring implementation of the Alaska Statehood Act than to any other issue. Other agencies will continue the scrutiny as the commission expires, for Alaska has not yet achieved full statehood.

14

Alaskans should consider two amendments to the state constitution which will clarify the philosophy and the powers of our state government in the federal union.

We suggest few additions to the Alaska Constitution. Ratified in 1956, it is recognized nationwide as a model charter, for its brevity, clarity, and innovations. Federal powers have done a lot

[26]For a detailed discussion of the Alaska Statehood Act, see the Statehood Commission publication, *The Concept of Statehood Within the American Federal System*, 1981, pp. 89-120.

[27]Section 10 of ANCSA, 43 U.S.C. Sec. 1609.

[28]Sec. 8(b), Public Law 85-508, July 7, 1958.

of growing since then, however, and we offer two possible amendments to help define Alaska's role.

The first addition is modelled after Article I, Section 1 of the Texas Constitution. That section of the Texas Constitution reads:

> "Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States."

A similar amendment to the Alaska Constitution can serve to link the ideas of citizenship, statehood, and local self-government.[29]

The state should not hesitate to lay claim to all the authority given states by the history and practice of the U.S. Constitution.

A second amendment would clarify the state's power to cooperate with foreign nations.

Article XII, Section 2 of the Alaska Constitution now reads:

> "The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose."

We suggest adding a phrase after the words "on matters of common interest":

> "...and to the extent consistent with the Constitution of the United States, with foreign nations."

An early draft of this section of the Alaska Constitution contained a very similar phrase,[30] but the framers deleted it for fear that Congress would not approve a state constitution referring to foreign cooperation.

Research for the Statehood Commission (Schechter and Elazar, pp. 57-68) shows that American courts allow states much leeway to engage in friendly relations with Canada and other nations. A 1978 study located 766 agreements and understandings between American states and Canadian provinces (Swanson, pp. 221-265).

The state should not hesitate to lay claim to all the authority given states by the history and practice of the U.S. Constitution. Our research shows that states *are* sovereign entities, and they *do* have some powers to engage in friendly foreign relations. The above two amendments to the Alaska Constitution would elaborate those powers.

15 State officials should refuse federal grants carrying burdensome requirements.

The federal government exercises control over more subject areas by grant requirements than by direct orders to state and local governments. It is through grant conditions, for example, that the federal government enforces a national 55 mph speed limit upon the states.

The U.S. Supreme Court allows the federal government to impose controls on the states by conditional funding that would be otherwise unconstitutional if imposed by federal statute or regulation. The Court places few limits to what a federal grant can demand, reasoning that a state can always turn the money down.

In reality, most state and local governments cannot afford to turn down federal money even if they wish. In many cities, grants once seen as "extra" now keep the buses running and the lights on in City Hall. This poor state of affairs grows in part from the federal government's hogging of the tax base.

Alaska is prosperous enough--for the time being--to turn down some federal grants when the conditions or the paperwork required are not worth the dollars. State officials should inventory grant programs, comparing the drawbacks and benefits of each, and be prepared to turn down offers of federal money.[31] The state should reject grants demanding reorganization of state government.

[29] A detailed discussion of these and other amendments to the Alaska Constitution may be found in the Alaska Statehood Commission publication, *The Role of the States as Polities in the American Federal System*, by Stephen Schechter and Daniel Elazar, 1982.

[30] See committee proposal No. 12, introduced in the Alaska Constitutional Convention Dec. 16, 1955. That phrase read, "...and to the extent consistent with the laws of the United States, with foreign nations."

[31] This inventory is a good idea anyway, as the federal money available for grants is dropping sharply. The state should know in advance which grants are worth fighting for and which are not.

We recommend the Montana preamble as a model for consideration. As Alaskans approach the twenty-fifth anniversary of statehood, public education and debate will undoubtedly focus at one time or another on what it means to be an Alaskan. Such concerns can be crowned, in terms that are both symbolic and real, with a new preamble that embodies a renewed compact between Alaskans and their land.

--State bills of rights represent expressions of citizenship as a bundle of rights and obligations. It is a well-established fact of constitutional law that individual rights contained in state constitutions can be, and typically are, more expansive than those conferred by the federal constitution. This point was recently confirmed by the U. S. Supreme Court. (Prune Yard Shopping Center v. Robins, 1980.) Moreover, as the Court stated in Prune Yard: "It is, of course, well-established that a State in the exercise of its police power may adopt reasonable restrictions on private property so long as the restrictions do not amount to a taking without just compensation or contravene any other federal constitutional provisions. (Id., at 4652.)

These constitutional traditions provide the states with the continuing opportunity to extend the rights and obligations of citizenship in ways that do not contravene the U. S. Constitution. Since the Civil War, for example, statehood requirements have insured that new states would embody the principles of the Declaration of Independence in their constitutions. One finds expression of this in the Alaska constitution's conferral of "natural rights" and the idea "that all persons have corresponding obligations to

the people and to the State." (Article I, section 1.) Another and more recent example is the adoption by many states of their own Equal Rights Amendments, while the country debated the incorporation of the proposed ERA in the U. S. Constitution.

One state, Texas, has even utilized its bill of rights as a vehicle for asserting its sovereignty and the right of local self-government in the federal system, thereby linking the ideas of statehood and citizenship in a single bill of rights. Article I, section 1, of the Texas constitution provides:

> Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

This Texas constitutional provision may serve as a starting point for consideration of state constitutional provisions linking the ideas of citizenship, statehood, and local self-government in Alaska.

--State constitutions provide an overall frame of government and public expressions of the proper roles and purposes of government. In a recent issue of PUBLIUS: The Journal of Federalism, Daniel J. Elazar notes:

> Even when students of American government, as well as well as reformers, have examined state constitutions from the perspectives of history, institutional organization, interest accommodation, and the inclusion or exclusion of specific provisions, they have generally bypassed the important functions of state constitutions as (1) overall frames of government for polities which are, in most cases, larger and better developed than most of the world's nations; (2) practical public expressions of political theory and the purposes of government; and (3) reflections of public conceptions of the proper roles of government and politics. (Daniel J. Elazar, "The Principles and Traditions Underlying State Constitutions," 1982, p. 11.)

Schechter + Elazar, pp 57-68 - as referenced

eign commerce implicates some federal interest. Were that the test under the Compact Clause, virtually all interstate agreements and reciprocal legislation would require congressional approval." (Id., at p. 706 note.)

B. Recommendations.

--Clearly, the Court's decision in the Multistate Tax Commission case represents the kind of development in federalism case law that the states should seek to utilize on its own terms and replicate in other areas of the law. By reaffirming the "two-pronged" requirment of increased state power and encroachment of just federal supremacy, the Court explicitly declared several features of interstate compacts to be irrelevant in considerations of congressional consent: the number of parties involves, the powers delegated to the administrative body, the "formality" of the agreement, the enhancement of state powers in relation to entities other than the federal government, and the involvement in areas of federal "interest."

Mindful of the peculiar geohistoric location of Alaska, the principal uncertainty remaining in the wake of cases like the Great Lakes Basin Compact controversy and the Court's Multistate Tax Commission decision is the extent to which the Court's rulings on the "Compact Clause" cover the kinds of foreign relations into which the state of Alaska might seek to enter. Unfortunately, we can only conclude that the application of Multistate Tax Commission to a meaningful range of relations between Alaska and Canada embraces an unsettled area of affirmative, negative, and debatable answers to the use of state power without congressional consent.

