

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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# and Beyond

ference of Nuclear Free Zone Local Authorities on 3-11 October 1986, attended by over 400 countries (25% of whom were women). The U.S. elected officials (from Chicago IL, Jersey Angeles) as well as activists from New York Univercualists and Nuclear Free America.

ne and expense involved in preparing such a ne delegates decided to meet again only in reafter). A newly created International ade up of representatives of national NFZ convene regional NFZ conferences in inter- "constitution" adopted at the close of the Manchester (UK) is to serve as President of ce-President. The conference also directed hat to apply to the United Nations for NGO

ncerned a resolution calling for all NFZs to ar power (defeated) and NFA's request that mmittee expand the definition of NFZs in its topted by popular referendum and not just officials. This was rejected, although, in agree to recognize NFZs adopted by legally appropriate'. (The U.S. is also still the only ties have been able to adopt legally binding at non-binding resolutions.)

on the side decided to try to arrange two 17: one for NFZs in Europe and around the ventry or Birmingham (UK) in conjunction nament Convention scheduled for July 15-19; n Hemisphere and around the Pacific, in n mid-November (to coincide, if possible, s being planned for U.S. and Canadian NFZ ternational and Nuclear Free America). NFA s Nuclear-Free Ports Conference is also oposed that the two be merged.

erence in July, the group could not agree on and whether to meet just before, during or ear Free America was asked to solicit wider t network, so please, if you are interested nd us any comments you may have regarding Also please let us know if you would like ternational conference committees being ting and logistics.

g;a conference, contact the Canadian NWFZ undas, Ontario L9H 4E5) or the International n Hall, Manchester M60 2LA United Kingdom ports).

# NFZS IN THE WORLD

## 5 NUCLEAR FREE ZONE TREATIES

The number of countries that have signed and ratified the treaty is given in parentheses.

- \* Antarctic Treaty, 1959 (56 states, incl. USA & USSR)
- \* Outer Space Treaty, 1967 (83 states, incl. USA & USSR)
- \* Latin American Treaty, 1967 (also known as the Treaty of Tlatelolco; 24 states, incl. USA & USSR)
- \* International Seabed, 1971 (73 states, incl. USA & USSR)
- \* South Pacific, 1985 (4 states with 3 pending; not yet signed by US or USSR)

## 19 NUCLEAR FREE ZONE COUNTRIES

Countries that either explicitly or implicitly prohibit nuclear weapons by law, policy or as part of their constitution. (?) means NFZ law may not be enforced.)

- \* Austria
- \* Faeroe Islands
- \* Finland
- \* Greenland (?)
- \* Iceland (?)
- \* Japan (?)
- \* Malta
- \* Federated States of Micronesia (Ponape, Kosrae, Truk, and Yap)
- \* New Zealand
- \* The Northern Marianas (?)
- \* Republic of Palau
- \* Papua New Guinea
- \* The Seychelles
- \* The Solomon
- \* Spain
- \* Sri Lanka
- \* Sweden
- \* Taiwan
- \* Wales (by counties)

## 3,503 NUCLEAR FREE ZONE COMMUNITIES IN 24 COUNTRIES

NFZs declared by cities, counties and provinces. The NFZ movement is spreading quickly throughout the world, and so many of the figures given below may be out of date. Please inform NFA of any corrections or additions to this list.

1	Argentina (El Bolson)	1,058	Japan (first NFZ declared in 1958; 322 declared in 1985; includes 5 provinces & over 54% of the population)
105	Australia (over 50% of the population)	62	Netherlands
281	Belgium (over 45% of the population)	103	New Zealand (over 66% of the population)
133	Canada (over 45% of the population, including all of Ontario, Manitoba, the Yukon, the Northwest Territories & over 50% of British Columbia)	107	Norway (incl. 23 NFZ ports)
14	Denmark	20	Philippines (over 24% of the population)
1	Finland (the Aland Islands)	86	Portugal (over 50% of the population)
1	France (Lutterbach)	32	Scotland
174	Great Britain (over 60% of the population, including all of Wales (by county))	350	Spain (over 45% of the population)
1	Greece	7	Sweden
117	Ireland (over 50% of the population)	1	Taniti (Faa'a)
496	Italy	132	United States of America (60 are legally-binding)
		1	Vanuatu (Port-Vila)
		200	West Germany