The language of the "Compact Clause" suggests a parallel construction of interstate and foreign relations. What holds for one would seem to hold for the other, so that limits of the "treaty power" would extend no more than the limits of, say, the "commerce power." However, while most "Compact Clause" cases involving interstate agreements have been upheld, many of those involving foreign relations have not.

The lead case in the area of compacts with foreign powers was decided by the U. S. Supreme Court in 1840. (Holmes v. Jennison.) Holmes had been arrested by Vermont Governor Jennison on a warrant apparently reflecting an informal agreement between Jennison and the authorities of Canada, where Holmes had been indicted for murder. In delivering the opinion of the Court, Chief Justice Roger Taney, joined by Joseph Story and two other justices, concluded that the informal agreement was invalid because it collided with the federal power to extradite persons sought for crimes in other countries. In this case, like many others and the Great Lakes Compact controversy, the state agreement with a foreign government entered an area of foreign relations in which there was a preexisting federal power or treaty. As reread by the Court in Multistate Tax Commission case, Justice Taney "concluded that the Compact Clause would permit an arrangement such as the one at issue only if 'made under the supervision of the United States'." (Multistate Tax Commission, at p. 697.) Then, in a footnote, the Multistate Tax Commission opinion states:

> . . . Mr. Chief Justice Taney's opinion in Jennison is not inconsistent with the rule of Virginia v. Tennessee. At some length, Taney emphasizes that

> the State was exercising the power to extradite persons sought for crimes in other countries, which was part of the exclusive foreign relations power expressly reserved to the Federal Government. He concluded, therefore, that the State's agreement would be constitutional only if made under the supervision of the United States. (Id., at p. 697, note 15.)

--Clearly, the American states may enter into agreements with foreign governments, otherwise this form of relationship would have been entirely prohibited as is the case with treaties, alliances, and confederations. A 1978 study counts 766 interactions between American states and Canadian provinces, including agreements, understandings, and arrangements, all, presumably covered by the term "agreements," formal and informal, in the "Compact Clause." (Roger F. Swanson, 1978, pp.221-65 on "Intergovernmental Relations on the State/Provincial Level." This chapter is excerpted from a study, State/Provincial Interaction, prepared by Swanson for the Office of External Researsh, U. S. Department of State, August 1974.) Of those 766 interactions, there are 541 arrangements, 181 understandings, and 44 agreements. Nearly one-half are in the areas of transportation and natural resources, which, together with commercial and human service interaction, comprise approximately two-thirds of state-provincial interactions. Maine has far more interactions than any other state (110), followed by Michigan (56), New York (48), and Minnesota. (Swanson, p. 238.) Alaska is listed as having only 11 interactions, but presumably this low figure is due to the exclusion of Canadian territories from the Swanson study.

--It is also clear that some agreements between American states and foreign governments do not require (or succeed in avoiding) the the consent of Congress. In his study, Swanson relates one inter-

esting account, though omitting the name of the involved state:

> Characteristic of the attention to the legal dimension, and the deference accorded to it, was the attempt of one state in 1961 to enter into a formal 'Memorandum of Understanding' with a Canadian province concerning civil defense. However, the formal signing of the memorandum did not take place because the U. S. federal government advised that it could not permit the document to be executed in that it had not been presented to, or concurred in, by the U. S.-Canadian federal authorities. A year later the state and province concluded a mutual understanding with no formal exchange of notes or any written agreements. (Swanson, p. 262, note 7.)

Additionally, we believe it is possible to identify at least three forms of cooperation that lie beyond the reach of the "Compact Clause":

1. international bodies of public officials, such as the New England Governors-Eastern Canadian Premiers Conference, with functions that are purely consultative in nature;

2. international professional associations, such as the International Association of Fish and Wildlife Agencies, designed to foster the exchange of information and other forms of cooperation among individual members; and

3. regional and national coalitions of state officials, organized to influence the outcome of treaty and other foreign relations in favor of state interests. (As the Court noted in its Multistate Tax Commission opinion: ". . . enhanced capacity to lobby within the federal legislative process falls far short of threatened 'encroachment upon or interference with the just supremacy of the United States." Id., p. 706.) In 1979, the states successfully lobbied to prevent the U. S. signing the Convention on the Conservation of Migratory Species of Wild Animals. (U. S.

Dept. of State, 1979.) Another example is Maine's effort to block the East Coast Fishery Agreement. (Gov. Brennan, Sen. Mitchell, 1980.)

--At the other extreme, there are equally clear instances in which state agreements with foreign governments would require congressional consent and would have a difficult time securing it. Based on the Great Lakes Basin Compact controversy, and subsequent cases of a similar nature, a regulatory compact operating in an area covered by preexisting treaty provisions would undoubtedly require the consent of Congress. Moreover, the likelihood of such a compact including foreign members is remote unless closely supervised by appropriate federal agencies. In a case such as this, the American compact members could, at best, hope to secure a "cooperative" understanding with those agencies, providing for minimal federal supervision and control.

A more ambiguous situation might involve an area yet to be covered by proposed treaty provisions. One such example concerns efforts by the Carter administration to establish an international treaty with Canada for the management of Porcupine River caribou migrating between Alaska's North Slope and the Yukon Territory. Prior to treaty negotiations, Alaska maintained informal "working relations" with Yukon territorial officials to facilitate caribou herd management. In November 1980, Ronald O. Skoog, commissioner of the Alaska Department of Fish and Game, issued a "decision memorandum," detailing the state's objections to the proposed treaty. Since then, the new Reagan administration has held off action on resumption of treaty negotiations. If the Reagan administration were to indicate a lack of federal interest in pursuing this treaty, citing the capacity for state management in this area, it would un-

doubtedly strengthen the case for the state in pursuing a caribou management agreement with the Yukon Territory. However, once the federal government has entered a field such as this, it might be difficult to avoid the congressional consent process, without formal State Department authorization of some kind. Because the Supreme Court has repeatedly found that the form of agreement is not dispostive, it seems unlikely that one could find legal support for avoiding congressional consent by an "informal," rather than "formal," agreement between Alaska and the Yukon Territory. (Paradoxically, Yukon officials, as territorial officials, might have more leeway than Alaska state officials in this matter.)

--Mindful of state priorities, we recommend the creation of appropriate state mechanisms to coordinate and assist efforts to clarify and strengthen Alaska's role in foreign affairs. The function of coordination might be accomplished through the establishment of an inter-agency task force, composed of representatives from the Governor's Office, the Council on Science and Technology, and the departments of Fish and Game, Commerce and Economic Development, Natural Resources, Transportation and Public Facilities, and Law. The Governor also might designate a Special Assistant for Foreign Affairs and Interstate Relations to serve on the task force. Additionally, the foregoing discussion of the "Compact Clause" suggests the need for a full-time legal staff to assist the task force and its represented agencies in clarifying state roles in foreign and interstate relations and, where possible, widening the acceptable boundaries for an expanded state role. This legal staff could be housed within the inter-agency task force, within the Department

of Law as a special section, or drawn from existing departments.

--Moreover, we recommend that the National Governors' Association establish a working group on the role of the states in foreign affairs in ways that include but go beyond matters of foreign trade and promotion. The purposes of this group would include: (1) identifying the full range of foreign policy areas and issues affecting state interests (including shipping, commercial fishing, wildlife management, coastal zone management, management of boundary waters and waterways, environmental conservation and protection, foreign trade, science and technology policy, etc.); (2) providing assistance and coordination for state governors in strengthening state capacities in this field; and (3) initiating negotiations and working relations with the U. S. Department of State for the purposes of developing (a) state roles in the negotiation and implementation of international treaties affecting state interests, and (b) possible models for the utilization of state agreements with foreign governments as an alternative to and administrative mechanism of international treaties.

--We also recommend the creation of a Western Governors-Premiers Conference, modelled after the successful New England Governors-Eastern Canadian Premiers Conference. In February 1973 there was an exchange of correspondence between Maine Governor Meskell and the eastern Canadian premiers suggesting a meeting. In August of that year, the first meeting of the New England Governors and Eastern Canadian premiers took place at Brudenell, Prince Edward Island. The agenda subjects of that meeting were transportation and energy. That meeting was the first of ten

annual meetings, the most recent being the Rockport, Maine, conference in June 1982. At this meeting, Ambassador Kenneth M. Curtis, former Governor of Maine during the Conference's founding years, recalled its beginnings:

> Premier Hatfield deserves much credit for the organization of this conference. It was largely by his initiative that in 1973 this series of meetings was begun as an extension of several interactions between Maine and New Brunswick in an attempt to pool ressources and exchange ideas to solve common problems on a regional basis. . . .
>
> Cooperation between the states and provinces is not uncommon--and occurs most often regionally and on a north-south basis. . . . It is not surprising that by far the greatest amount of activity occurs in this region. Here, we face many similar problems, share common resources and frequently share a common heritage that breeds a genuine kinship between us. . . . Throughout the generations, harsh winters, tough times, and a necessity for hard work has instilled a sense of that which is real and a special kind of pride within us.
>
> This century in which we are living is a rapidly changing one. To reach full employment, increase productivity, and maintain this region's unique quality of life is perhaps the most difficult problem we face. Today, I suggest that this is another example of where the search for answers need not stop at the boundary. . . . Premier Hatfield summed it up in the early years of this conference in testimony before the Canadian Standing Senate Committee on Foreign Affairs with this thought: '. . . The impetus to do more must come from the states and provinces themselves, by identifying areas of common interest and concern, by assisting one another when possible and by cooperating with one another when cooperation will yield mutual benefit. . .' (Kenneth M. Curtis, June 21, 1982.)

Ambassador Curtis' enthusiasm is unique but not atypical. There seems to be general feeling among Conference participants that the Conference provides a low-cost basis for continuing and periodic opportunities to consult and cooperate in areas of shared concern. The Conference includes the governors of the six New England states (Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and

Rhode Island) and the premiers of the five eastern Canadian provinces (New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, and Quebec).

The Conference is organized as follows: (1) Conference meetings are held annually in May or June. (2) The coordinating body meets on a regular basis to ensure that Conference projects run smoothly and that the governors' and premiers' decisions are implemented. This body is composed of principal advisors to each of the governors and premiers. (3) In addition, there are Conference committees to provide functions of information exchange and project management on a continuing basis. These committees include the Northeast International Committee on Energy and the International Surface Transportation Committee. (A history of the conference is presently being prepared under the direction of Emery Fanjoy, Secretary of the Council of Maritime Provinces, Halifax, Nova Scotia.)

The Conference of Western Governors and Premiers could be modelled after its eastern counterpart. Membership would certainly include the Northwest Pacific region of Alaska, Washington state, the Yukon Territory, and British Columbia. We also recommend that membership include the prairie provinces and plains states on the Canadian border, so as to encompass the entire western tier beyond the Great Lakes Basin states. Certainly, membership should extend eastward to include Montana and Alberta, which share common energy-producing concerns with each other and with Alaska. Patterned after the New England Governors-Eastern Canadian Premiers Conference, the Western Conference might be organized around annual meetings,

with provisions for a permanent coordinating body and standing committees. Conference concerns might include such functional areas as wildlife management, natural r sources policy, and hydroelectric projects.

--Four existing mechanisms can be utilized to extend the necessary bridges between the development of common policy concerns, articulated in such forums as the Western Conference, and the sharing of technical information needed to implement policy in the member state and provinces. These are briefly enumerated below:

1. Science and Technology Councils. Since the late 1970s, most states and provinces have designated some governmental body to coordinate science and technology policies (often including research priorities) within their respective polities. In Alaska, there is the Council on Science and Technology within the Department of Administration. In the winter of 1977/78 there was an informal meeting of provincial science officials coordinated by the Science Council of Canada. Subsequently, at the First Ministers' Conference (which includes the eleven federal and provincial first ministers of Canada), Prime Minister Trudeau instructed the Federal Minister of Science and Technology to develop a channel of communication with his provincial counterparts. (Stephen Schechter, 1979, p. 63.) Through networks such as this in the United States and Canada, much can be done to develop and coordinate science and technology policies for Western Conference members.

2. Utilization of University Resources. Alaska should identify university facilities that can be utilized in the advancement of regional concerns. One example is the annual Science Con-

ference sponsored by the University of Alaska. Another example is the Center for Canadian and Canadian-American Relations at Western Washington University in Bellingham, Washington. Institutions such as these could be encouraged to develop research and educational programs that address priority concerns of the region. They also could be involved in building the necessary public-private sector links for specialized regional centers from hi-tech to caribou.

3. International Professional Associations. Whether one looks to the implementation of a citizenship education policy of a wildlife management policy, professional associations continue to provide the principal vehicle by which professionals responsible for policy implementation can share, obtain, and refine the kind of technical information and skills needed to get the job done. In the field of wildlife management, for example, there is the International Association of Fish and Wildlife Agencies, the Western Association of Fish and Wildlife Agencies, the International Union for the Conservation of Nature, and the Wildlife Society. The Western Association of Fish and Wildlife Agencies includes members from two Canadian provinces. Its membership could be expanded to reflect the scope of the Western Conference of Governors and Premiers.

4. State Departments and Provincial Ministries. The committee structure of the Western Conference could provide the basis for consultation and cooperation among and between representatives of state departments and provincial ministries. It could be within a setting such as this that Alaskan state and Yukon territorial officials continue the dialogue over such issues as caribou herd management. This, in turn, provides the necessary bridges from the

Western Conference of Governors and Premiers to line departments and professional associations.

--Finally, we recommend consideration of a Border States Coalition to function in Washington, D. C., as a research and advisory group on the role of the states in hemispheric policies affecting state interests. Otherwise dissimilar and competing states (such as the energy-producing states of Alaska and Montana, the energy-consuming states of Michigan and Maine, the "Sunbelt" states of Florida, California, and Texas) have all, in their own ways, become vocal critics of American foreign policies that do not reflect the needs and experiences of the states, ranging from international conventions on migratory wildlife to American immigration and refugee policies. While ongoing efforts in the Western states to secure a regional voice in Washington, D. C., must continue, we also recommend consideration of a purposefully cross-sectional coalition designed to bring pressure on the foreign policy establishment to recognize and incorporate the role of the states in the formulation and implementation of American foreign policy, particularly with Canada and Mexico, that affect state interests. This coalition would also lend support to the efforts of National Governors' Association working group, previously recommended.

State Cooperation with Foreign Nations (const. amendment)

SENATE JOINT RESOLUTION NO. 15, by the Rules Committee by request of the Alaska Statehood Commission. Proposes to amend the state Constitution relating to cooperation with foreign nations. Would amend Art. XII, Sec. 2, "Intergovernmental Relations," to read: "The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest, and to the extent consistent with the Constitution of the United States, with foreign nations. . . ." (Underlined material added.) Provides that proposed amendment be placed before the voters at the next general election. Identical to HJR 23.

Introduced January 26 and referred to Judiciary.