# "Northern Wedding" An Unhappy Marriage

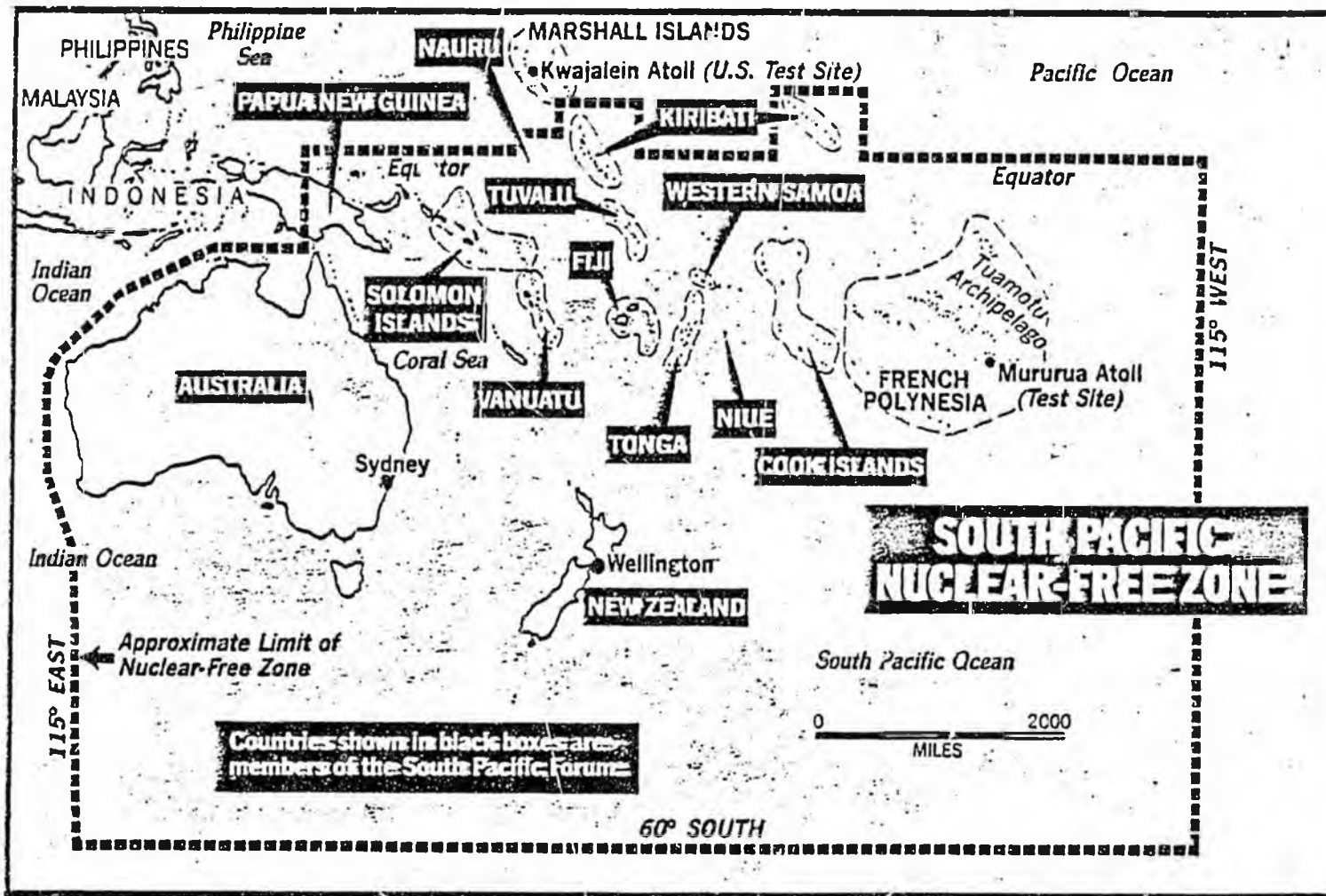
## ELAND

isted nuclear-free Iceland during NATO's in August 1986. This ship, armed with Harpoon ropriety not yet nuclear-capable, although the -capable" in the near future.

## AMSTERDAM

\* Despite the fact that Amsterdam has been declared a Nuclear Free Zone, the city does not have the power to stop warships from visiting its harbors. The NATO fleet came to Amsterdam in September 1986 for an evaluation of the "Northern Wedding" exercise which had just taken





By Brad Wye—The Washington Post

## BERRY-LIFT: Help for Sami people

Continued from Page C-1

support of several Alaska organizations and private companies, including Mark Air. The airline has offered to bring berries and other foods from the Bush to Anchorage for free, she said.

Jacobsson also said Tolem Ocean Traller Express is providing a freezer van to store

frozen food.

The berry air lift is being planned to coincide with the Nordic Sami Peace conference scheduled for Dec. 15 and 16 in Hattfa, a city in northern Finland, Upieksoun said.

The primary issue at the meeting will be the future effects of the nuclear disaster on the Sami.

# Sunday

SECTION

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Anchorage Daily News Sunday, November 23, 1986

## Operation Berry-Lift: Sharing subsistence

Out of Chernobyl stops berry-picking in northern Scandinavia; Alaska Native women aim to help

By J. H. TETPON  
Daily News reporter

A 25-year moratorium on berry-picking in northern parts of Finland, Norway and Sweden has prompted a group of Alaska Native women to organize Operation Berry-Lift — an effort to bring subsistence foods to the Sami, the Laplanders of the three countries.

The moratorium was issued because of the presence of

radioactive fallout from the Chernobyl nuclear disaster. The accident occurred last April at the Chernobyl power plant, near Kiev in the Soviet Union. Reports say radioactive residue will be present in the Soviet environment for 100 years.