Const. Convention (requesting Congress)

SENATE JOINT RESOLUTION NO. 16, by the Rules Committee by request of the Alaska Statehood Commission. Would make application and request Congress to call a constitutional convention for the sole and exclusive purpose of proposing an amendment to the U.S. Constitution setting rules and procedures for constitutional conventions. If Congress proposes any form of apportionment of delegates to the convention other than an equal number of votes for each state, the application for convention presented by SJR 16 would no longer be of any force or effect. It would also be of no force or effect if the convention were not limited to the exclusive purpose specified.

States that no federal constitutional convention has been called since the original convention in 1787 and there exist no rules for the calling of such a convention, apportionment of delegates among the states, or procedures. Thirty-one other states have so far issued a call for a convention limited to consideration of a constitutional amendment requiring a balanced federal budget (convention must be held if two-thirds of the state legislatures request one). Identical to HJR 20.

Introduced January 26 and referred to State Affairs and Judiciary.

Alaska Time Zones

SENATE JOINT RESOLUTION NO. 17, by Senators Halford, Vaiks, Ferguson, V. Fischer, Josephson, Kelly, Sturgulewski and Rodey. Would request the Secretary of the U.S. Department of Transportation to redefine the boundaries of the time zones in which Alaska is located by shifting those portions of the state located in the Pacific Standard Time Zone and the Alaska Standard Time Zone to the Yukon Standard Time Zone and by shifting that portion of the state located in the Bering Standard Time Zone to the Alaska Standard Time Zone. Would decrease the number of zone in Alaska from the current four to two, with Anchorage, Fairbanks and Juneau all in the Yukon Time Zone.

SJR 12 (cont'd)

to encourage the President to designate by proclamation an expiration of the Act's North Slope crude oil controls prior to the September 30, 1983 date.

States that the export ban frustrates the goal of energy self-sufficiency and national security by retarding the further development of Alaska's oil resources, and that low demand coupled with lack of adequate refining capacity on the West Coast, was well as the absence of any pipeline from there to the East Coast, have led to an oil surplus requiring Alaska crude oil to be shipped to the eastern U.S. through the Panama Canal. States that the export ban depresses the wellhead value of North Slope crude by effectively requiring oil shipment on high-priced Jones Act tankers to the wrong markets. Suggests that ending the export ban could increase federal revenues by $1.2 to $1.8 billion per year, could decrease the U.S. trade deficit with Japan, and could increase North Slope wellhead prices by $2 to $3 billion a year and state revenue by $500 to $800 million a year. Identical to HJR 22.

Introduced January 26 and referred to Resources and Judiciary.

Jones Act (urging repeal of)

SENATE JOINT RESOLUTION NO. 13, by the Rules Committee by request of the Alaska Statehood Commission. Urges Congress to repeal the Merchant Marine Act of 1920 (the Jones Act). Until the Act is repealed, urges Congress to allow foreign-built ships into the Jones Act trade if they meet American safety standards, are registered in the United States, and are owned and crewed by United States nationals.

The Jones Act requires that vessels carrying goods between U.S. ports be built and registered in the United States and owned and crewed by United States nationals. Resolution states that the Act gives vessels protection from free market competition by foreign ships that have lower construction and crew costs, resulting in higher freight rates in the U.S. coastwise trade.

States that Alaska trade now supports nearly one-third of the entire Jones Act fleet and the effect of the Act is to reduce Alaska's state oil revenue, to raise the cost of all domestic freight coming to Alaska, and to discourage the development of new oil fields and mineral deposits in Alaska. Pegs the yearly cost to the state at $63 - $176 million and the yearly cost to the federal treasury $135 - $378. Identical to HJR 21.

Introduced January 26 and referred to State Affairs and Judiciary.

Rights of States (constitutional amendment)

SENATE JOINT RESOLUTION NO. 14, by the Rules Committee by request of the Alaska Statehood Commission. Proposes to amend the state Constitution relating to the rights of states. Would add to Art. I, Sec. 2, "Source of Government": "Alaska is a free and independent state, subject only to the Constitution of the United States. The maintenance of the people's free institutions and the perpetuity of the Union depend upon the preservation of the right of self-government, unimpaired to all the states." Provides that the proposed amendment be placed before the voters at the next general election. Identical to HJR 24.

Introduced January 26 and referred to Judiciary.

SJR

15

Back-up Material

in SJR 14

file

SJR

19

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

_____

_____

_____

_____

_____

_____

_____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

_____

_____

_____

_____

_____

_____

CHAIRMAN

COMMITTEE REPORT

SENATE

3/14/83

FURTHER:

Date: 4/18/83

Mr. President:

The Committee on Judiciary has had [illegible]

Requesting a presidential pardon for Dr. Jim Goodrum and restoration of his civil rights through executive clemency granted by the Governor.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

CHAIRMAN

Do Pass

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OF COUNSEL

OUR FILE NUMBER

WRITER'S DIRECT LINE
262-0873

April 12, 1983

The Honorable Fritz Pettyjohn
The Honorable Pappy Moss
Alaska State Senate
Pouch V - State Capitol
Juneau, AK 99811

Re: James Goodman adv. United States

Gentlemen:

We are co-counsel with Kay, Christie, Fuld and Saville of Anchorage, Alaska for Dr. James Goodman. We have been asked to respond to a letter dated March 23, 1983 addressed to Senator Pettyjohn from Ms. Sue Ellen Tatter concerning Senate Resolution No. 19. Before responding to Ms. Tatter's letter, we believe it helpful to analyze the issue.

As we understand it, Senate Resolution 19 would, among other matters, commend Goodman for pardon to the President of the United States. We urge adoption of the resolution. Analysis of Ms. Tatter's letter, in light of the issue pending before you, illuminates its predominately irrelevant remarks.

There can be no question but that Goodman was indeed convicted by a jury. There would, of course, be no need for pardon in the absence of such a conviction. Therefore, it is unpersuasive on the question whether to adopt the resolution to suggest that Goodman has been convicted.

However, if the question is whether to commend Goodman for pardon because he did not receive a fair trail, then examination of some of the pretrial and trial events may be of assistance. Ms. Tatter relies heavily in her letter upon the notion that a jury rejected Goodman's defense. Of the men and women chosen for jury service, one individual was Mr. Geczy. Prior to selection as a trial juror, Geczy had been sued by Goodman's trial counsel, Mr. Kalamarides of Anchorage, Alaska. Imagine, if you will, Goodman's consternation when he learned that one of the people who determined his guilt had been a party adverse to Goodman's own lawyer, Kalamarides. How it came to pass that Geczy was permitted to remain on the jury without Goodman's knowledge is quite beside the point. If the jury verdict is advanced as a rationale for opposing Senate Resolution 19, one need only examine the membership of that jury to decide that the verdict is not all that it is made out to be.

Similarly, assuming Geczy had not been a juror, it is not likely that Goodman would have been acquitted in any event. This is so because critical evidence demonstrating billing errors in favor of the Government, as opposed to billing errors in favor of Goodman, were not presented. This failure of proof arose from two dichotomous problems. The dental work subject of dispute was predominately rendered to children. Their mouths change quickly by reason of maturation and dental care by others. Goodman received no notice that the Government intended to seek an indictment against him alleging false claims before the indictment was returned. While the Government was spending thousands and tens of thousands of dollars travelling about the State of Alaska looking for proof that Goodman filed false claims, Goodman continued to render dental care. He did not seek evidence supporting the notion that billing errors had been made in favor of the Government. By the time the indictment was returned, the Government had obtained its evidence and, by and large, it was too late for Goodman to gather his. The children's mouths had, by that time, changed and dental care had been rendered the children by other dentists.

Furthermore, in the post-indictment setting, no significant effort was made by Goodman's defense team to find billing errors in favor of the Government. In fact, it was not until after the jury verdict of guilty was returned and new counsel employed that anyone suggested to Goodman that evidence of billing errors in favor of the Government would have been relevant and material defense evidence in the trial of the case. Having been shown errors exclusively in favor of Goodman, it was doubtful that any could have acquitted Goodman of all counts. Therefore, suggesting that the Government's case was strong and the defendant's case was weak as a rationale for rejecting Senate Resolution 19 misses the mark.

It is indeed true that Goodman dismissed his appeal from the judgment and sentence of the Court. That decision was based on two facts -- economics and emotions. The trial of this case significantly drained Goodman and his family of their economic and emotional stores. The best result which could be achieved on appeal was reversal of the conviction with a remand for new trial. Goodman would then again be in a position of having to pay -- financially and emotionally -- for a second round. In light of the fact that the trial judge granted probation and recommended that his license to practice dentistry not be revoked, we pushed Goodman very hard toward abandoning an emotionally and financially expensive appellate process in favor of an end to Government litigation and a rebuilding of his emotional and financial condition. With great reluctance, he accepted our advice.

Almost immediately, the Government brought its civil action seeking $100,000, or thereabouts, from Goodman. That civil action called into question the same issues raised in the criminal proceeding. The Government had already obtained its facts and was in a position simply to move forward. Goodman would be faced with the obligation of producing the contrary evidence needed to persuade the trier of fact not to impose civil liability. Once again, out of economic and emotional necessity, Goodman accepted our advice to settle. He and his family could not and cannot afford, financially or emotionally, a further war with the Government. The Government apparently has unlimited resources and unlimited time to litigate with one of its citizens. I dare say there isn't

a member of your august body who can financially and emotionally afford a war of attrition with the United States Government. Therefore, the civil case was settled. However, to suggest that settlement of the civil case is somehow relevant to the decision that you must make with respect to Resolution 19 is simply irrelevant. The settlement documents disclose Goodman's continuing denial of wrongdoing and a payment by him to settle litigation. They show nothing else.

Ms. Tatter's letter suggests that, contrary to Goodman's position, the prosecution in this case was not instituted vindictively, in retribution for Goodman's dispute with the Public Health Service. Unfortunately, Goodman's position on this basic issue was not presented to the trial court for resolution by Goodman's defense team before trial. There is, of course, much precedent for the view that the Government may not institute a criminal prosecution out of vindictiveness or retribution. See, for example, United States v. Gallegos-Curiel, 681 F.2d 1164 (9th Cir. 1982). In fact, no significant effort was made during trial to establish the motive of the Public Health Service dentists for testifying as they did in terms of Goodman's dispute with them. We note that Ms. Tatter does not deny in her letter to you that a serious dispute occurred before the investigation began between Goodman and the Public Health Service.

Salted throughout Ms. Tatter's letter is the notion that this was a serious fraud case. The seriousness of white collar offenses is ordinarily measured by the extent of the damage incurred. The amount in controversy with respect to the counts on which Goodman was convicted totalled $1393. Ms. Tatter suggests that with respect to the claims for relief in the civil lawsuit, there was approximately $2600 of overpayments to Goodman. The Government admits to having spent, in costs alone, $28,000. In fact, the Government sought considerably more -- a sum in excess of $40,000 as costs in the criminal case. If one compares the amount in controversy with the amount spent in pursuing the criminal litigation, that is, $30-40,000 for costs, plus the salary of the Public Health Service doctors, FBI agents, and prosecutors, with the amount claimed to have been lost by the Government -- a number between $1500 and $3000, it is not hard to understand Goodman's assertion that the prosecution was undertaken vindictively. Moreover, it is truly difficult to give credence to the assertion that this was a serious fraud case in light of the dollars involved.

Apparently recognizing this problem, Ms. Tatter has suggested that native American children did not receive dental care because of Goodman's false claims. One wonders whether the lack of care arose from Goodman's false claims or from the months of time that Public Health Service dentists were out in the bush looking for another 25 or 50 dollar error in a billing statement. In any event, the children are getting free care now. Without any order of a court, but out of a sense of responsibility to see to it that his innocent errors are corrected, Goodman has, on almost every Friday since his conviction, rendered free dental care to native Americans. We again note that Ms. Tatter ignores this fact in her letter.

We perceive the Government--Goodman litigation, both criminal and civil, as wholly unnecessary. Regardless of one's view of Goodman's intent, the sums involved are literally insignificant in terms of the overall scheme of things. If the Government truly wanted justice, as opposed to Goodman's hide, this dispute would have followed an entirely different scenario. For example, when the Government's investigation showed that Goodman had over-billed the Government, demand could have been made for immediate repayment and a termination of Goodman's Public Health Service contract. In addition, other forms of relief beyond money damages could have been obtained -- the Government could easily have requested that Goodman render free care for a period of time to even the scales of justice a bit.

Instead, the Government has spent more than $250,000 prosecuting a case in which it lost a maximum of $2500. Now, to advance its cause of "justice" to its ultimate conclusion, the Government seeks to deny Goodman a pardon and threatens to seek further relief before the Dental Board in terms of a license revocation. The history of the litigation between Goodman and the Government, along with Ms. Tatter's letter on behalf of the Government,

demonstrate to the reasonable mind that the Government has had enough and more than enough from Goodman, whatever his misdeeds. We urge adoption of the resolution.

Sincerely,

JORDAN GREEN

JG/st

Delta dentist settles suit with government

By SHEILA TOOMEY
Daily News reporter

Delta Junction dentist James Goodman, convicted of defrauding the federal government by charging for dental work he didn't do, has settled a civil suit filed against him by the federal government with a $20,751.60 check.

The sum will partially repay the government for the cost of detecting Goodman's fraud, said Assistant U.S. Attorney Sue Ellen Tatter. Tatter originally had sought to recover $87,000 from Goodman to cover the cost of the investigation and trial that led to his arrest and conviction.

The amount of the check, received at the U.S. Attorney's office on Tuesday, was arrived at by Goodman's attorneys through a series of calculations, Tatter said. Neither Goodman nor the government admits any liability in the settlement.

Goodman was convicted by a jury on June 16 of 22 fraudulent billings to the U.S. Public Health Service. The jury acquitted him on 10 similar charges, and one charge was dismissed by the judge during the trial.

In reaching their decision, jurors rejected Goodman's defense that the fraudulent billings were inadvertent and due to sloppy bookkeeping by himself, his wife, Jane, and his staff.

Goodman was sentenced to five years probation and fined $31,500.

The state board that licenses dentists has asked for the transcript of Goodman's trial. The board is expected to discuss at its June meeting whether or not his license to practice in Alaska should be revoked, said Harry Treager, director of the Division of Occupational Licensing.

Tatter said Tuesday's settlement closes the government's case against him and will end a continuing investigation into other billing claims raised against the dentist since the filing of the original charges.

"We could keep investigating more and more of these claims," Tatter said, "but it's very expensive and it ties up the dentists from the Native Health Center."

Goodman treated about 150 Public Health Service patients between 1979 and 1981, according to Tatter. Investigators uncovered 26 patients charged for work not done totaling $2,600 in billings, she said.

The government agreed to settle with Goodman to avoid incurring any further costs and because they think the sum is a reasonable compromise, Tatter said. "We're very glad to get it," she said. "To date the civil case has cost us very little to pursue. It would cost us more to go further."

Goodman said he agreed to settle not because he felt he did anything wrong, but to save his family and friends the ordeal of another trial.

The Goodman prosecution — especially Tatter's decision to file a civil suit after the criminal trial — has angered some people in the Delta Junction area where the dentist lives and practices.