The Sovereign Indigenous Women of the Arctic (SIWA), numbering about 200 statewide, are planning to air lift berries and other subsistence

foods on Dec. 14 to Samis affected by the nuclear accident.

Laplanders, as they've been known for years, now identify themselves as Sami, a more accurate cultural designation, SIWA member Martha Upieksoun said.

Details about the impact of the nuclear disaster on residents of the European arctic have been sketchy. But, Upieksoun said, Nordic Sami

Council General Secretary Marit Sara of Finland told her in telephone conversations that the three counties recently banned the use of subsistence berries and reindeer meat for a 25-year period.

Reindeer, the primary source of food and cash for the Sami, have been deemed unsafe for human consumption because of contamination of the area's lichen — the only

food source for the animals. The banned berries are similar to those in Alaska, Sara reported.

Deza Jacobsson, one of the founders of SIWA, said she learned about the Sami's problem upon meeting a Sami woman in Kotzebue last month. "She said her people would no longer be able to practice a subsistence lifestyle because of radiation contamination,"

Jacobsson eventually recruited Upieksoun and Evelyn Nash, another SIWA member, and began planning the air lift.

SIWA was organized to advocate a nuclear free arctic and to draw attention to the negative effects of the use of nuclear power, Jacobsson said.

The planned air lift is the

See Page C-3, BERRY-LIFT

## More cities in U.S., abroad declare themselves nuclear-free zones

By WARREN PERLEY  
United Press International

From the decks of the ill-fated Lucky Dragon 30 years ago to the city of Chicago today, the "nuclear-free zone" movement is spreading among cities and nations worldwide.

In the last four years alone, Baltimore's Nuclear Free America group says 3,000 cities and counties in 17 nations have adopted resolutions banning nuclear weapons and associated research.

The movement received a major boost when Chicago's City Council passed an ordinance March 12 making that city of 3 million "nuclear free."

"The big story is Chicago," said Albert Donnay, director of Nuclear Free America. "It will show people that this is something that even the largest cities can do and take seriously. We're not going to get anywhere waiting for the superpowers to proceed with bilateral disarmament negotiations."

Chicago stands to lose \$2 million in defense contracts because of the decision.

Donnay says the standard definition of a nuclear free zone is a community that refuses to condone or support activities related to nuclear weapons.

In addition to that basic premise, 10 percent of the 111 nuclear

free zones in the U.S. have banned nuclear power plants from their territory. 30 percent have banned nuclear waste disposal and 50 percent have banned the transportation of nuclear waste through their towns. However, the Transportation Department has ruled that federal regulations on nuclear transport supersede any local ordinance.

According to the Baltimore group, the United States now has 111 nuclear free municipalities, including New York and Jersey City, N.J.

Canada has 85 nuclear free communities, including Toronto and Vancouver. The province of Man-

itoba also has voted itself nuclear free.

Great Britain has 180 such communities; Japan 835; Italy 119; Australia 101; Norway 107; The Netherlands 400; Spain 350; West Germany 154; Ireland 117; Belgium 281; Portugal 66; Denmark 9; Greece 1.

In addition, Greenland, Iceland, Spain and Japan have declared their countries nuclear free, although Japan allows U.S. nuclear warships and submarines to call at ports. This is possible with just a little head-turning, because the Pentagon never says publicly whether any particular ship is carrying nuclear weapons, no mat-

ter how obvious it may be.

Rottterdam and Amsterdam, however, recently prohibited two U.S. nuclear warships from visiting their ports after public demonstrations.

The nuclear free movement began in Haneda, Japan, in 1958 as a protest against U.S. nuclear tests in the Pacific.

The first American effort to create a nuclear free zone came in 1980 in Santa Cruz County in California, which unsuccessfully tried to pass an ordinance banning a local Lockheed plant from working on Trident missiles for nuclear submarines.

A-27-86 ADN D-1

# Nuclear-Free Chicago

-- by Jon Brockopp and Ron Freund.  
[RECON NETWORK, Chicago, IL] It is a dream come true. On March 12, 1986, Chicago banned the production of nuclear weapons within its borders. In the midst of "creeping Ramboism" and the Reagan administration's flagrant disregard for international law, the nation's third largest city has taken out a long term option on a nuclear weapon-free future.

When Clergy and Laity Concerned (CALC), a long-time voice for human rights and disarmament, agreed to coordinate the campaign for Chicago's nuclear free zone (NFZ), a number of decisions had to be made. Perhaps the most important of these was to develop an ordinance that would be politically viable and still hold up in court. CALC looked carefully at the efforts and experiences of past NFZ campaigns in the U.S. — especially the defeat of similar legislation in Cambridge, Massachusetts. CALC's director travelled to a number of NFZ cities and met with organizers in Cambridge. He came out of these meetings committed to writing an ordinance that would set a precedent in both strength and constitutionality.