Three hundred people contributed $3,400 at a Feb. 25 pro-Goodman rally to lobby Congress and President Reagan to pardon Goodman. And a local group has written a song picturing Goodman as a victim of overzealous law enforcement.

United States Attorney
District of Alaska at Anchorage

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701 'C' Street
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March 23, 1983

The Honorable Fritz Pettyjohn
The State Senate
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Sir:

In response to your letter to Michael Spaan, United States Attorney, I am outlining the position of this office with respect to proposed Senate Joint Resolution No. 19 concerning Dr. Goodman. Many of the assertions in Senate Resolution No. 19, are not factually correct; they involve assertions of Dr. Goodman which were presented to the trial jury and rejected.

1. Criminal Charges - Summary

Dr. Goodman was indicted for 33 felony counts of presenting false claims to the Public Health Service. Under this charge, the United States is required to prove deliberate fraud for each count. The judge instructed the jury that the government had to prove Goodman intended to defraud. Mistakes, bookkeeping errors or unintentional overbilling were legitimate defenses, as described to the jury by the trial judge.

At trial, Dr. Goodman presented a defense of "mistake" or unintentional error. The jury heard the evidence and convicted him of 22 felony counts. The judge refused to grant Dr. Goodman a new trial. Dr. Goodman voluntarily dismissed his appeal to the Ninth Circuit Court of Appeals prior to any briefing.

2. Evidence at Trial

a. Discovery of the Fraud

The charges for which Dr. Goodman stands convicted involve serious fraud. The Senate resolution alleges the prosecution was initiated because of a "heated discussion" between Dr. Goodman and a Public Health Service dentist. This allegation is false. The charges arose because a

private dentist, Dr. Richard Siry of Wasilla, discovered Dr. Goodman had billed for major procedures in children's mouths which had not been performed when Dr. Siry treated them. Dr. Siry checked the children's mouths against copies of Dr. Goodman's bills. Dr. Siry informed the Public Health Service dentist, Dr. H. Douglas Smole, that the Public Health Service should investigate Dr. Goodman's billing.

Dr. Siry testified at trial that Dr. Goodman's false claims were for major procedures. Dr. Goodman's false claims had a high frequency. Dr. Siry checked for mere transpositions and other clerical[1/] or minor errors. In his opinion, the absent procedures for which Dr. Goodman billed were not the result of "mistakes."

b. The Government's Evidence

Dr. Smole and Dr. Robin Lenaker, another dentist now in private practice, audited the work of Dr. Goodman and three other dentists who contracted for "bush" work. They found a high percentage of serious errors in Dr. Goodman's case and only one or two clerical-type errors per other dentist. They checked for lost fillings or lost teeth.

The government presented testimony of Public Health Service dentists, two private dentists and a government dentist who privately consults for the Dental Health Plan as an auditor. None of these persons exhibited any personal animosity toward Dr. Goodman. In fact, they had never met him. They described only professional concern that a dentist was billing for procedures clearly not performed, such as repeated billings for repeat visits for the same unperformed work, in circumstances which make unintentional mistakes unlikely. In addition, the government

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1/ "Clerical" errors would be mere transpositions of work done to another side of the mouth, or mis-numbered teeth where restorative work was done on another tooth. In contrast, Dr. Goodman's fraudulent claims included the bill for Lorita Paul, a four year old, whose mouth, including all of her baby teeth, were intact, with no dental work and no fillings, at the time of trial. Dr. Goodman billed for three baby tooth fillings for Lorita Paul. For numerous children, Dr. Goodman billed for stainless steel crowns, an elaborate procedure requiring preparation of the tooth, when the childrens' mouths contained no such crowns nor preparations. In one case, the patient testified that Dr. Goodman did the work after Goodman was indicted, and not when the bill was submitted.

presented slides and X-rays of the children's teeth, so that even a lay person could understand the nature of the false claims. Further, the government's charge of deliberate falsity were supported in some cases by Dr. Goodman's own X-rays and charts. Dr. Goodman, working in an isolated situation in the "bush," where detection was unlikely, billed for major procedures which he did not perform in the mouths of small Native children.

c. Dr. Goodman's Defense and the Government Rebuttal

Dr. Goodman did not testify at trial to any vendetta or "heated discussion" as described in the Senate resolution. He did not dispute at trial that many of his claims were false. He and his expert at trial recognized that many of these procedures were absent. Dr. Goodman and his staff alleged, in certain cases, that these procedures were performed on patients other than the ones named in the bills. In one case, the government introduced evidence to show that the "other patient" did not exist. In another case, the government showed that the "other patient" was in continual court-ordered custody in a state children's home when Dr. Goodman was supposed to have treated her and that Dr. Goodman did not treated her as claimed.

In some cases the defense alleged that the false claims occurred because of Dr. Goodman's frantic office pace or poor bookkeeping. However, as the government pointed out, Dr. Goodman saw many of these patients repeatedly and never corrected his "errors." Nor did he testify to one instance where he made an "error" against his own interest.

Some patients testified personally that they either did not receive any fillings from Dr. Goodman or that Dr. Goodman did the work he billed for after he was indicted for false billing. There was testimony that these were memorable, traumatic procedures, even from Dr. Goodman's own witnesses.

The Senate resolution indicates Dr. Goodman was convicted because of arguably corroded fillings whose age could have been disputed by experts. This is not true. Dr. Goodman presented several experts at trial. He was not convicted of the counts where his experts disputed the Public Health Service opinions. Where he disputed the interpretation of the bills, such as the corroded fillings cases, the jury gave him the benefit of the doubt and did not convict him.

The trial testimony has been described and is available if the Committee is concerned with factual accuracy. I am certain the facts described in the Senate

resolution are not accurate reflections of the testimony under oath at trial.

3. The Sentence

The United States feels that the judge gave a fair sentence. Dr. Goodman was placed on probation and received a fine in lieu of jail time. This fine was punitive. It did not serve to reimburse the government or the defrauded health program.

The children in the villages served by the Public Health Service are entitled by Act of Congress to receive health care from the United States. The Public Health Service dental program has limited funds. There are children in the village who cannot have cavities or absesses treated because the money was used up, partially to pay for Dr. Goodman's false claims.

4. Public Interest

It was important for the United States to bring this case against a public contractor, paid by the taxpayers, for deterrent purposes. The government in Alaska is forced to rely on many professionals who contract with the government. Many of these persons do work in the "bush" where false billing is difficult to detect. It is very expensive for the government to examine every single patient or every single contract performed by a government contractor. In this case, only a dentist could detect the falsities. In fact, the falsities were discovered not by Public Health Service dentists, but by a private dentist who worked on the children's teeth in the village of Mentasta. In such circumstances, the government believes it must occasionally undertake a thorough investigation to root out fraud.

We sincerely hope no legislator takes the position that the government should prosecute crimes that are easy to detect, and let clever professionals escape liability because they possess special knowledge and a special trust relationship with the patient. Violation of the special trust relationship here between patient and dentist makes the fraud especially serious.

Dr. Goodman's case was not easy to prosecute, but it certainly did not involve a disproportionate amount of government expense. It was only one of several other criminal fraud trials I handled in 1982, in addition to many civil and appellate cases. Dr. Goodman's case was one of numerous criminal cases prosecuted by this office: it was not singled out for unusual treatment by this office or the FBI.

The government did bear the cost of transporting all the patients to the trial because Dr. Goodman refused to stipulate concerning what was in the childrens' mouths. Once the children appeared at court, Dr. Goodman's attorney changed his mind in many cases and did not dispute the patient's mouth configurations. The cost of bringing the witnesses was approximately $28,000. The expense was due solely to Dr. Goodman's initial evidentiary position.

5. The Civil Fraud Suit

The federal government sued Dr. Goodman for presenting false claims to a government agency under the Civil Fraud Statute. This is a permissible method of proceeding, approved by our elected representatives in Congress. Its purpose is to make the government whole. The civil concept allows recovery for cases where the burden of proof is less strict than in a criminal case where many rights are given to the accused.

The civil fraud suit involved claims in addition to those presented to the criminal trial jury. Further, in the course of preparing for this civil lawsuit, the Public Health Service dentists are discovering even more false claims made by Dr. Goodman.

Dr. Goodman has, at present counting, submitted false claims for 26 patients totaling approximately $2600 or an average of $100/patient. He treated about 150 Public Health Service patients. Thus, it is likely there are still more false claims that are difficult and expensive to detect.

One of the purposes of the civil fraud statute is to permit recovery where there have been numerous fraudulent claims -- and the likelihood of many more -- but where the fraud is difficult or expensive to detect.

Mr. Spaan believes we would be remiss in our duties to the taxpayers and to the general treasury if we did not pursue all avenues to reimburse the government for false claims and their attendant cost, particularly, the cost of detection. If we pursue collection remedies against those who default on student loans, VA loans or SBA loans, even where the borrower is in difficult circumstances, it is unfair to exempt a wealthy dentist from his statutory duties described by Congress.

The civil suit is in the final stages of settlement negotiations. The government is considering a substantial settlement offer proposed by Dr. Goodman's attorneys. If Dr. Goodman believes the suit is unjust, his proper avenue is in the courts.

We believe it will be prejudicial to both parties to discuss the case more at this point, but the results will become a matter of public record soon.

6. Conclusion

The jury was convinced beyond a reasonable doubt that Dr. Goodman was guilty of 22 counts of intentional fraud. The jury thus did not accept his explanations of "mistake," "professional disagreement" or "bookkeeping errors." Dr. Goodman has elected not to pursue his appeal. Thus any claim of innocence is not supported by the record.

The United States has taken no position on any State Dental Board proceedings. However, if any doubt remains about the fraudulent nature of Dr. Goodman's intent, after the jury verdict, after Dr. Goodman dismissed his appeal and after compromise of the civil suit then perhaps presentation to the Dental Board will resolve any lingering doubts.

The transcript of the criminal trial, as well as all pleadings in both the civil and criminal cases, are a matter of public record and available for you or your Committee to examine. We believe that if the matter is investigated by yourselves or the Dental Board, impartial persons will see, as did the jurors, that indefensible fraud was perpetrated upon the Public Health Service, the American taxpayers and upon the children whom Dr. Goodman was paid for treating.

Thank you for your attention.

Very truly yours,

MICHAEL R. SPAAN
United States Attorney

Sue Ellen Tatter

SUE ELLEN TATTER
Assistant U.S. Attorney

552 E. Fireweed Lane, Suite B
ANCHORAGE, ALASKA 99503
(907) 279-0688

Dental Emphasis:
Dentures and Partial Dentures

April 4, 1983

Senator Bill Ray
Chairman Senate Judiciary Committee
C/O Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Ray:

I am appalled by Senate Joint Resolution Number 19 which represents a presidential pardon for Dr. Goodman. I am appalled not by the appeal but by what it is based on. Several very important aspects of it are absolutely incorrect! I find it difficult to believe that a legislator could print erroneous information in a document that is to be presented before the state legislature.

First of all, and least of all, the amount of falsified claims totalled $1800.00 not $900.00 as alleged in the resolution. Secondly, no prosecution of these claims was ever initiated until a thorough quality review had been performed on five contract dentists, all working in the TOK area, Dr. Goodman being one of them.

Finally, the reason that an inquiry was performed was that another private contract dentist had noted a discrepency with work Dr. Goodman had claimed to have performed and alerted the chief of Dental Services of the USPHS, Dr. Smole of this. At that point an investigation ensued which uncovered numerous billings for work never performed that had been paid for by US. tax dollars.

The most abusive portion of this resolution is the part that states that Dr. Smole has or had a personal vendetta against Dr. Goodman. I not only assisted Dr. Smole in the five day assessment in the TOK area that uncovered the discrepencies, but worked along side him for over two years at the Alaska Native Medical Center in Anchorage. He has always dealt fairly with individuals whether they be fellow PHS officers or private contact dentists. Dr. Smole has always adhered to honorable cognitive approaches to all problems requiring reasonable judgments.

I feel, and have told him so, that court action should be pursued for the defamation of character remark made in this resolution as well as other degrading statements made in papers in the last few months.

PHIL W. WRIGHT, JR., D.D.S.
ROBIN P. LENAKER, JR., D.D.S.
502 E. Fireweed Lane, Suite B
ANCHORAGE, ALASKA 99503
(907) 279-0628

Dental Emphasis:
Dentures and Partial Dentures

Senator Ray, I only ask that your committee be fully aware of the court transcripts prior to acting on this resolution.

Sincerely,

Robin P. Lenaker Jr.

Robin P. Lenaker; D.D.S.

RPL/jl
cc: Senator Tim Kelly
C/O Alaska State Legislature
Room 208 - B
Pouch V (MS 3100)
Juneau, Alaska 99811

Lear
4/18/83

Original sponsor: Moss

IN THE SENATE BY THE JUDICIARY COMMITTEE

CS FOR SENATE JOINT RESOLUTION NO. 19 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

Recommending to the Alaska Board of Dental Examiners that they not revoke or suspend Dr. Jim Goodman's license to practice dentistry.

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

WHEREAS Dr. Jim Goodman of Delta Junction was convicted in June 1982, in federal district court in Anchorage of filing false claims for dental service with the Public Health Service totaling $900 over three years; and

WHEREAS Dr. Goodman was fined $31,000 and placed on probation for five years, ~~during which time he~~ AS A RESULT OF WHEN MUST forfeits such civil rights as the right to vote, the right to bear arms, the right to serve as a juror, and the right to hold public office or public trust, authority, or power; and

WHEREAS the prosecuting attorney decided that a $31,000 fine and suspension of Dr. Goodman's civil rights did not make the government whole for the $900 in false claims established in this prosecution, and, therefore, instigated filing of a civil claim against Dr. Goodman for approximately $100,000 in damages; and

WHEREAS the United States Attorney AND DR GOODMAN HAVE settled the civil claim for substantially less money than $100,000; and

WHEREAS hundreds of Alaskans have voiced their concern that Dr. Goodman be allowed to continue practicing dentistry in Delta Junction; and

NEW WHEREAS →

WHEREAS it is likely that the Alaska Board of Dental Examiners will consider whether or not Dr. Jim Goodman should be allowed to retain his right to practice dentistry in Alaska;

BE IT RESOLVED by the Alaska State Legislature that the Alaska Board

of Dental Examiners is respectfully requested to give favorable consideration to the issue of whether or not Dr. Jim Goodman should be allowed to retain his license to practice dentistry in Alaska.

Judiciary Committee

Amendment - CSSJR 14

Line 22: insert "and Dr. Goodman have" after "attorney" and insert a semicolon (;) after "claim", deleting "for substantially less money than $100,000"

Line 26, add new "WHEREAS" clause, ready:

"Whereas Dr. Goodman renders dental service to an area not otherwise served by private practitioners of dentistry"

SJR

30

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

_____

_____

_____

_____

_____

_____

_____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

_____

_____

_____

_____

_____

_____

CHAIRMAN

S 60 (Rev. 12/78)

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT DIVISION

201 E. 9TH AVENUE, SUITE 202
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3441
TOLL FREE: ZENITH 3300

February 8, 1984

Senate Joint Resolution 30
Intercept of IRS Refunds
Non-AFDC Cases

Testimony Provided by:
Dan R Copeland

Good Afternoon,

My name is Dan R Copeland. I am the Director of the state Child Support Enforcement Division, and during 1984 I also served as the President of the National Council of State Child Support Enforcement Administrators. This National Council is committed to the principle that all enforcement tools should be available equally to both AFDC and non-AFDC child support casework.