The drafting of this ordinance began in the summer of 1985, as CALC staff worked closely with David Orr, a progressive north-side alderman. The preamble was worded to emphasize the local effects of the ordinance, that is, how it benefits Chicago residents, not how it affects international arms control. This was done in order to come in under the home rule powers in Illinois.

A number of other important sections were written into this ordinance, which bans the design, production, deployment, launching, maintenance, or storage of nuclear weapons. The word "design" was used instead of "research and development" because "design" is more specific. It also kept our campaign out of the political quagmire of banning research because as in Cambridge, Chicago's academic community is very strong.

A Peace Conversion Commission was established by the ordinance to "prepare a detailed plan for the conversion of

resources and physical plants to peaceful and productive uses." This commission will be a key to enforcing the ordinance, although the corporation counsel has the ultimate responsibility. Chicago's participation in civil defense for nuclear war is also prohibited. There will be an annual commemoration of the NFZ on August 6, and NFZ signs will be placed at the entrances to the city and on City Hall. The efforts put into wording the document provided a clear base and direction for the campaign.

Local NFZs have been popular in Chicago's active religious community since 1982 when the Nuclear Weapon Freeze referendum swept the city and Wheadon United Methodist Church in suburban Evanston declared itself free of nuclear weapons. Efforts in churches and synagogues throughout the Chicago area were first coordinated by the Institute for Church in Urban-Industrial Society and then by CALC, which also co-founded the Freeze. The result of this work was a strong network of religious NFZs.

Since September 1985, many of these same people had worked in the wards to establish a base of support for the ordinance. Local peace groups, including SANE, Greenpeace, and the Eighth Day Center for Justice, took on CALC's petition drive as a short-term project and collected 10,000 signatures from all over the city.

It was, however, the ability of these grassroots groups to move into the political realm that made the difference in the campaign. The same people who joined petition drives also made appointments to see city council members and to let them know the importance of this issue. CALC initiated many of these efforts, but several groups took their own initiative.

For instance, Catholic churches on the southwest side were asked to have petition drives at Sunday services, but they then took these petitions to the office of influential alderman Eddie Burke and demanded that he support the ordinance. He had little choice but to agree. Other council members also received heavy response

(Continued on page 8.)

(Continued from page 7.)

from constituents. Since "three letters on an issue is an avalanche," according to a former alderman, these meetings and letters were a vital part of the campaign.

By the time of the first hearing in February 1986, every member of the Council Committee on Economic Development had been asked to support the ordinance, and four had already agreed to vote for it. The hearings came off quite well. In the middle of a working day, over 100 supporters jammed a small room to hear testimony.

CALC arranged for speakers from many different constituencies including business leaders, economists, and representatives from academic, religious, and community organizations. Many committee members had it put into the official record that they would support the ordinance, and the chair predicted unanimous passage. Needless to say, this brought cheers from the crowd.

In spite of this momentum, media coverage remained low. But after the ordinance passed council, CALC associates did not simply accept that Chicago's media had missed a good story. Rather, they called and wrote to newspapers and television stations expressing their anger. Because lack of media coverage was made an issue, the celebration of the ordinance's signing by Mayor Harold Washington on March 23, was heavily reported by every major media outlet in the city, as well as U.S. and Soviet national television.

This example of grassroots initiative with the media and politicians is indicative of the style of the entire campaign. Nowhere was this style more evident than in the way CALC handled the crucial economic issues. Beginning in January 1985, CALC's spokesperson declared at a press conference, "We are going to hand out a big 'WELCOME' sign for all the merchants of goods for peace -- not war." The media never seriously challenged this notion, and CALC was able to successfully define the terms of the debate.

Again, this was the result of much preparation. Months before, CALC staff engaged in detailed research of the weapon industry in Chicago. Enough information was found to verify that the ordinance would

effect few jobs, and this conclusion was used to convince a number of community leaders, including several Black aldermen. It was also used to gain politically vital co-sponsorship by members from both sides of Chicago's fractious city council.

Charts and quotes from Dr. Martin Luther King, Jr., however, did not hold sway with members of Chicago's business and academic community. In a meeting with council members, majority block Alderman Jerome Orbach finally said he would support the ordinance if CALC could get the City's Department of Economic Development on record that a NFZ would not harm future high tech development.

The earlier research on weapons now paid off. Having never been forced to deal with the nuclear weapon industry, the city ended up asking CALC for help in gathering and assessing information. When the department issued its report, it indicated a possible two million dollars worth of contracts, and only 63 possible jobs, that might be affected by the ordinance.

CALC used these figures with great success and showed that this represented only 0.0023% of Chicago's gross domestic product. CALC also publicized the report summary that stated, "A ban on direct nuclear weapons work will not harm the city economy nor impede future high tech development and job opportunities." CALC argued that Chicago could not afford to let its problems of unemployment rest with the uncertainty of the nuclear weapon industry. The successful use of this report and the research that backed it up gave the campaign the final momentum it needed.

This emphasis on local effects, combined with opinions by local authorities, gave the NFZ campaign the base it needed to be successful. Concentrating on the local angle provided a legally defensible ordinance, gave the grass roots an exciting organizing focus, and taught us how to use the economic issue to our advantage.

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The authors coordinated the Nuclear Weapon-Free Zone project for Metro Chicago Clergy and Laity Concerned, 17 North State Street, Chicago, IL 60602.

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# TUNTUTULIAK TRADITIONAL COUNCIL

GENERAL DELIVERY  
TUNTUTULIAK, ALASKA 99680

(907) 256-2112

## RESOLUTION 86-19

### NUCLEAR FREE ARCTIC

WHEREAS, The Tuntutuliak Traditional Council is recognized governing body of the Native Village of Tuntutuliak, and;

WHEREAS, The Tuntutuliak Traditional Council is authorized under the Indian Self-Determination Act- Public Law 93-638- to provide quality of life and well-being to its residents and;

WHEREAS, The use of nuclear activity in the Arctic and sub-arctic is detrimental to the health and quality of life of the Inuit population and;

WHEREAS, The environment and subsistence lifestyles will be drastically effected by nuclear activities in the Arctic and sub-arctic and;

WHEREAS, It is to the best interest of the Inuit population that the governments worldwide use our Arctic homelands only for peaceful, non-nuclear activities and;

NOW, THEREFORE BE IT RESOLVED by the Alaska State Legislature that the Governor and Alaska congressional delegation are requested to promote and initiate efforts to:

- (1) encourage bilateral and multi-lateral agreements and treaties between nations establishing the subarctic region and the region above the Arctic Circle as a nuclear-free zone;
- (2) obtain agreements and treaties to ban from the subarctic and Arctic regions all items carrying nuclear weapons;
- (3) prevent all parties including the military from disposing of radioactive and nuclear wastes and materials in the Arctic and subarctic regions and;
- (4) obtain agreements and treaties to prevent nuclear testing or nuclear devices in the subarctic and Arctic regions or elsewhere in the atmosphere, because these activities result in increased levels of radiation in the subarctic and Arctic regions and;

BE IT FURTHER RESOLVED that the Alaska State Legislature does not seek to limit the use of nuclear technology for medical treatment or other safe and benign purposes.

Adopted this 25th day of November 1986 by the Tuntutuliak Traditional Council, in a duly constituted meeting of the council at which a quorum was presented and the vote taken was 6 yes and 0 no.

Certification:

SI [Signature] Date: 11-21-86  
President-Tuntutuliak Traditional Council

Attest:

SI [Signature] Date: 11/5/87

NOV-1986 / Nuclear Free America

## INTERNATIONAL

### Ontario Legislature Approves NFZ 63 to 9

New ( in .

Ontario, Canada's largest and most populous province, was declared a Nuclear Weapons Free Zone on 13 November 1986 by the Provincial Legislature, which adopted the following resolution by an overwhelming vote of 63 to 9:

"In the opinion of this house, the Province of Ontario, Canada, should declare itself a Nuclear Arms Free Zone, and the government should prohibit the deployment of nuclear weapons in Ontario, the testing of nuclear weapons and associated equipment in the Province, the construction of nuclear weapons and associated equipment, the transport of nuclear weapons and associated equipment through and within the Province, and the export of goods and materials for use in the construction and deployment of nuclear arms. In addition, the Province should encourage cities, provinces and states throughout the world to initiate similar action."

This resolution was first introduced in 1983 by Richard

Johnston of the New Democratic Party, but was defeated when it failed to win the support of the ruling Conservative majority. It passed this time with strong backing from both the Conservative and Liberal parties as well as from the NDP.

Amazingly, the peace movement's campaign to get the resolution passed was launched only in mid-September! It involved an extensive coalition of over 100 peace groups throughout the province engaged in a wide variety of activities -- from lobbying and door-to-door canvassing to petitioning on street corners and in shopping centers. Local Nuclear Free Zones also played an important part in the campaign; twelve more were declared in the month leading up to the vote, bringing the provincial total to over 50 and putting considerable pressure on the Legislature to follow suit. For more information, contact Christine Peringer, NFZ Clearinghouse, 25 Dundas Ave, Dundas Ontario L9H 4E5.

Delegates from Annual British Co wide Nuclear Wea 47 NFZs in the p population.

The campaign if their municipal urging the Prov: vince a Nuclear track of and s. province contr: Project Ploughsh facilities in the cant surveillance: derwater weapon information or lobby in support 1708 W. 16th Av, 2366.

### NFZ BAN

A Nuclear Free Zone C the first blow in the waged by local author: movement of radio: through their areas. Liv oil has banned British N from using its Spee plutonium dioxide fuel from the company's Se: fast-breeder reactor Scotland.

The arming: Speke is the final link chain of reprocessing (experimental) fast-bre: Plutonium nitrate is a fast-breeder at Dorset from the nearby pit Workington in Cumbria sent by road to Sellane. liquid is refined to powder before being to Capenhurst in Ch: fabricated into fuel rods from 1980-1985.