This very basic principle was and still is a national program objective that has yet to be firmly established. Many of the bills that were presented to Congress included purpose statement amendments that addressed this concept. These changes sound good, but they do not impact the day to day operation in any state. Requiring that this IRS offset process be made available to both AFDC and non-AFDC cases on an equal basis would be the most tangible change in this regard.

In Alaska offsetting IRS refunds for the AFDC caseload was very effective. Significant collection totals were noted, but there was a more important aspect to the process. Many of the absent parents that would not have paid anything were caught by the IRS network. One of the reasons for this is that this offset process is one of the few effective ways to collect on an interstate case or deal with self-employed people.

Alaska has had the following governmental reimbursement results:

Calendar Year	Cases Submitted	Collections	Arrearages Submitted
1982	227	$85,000	$1,582,500
1983	927	$186,000	$6,092,500
1984	1,148	$230,000*	$6,741,500

*Estimated

At the national level the following governmental reimbursement results have been noted:

Calendar Year	Cases Submitted	Collections	Number of Collections	Average
1982	561,000	$168,915,000	279,000	$605.00
1983	872,000	$169,353,500	323,000	$524.00

The national significance in pursuing the intercept of IRS refunds for the non-AFDC caseload becomes very clear when comparing Alaska and other states. Here in the state of Alaska the process was an important tool. Adding the non-AFDC caseload to this process would improve the whole effort. However, in other states this process in the non-AFDC area would be the catalyst to force a major policy change. There are many states that still attempt to steer their workload away from the non-AFDC areas so that they may concentrate on AFDC or governmental reimbursement. Once this process is required for the non-AFDC caseload, the states that concentrate on just the AFDC work would be forced to change and work all cases. This policy change would be the most significant and positive improvement for the child support program.

I would urge each of you to support this resolution and recommend that it be changed to include sending personal copies to President Reagan and the Secretary of Health and Human Services, Margaret Heckler.

FILE WITH SJR 30

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: SJR-30
Title: Relating to the Enforcement of Child Support Obligations
Sponsor: Halford
Requestor: Senate Judiciary
Date of Request: 1-17-84

FISCAL DETAIL
Agency Affected: Revenue
Program Category Affected: Revenue Collection & Management
BRU, Program of Subprogram(s) Affected: Child Support Enforcement Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

		FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
	OPERATING						
100	PERSONAL SERVICES	-	-	-	-	-	-
200	TRAVEL	-	-	-	-	-	-
300	CONTRACTUAL	-	-	-	-	-	-
400	SUPPLIES	-	-	-	-	-	-
500	EQUIPMENT	-	-	-	-	-	-
600	LANDS & STRUCTURES	-	-	-	-	-	-
700	GRANTS, CLAIMS	-	-	-	-	-	-
800	MISCELLANEOUS	-	-	-	-	-	-
	TOTAL OPERATING	-	N/A	N/A	N/A	N/A	N/A
	CAPITAL	N/A	N/A	N/A	N/A	N/A	N/A
	REVENUE	N/A	N/A	N/A	N/A	N/A	N/A

FUNDING: (Thousands of Dollars)

	GENERAL FUND	-	-	-	-	-	-
	FEDERAL FUNDS	-	-	-	-	-	-
	OTHER	-	-	-	-	-	-
	TOTAL	N/A	N/A	N/A	N/A	N/A	N/A

POSITIONS:

	FULL-TIME	-	-	-	-	-	-
	PART-TIME N/A	-	-	-	-	-	-
	TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis.

1. One page analysis attached.
2. One document attached.

Prepared By: Dan R Copeland Phone: 276-3441
Division: Child Support Enforcement Division Date: 1-19-84

Approved by Commissioner: Robert Heath Date: 2/6/84
Agency: Revenue Phone: 465-2300

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE ANALYSIS
SJR-30, January 19, 1984

In Alaska offsetting IRS refunds for the AFDC caseload was very effective. Significant collection totals were noted, but there was a more important aspect to the process. Many of the absent parents that would not have paid anything were caught by the IRS network. One of the reasons for this is that this offset process is one of the few effective ways to collect on an interstate case or deal with self-employed people.

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1982	561,000	$168,915,000	279,000	$605.00
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This decline in the average amount of each offset has been the cause for concern. IRS and the Administration's Office of child Support Enforcement (OCSE) are doing formal studies in this area. IRS has stated that their opinion is that the taxpayers are changing their tax status to avoid refunds which are subject to offset. This is part of their rationale for opposing further entry in this area.

Here in the State of Alaska the process has been an extremely important tool. Adding the non-AFDC caseload to this process would greatly improve the whole effort. However, in other states this process in the non-AFDC area would be the catalyst to force a major policy change. There are many states that attempt to steer their workload away from the non-AFDC areas so that they may concentrate on AFDC or governmental reimbursement. Once this process is required for the non-AFDC caseload, the states that concentrate on just he AFDC work would be forced to change and work all cases. This policy change would be the most significant and positive improvement for the child support program.

National Council of State Child Support Enforcement Administrators

Committee on Finance
Subcommittee on Oversight of
the Internal Revenue Service
Tax Refund Offset Program and S-150
September 16, 1983

Testimony Provided by:
Dan R Copeland
President

Good Morning, I am Dan R Copeland, President of the National Council of State Child Support Enforcement Administrators. I also serve as the Director of the Alaska Child Support Agency. Our National Council includes the operational head of each state child support agency.

The Council is committed to the principle that all enforcement tools should be available equally to all child support cases. This should include AFDC and non-AFDC or instate and interstate casework. It is imperative that all absent parents recognize that all collection methods will apply to their own individual obligation to pay without regard to the economic status or location of the custodial parent with their child.

Many of the bills now facing Congress include a purpose statement that would imply this type of universal approach. The offset of IRS refunds for all cases rather than just the AFDC situations would be one of the most tangible statements made in this regard. In opening the IRS refund offset process to the non-AFDC caseload it must be recognized that this has the potential for greatly expanding the number of custodial parents that will want to use the child support system. Many custodial parents that have given up any thought of receiving child support will see this process as one last hope. It is most important that we make sure their hopes are not lost.

Many substantial barriers stand in the way of allowing the IRS refund offset process to work to its fullest extent. The first and most significant factor is in the basic program intent. While child support and the non-AFDC caseload is currently receiving a lot of attention many of the state and local political jurisdictions need assurances that child support services and not government AFDC reimbursement is the program objective. This very basic message, that child support is to be viewed as a service to the public will take time to be accepted. Acceptance of this will have a substantial impact in how the state and local jurisdictions implement the process of offsetting IRS refunds for non-AFDC cases. Once the basic program intent is established nationwide down through each county and local child support operations, the offset process will become one of the most effective collection tools available.

The success of the AFDC IRS offset process is one of the driving factors in the push to expand the program to include the non-AFDC caseload. During FY 82, better than 547,000 AFDC arrearage cases were submitted to IRS and 262,030 or 48% of these cases produced an actual cash response. In this first year of operation over $166,000,000 was collected and distributed to the state and federal governments. The figures are indicators of success but a more important fact is that many of the cases that proved to be uncollectable in in the past now produced amazing results.

-over-

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