### Canadians protest visit of U.S. nuclear warship

A nuclear-capable U.S. warship on a "goodwill" visit to Toronto, Ontario, in August 1986 created a storm of controversy because it

One U.S. Navy officer described the Glover's presence on the Great Lakes as primarily a public relations exercise. "We come in once a year strictly to promote the U.S. Navy

wherein this motion could be discussed, where the discussion could be opened up to a much fuller, longer review of all of the procedures.

We have some problems in defining what is meant by "significant value" because many people contribute a large amount of work to political parties that is of significant value and does not relate in any way to monetary returns. The term "significant value" does mean different things to different people.

I am interested to know if the proposer of the motion is willing, in the discussion, to define the limits that would be set on political contributions. For example, does he think that a top limit of \$3,000 would apply to a corporation, an individual or any situation for defining how much goes to any political party?

We will be supporting the motion on the basis that the current system of financing political contributions and controlling election expenses, although not rampant in its abuse in the Yukon, could be at some point. We have had many cases in Canada where there have been examples of this. It is because of this possibility of the opening up of the chance of abuse in some situations that we will supporting the principle of the motion.

**Hon. Mr. Penikett:** As the Member for Klondike observed, I did table some draft regulations on Monday. The Member for Riverdale South indicated the full range of regulations in this regard across the country. What she did not note was that our Act is based on British Columbia's, which is generally viewed by people who are interested in this question as the least satisfactory in Canada.

The important principle that I think should be noted here is that — and this was something I raised at the time of the second reading of the Bill in 1981 — only British Columbia and the Yukon permit a tax credit for political contribution with no disclosure whatsoever. During the course of this sitting, we have had arguments made about public disclosure and public expenditures. I am very much persuaded by those arguments that have been made on all sides of the House.

Presently, anyone can make a \$100 contribution to a registered political party in the Yukon Territory and receive a \$75 tax credit. Anyone may also donate \$100 to a federal political party and receive a \$75 tax credit. The difference between the federal law and the Yukon law is that, in the case of a \$100 contribution to a federal political party, there will be disclosure of a person's name and the contribution for an amount over \$100.

In the case of the Yukon Territory, there is no disclosure whatsoever. In effect, you have a grant of public money amounting to \$75 for a tax credit, with no disclosure. That is the principle that was argued quite strenuously by the three federal parties in 1973, when this Act came in. In the end, all parties were persuaded that it was morally necessary that if there was going to be a gift of public money to donors of political parties — in other words, an indirect subsidy by the state of political parties — that the people who benefited from those tax credits, from those gifts, of a significant amount — in the federal case, being \$100 — should have their names disclosed.

In tabling draft regulations on Monday, I would note that the government of course could have done this by Order-in-Council. Notwithstanding some of the less than flattering things that have been said on the other side of the House during the last two weeks, I remain persuaded that I have, personally — and my party has — a very good record with respect to a proper regard for what are the constitutional proprieties of the House. I believe that matters governing the conduct of elections ought not to be, in any case, the exclusive domain of the government party, and that, wherever possible constitutional issues, such as this, should be dealt with on the basis of an all-party agreement, if possible, or dealt with by an all-party committee.

Ultimately, if we are to move on this question, a Cabinet decision about regulations will have to be made. In proposing, as we are proposing to do today, to refer this matter to Committee, we have a chance to consult with representatives of all three parties represented in this House.

I am saying that the goal of disclosure can be accomplished through amendments to the Political Income Tax Credit Regula-

tions. As I believe has been made clear, I requested the chief electoral officer to draft a set of amendments based on the disclosure provisions found in the federal election financing laws. That is the draft regulations that have been tabled in the Assembly.

What I and my colleague, the Member for Klondike, are asking through this Motion is that the Standing Committee on Rules, Elections and Privileges examine these regulations and make recommendations as to their desirability to the House and, if necessary, do an interim report upon which the Cabinet can act, if the committee sees fit to complete its work expeditiously.

I feel it necessary to say that I do not intend in any way to prejudice the work of the committee by tabling a reference of these draft regulations. The committee is free to recommend that something be done with them, nothing be done with them, or something more be done. The Member for Fair made mention of the different kinds of contributions and what constituted significant. The \$100 may have been significant in 1973. Some people may not think it is significant today. It still is for me, but it may not be to other Members in the House. In the federal Act, there are regulations governing gifts in kind, which is only proper.

It may be, having listened to the Member for Riverdale South, that full disclosure of political contributions is an idea whose time has come. The Member mentioned the contributions of trade unions and corporations. Certainly, the trend in the United States law and the trend in many other countries in the democratic world is for full disclosure, to cite the principle uttered by the Member for Klondike, so that the citizens of the public may know who may have potential influence with their elected representatives.

Whatever the committee decides to do, I would submit that the draft regulations are a useful first step in the process. They can be enacted to provide a short-term measure until the committee gives further in-depth consideration if it wishes. It might also be the view of the committee that the amended regulations should be enacted and after a few years reviewed to determine whether anything further is required in legislative measures. In reference to the draft regulations, I should make clear that they are only a draft. It may be desirable in the future to embody these changes in legislation, but we will see what the Committee has to say about them.

The Member for Riverdale South correctly pointed out that the proposal here is to include people who receive income tax credits only. That is quite true, but it is also, I submit, entirely within the powers of the Committee to recommend a set of recommendations of broader scope than that if they so desire. I would not presume to anticipate the Committee's decision. It appears that the motion will be supported on all three sides of the House. I will, therefore, conclude my remarks and perhaps you can call the question.

*Motion No. 75 agreed to*

**Clerk:** Item number 11 standing in the name of Mr. Nordling.

**Speaker:** Is the hon. Member prepared to proceed with item number 11?

**Mr. Nordling:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Member for Whitehorse Porter Creek West —

*Motion No. 77*

**Clerk:** Clerk's mistake. Item number three standing in the name of Ms. Kassi.

**Speaker:** Is the hon. Member prepared to proceed with item number three?

**Ms. Kassi:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Member for Old Crow: THAT, to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly declares all land, inland water, coastal waters and airspace within the territory as a Nuclear Weapons Free Zone and this Assembly will use all means within its power to ensure the Yukon is used solely for peaceful purposes; and

THAT this Assembly declares the Yukon's opposition to the testing and/or establishment of nuclear weapons and nuclear-weapons-related technology and nuclear waste dump sites in the Yukon.

and I think the Minister knows who I am talking about, and they have told me that there is concern.

There is very much concern, more concern now because of the fact that people in his department were not involved in the actual application, because they went through the Agricultural department. It was not perused by the officials of his department. Now they are alarmed to the concerns, and they are investigating the concerns, and cannot give interested people and groups assurances that there may or may not be problems. We just do not know. That is the concern that I am trying to express to the Minister.

Let us slow down on this one. I know there could be great potential in the Yukon to do it, but there is also a great potential to harm the indigenous species, especially when we are talking about a mountain caribou herd in the southern Yukon, which is so few in numbers. In Zones 7 and 9, the Minister and the previous governments have protected these herds and issued only permit hunting on those herds because of their small numbers.

All we have to do is get a few reindeer getting into that herd and interbreeding with that herd, and we will have destroyed the whole integrity of the southern Yukon mountain caribou herd. We have to be very conscious of that. I am not saying that the government should not go ahead with the project. I am saying that we should be very careful where we are going. I think that there are some concerns out there, and I ask the Minister to carefully look at all the concerns when he addresses this problem.

**Speaker:** The hon. Member will close debate if he now speaks. Does any other Member wish to be heard?

**Mr. Brewster:** It is rather unfortunate that two people who worked very hard on this should have to get into what apparently is something that the government has completely bungled on. I am not prepared to back down on that. The Minister gives me his assurance that nothing is going to happen. I talked with a biologist in the Northwest Territories for over half an hour, and he could not give me an assurance of any kind that something would not happen. Anyone who tells us that they are fenced in and will stay is not right.

We must point out that these are domestic animals. They are not under the Department of Renewable Resources. They are under the Department of Agriculture. I presume this means, unless somebody has a law or they are going to slip one in here quick, that theoretically this person could sell these animals to every little farm for sleighrides. They are like a horse or cow or sheep. There is nothing stopping them. This means that we could have them on five or six farms. These farms are not all going to have good enough fences. I do not think we have to worry too much about the bull, but if the cows get away, there is a month overlap in breeding. I have been around animals long enough to know they can adapt to this. There is no problem.

You say they are going to come through here health inspected. We do not do that with horses coming out of Alaska. We do not do that with horses coming out of Montana. We do not do that with cattle coming out of Montana. We do not check anything coming in or out of the Yukon. We never have. I doubt that, as domestic animals, you are going to be able to check these. I think that they can turn around and legally say that you cannot check them. I heard stories that reindeer have gone through here. They were dying in the trucks, and the Department of Renewable Resources could do nothing about these because they are not under their control. They are under the Department of Agriculture in Ottawa.

*Motion for the Production of Papers No. 2 agreed to*

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

**Hon. Mr. Porter:** The House Leaders have reached an agreement as to the order in which Motions Other than Government Motions shall be called. To that effect, such an agreement required unanimous consent of the House. I would therefore ask unanimous

**All Members:** Agreed.

*Motion No. 75*

**Clerk:** Item number 2, standing in the name of Mr. Webster.

**Speaker:** Is the hon. Member prepared to proceed with item number 2?

**Mr. Webster:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Member for Klondike: THAT it is the opinion of this House that the names of those who make contributions of a significant value to political parties or candidates should be disclosed; and

THAT the Standing Committee on Rules, Elections and Privileges should advise the Assembly on the guidelines and regulations which should govern such disclosure; and

THAT, in its study of this subject, the Committee review the draft amendments to the Political Contribution Income Tax Credit Regulations tabled by the Government Leader and be empowered to make an interim report.

**Mr. Webster:** This motion speaks to public disclosure of political contributions, an important principle in the partial public financing of election campaigns. Implicit in this principle is the right of the public, which underwrites political contributions, to know who may possess influence with elected representatives as a result of such contributions.

Under the *Canada Elections Act*, the identity of individual contributors of aggregate amounts of \$100 or more is recorded for public scrutiny. Disclosure of contributions over \$100 is a practice in New Brunswick, Ontario, Quebec, Saskatchewan and the Northwest Territories. This is currently not the requirement of the Yukon's Political Contribution Income Tax Credit Regulations and this motion suggests that the Standing Committee on Rules, Elections and Privileges review draft amendments to these regulations, which address this omission.

It should be noted that the proposed amendments do not suggest public disclosure of contributions by those who do not request an official receipt for income tax purposes.

**Mrs. Firth:** I guess I was a bit slow, I was waiting for more to come but nothing more came.

We will be supporting the motion. Upon my research, I found that disclosure of contributions, as the former speaker has said, is disclosure of contributions only for those individuals who will be requiring tax receipts for the disclosures so that does not disallow people to make contributions of whatever amounts they may want and to have that information remain confidential in the event they do not request a tax receipt.

Our research tells us that in Alberta disclosure for contributions over \$375 is the practice; British Columbia has no requirement for disclosure of contributions; Government of Canada for contributions over \$100 disclosure is required; Province of Manitoba \$250 or more disclosure is required; New Brunswick has disclosure for over \$100 for individual contributions and also full disclosure is made for corporations and trade unions that has contributed to parties or candidates; Newfoundland has no disclosure of contributions, however, it does have draft legislation, which is going to provide for funding of parties limits on expenses and contributions and the disclosure will be \$100 or more in tax benefits; the Northwest Territories is for over \$100; Nova Scotia has no disclosure of contributions; Ontario has disclosure for over \$100; Prince Edward has disclosure for over \$250; Quebec has disclosure for over \$100; Saskatchewan disclosure for over \$100; and, of course, the Yukon Territory has no disclosure.

We agree with the principle that the public should know, there should be public accountability and, therefore, we extend our best to the committee in its deliberations and in its review of the regulations.

**Mr. McLachlan:** I am a little uncomfortable with the way the

**Ms. Kassi:** It so happens that this is the International Year of Peace. I think it is a good time now to think about taking initiatives such as this, as a Legislature, as it is close to Christmas.

This year we have some change for the better between the superpowers, and efforts are being made to reduce the nuclear stockpiles around the world. This should be encouraged by all of us.

We have also seen expressions from people around the world in support of nuclear arms reduction. New Democrats and Conservatives united to make a statement for nuclear disarmament in Manitoba, and we can do the same here. More recently, the Legislatures of Ontario and the Northwest Territories adopted a similar motion to declare themselves nuclear weapons free zones. In Alaska, a resolution has been introduced in the State Legislature to work towards the same initiative. In August, a referendum at the State Primary showed big support for a nuclear weapons free zone.

Earlier this year, the Inuit Circumpolar Conference met in Alaska and fully endorsed the motion for a nuclear free Arctic. This was one of the biggest gatherings of the Inuit people ever from Alaska, the Northwest Territories and Greenland. This motion passed unanimously. In the Province of British Columbia as well as in Ontario, Quebec, Nova Scotia, Saskatchewan and Newfoundland, various communities have declared themselves nuclear free as well.

Many countries around the world such as Greenland, Iceland, New Zealand, Sweden and a number of smaller countries have proceeded with this initiative. With Sweden, Iceland, Greenland and the Northwest Territories joining this group, now the Yukon would make five jurisdictions in this circumpolar north that would be nuclear weapons free. It is my hope that this would be extended to northern countries in Europe, Alaska and the Soviet Union. I think it is interesting to note that despite uranium exploration in the Northwest Territories, their Legislature voted as part of their motion to oppose exploration and exploitation of materials related to the nuclear weapons industry.

I know that my people are concerned about signs of uranium near our community. I want to make it clear to this House that we do not want any uranium mining or development near our community. I think it would be a very negative thing for other parts of the territory as well. We fear the possible contamination that would come from uranium mining. There are many dangers associated with uranium development, and we fear a lot of damage would be done to the land and its habitat.

The motion before honourable Members does not address this, but I felt it important to make this statement that we have these fears about uranium mining in our area. The motion, however, is clear in terms of making the Yukon a nuclear weapons free zone, and I consider this a first step. As well, Canada is unofficially a nuclear weapons free zone and has been since the 1950's when the Conservative Prime Minister, Mr. Diefenbaker, decided against putting nuclear missiles on Canadian territory. Perhaps with enough support from territorial and provincial Legislatures, the present government in Ottawa will make us an officially nuclear weapons free zone. That would be strong message for peace throughout the world at this special time of year.

This motion also puts this Legislature on record as opposing the establishment of nuclear waste dump sites in the territory.

I think the reasons for opposing this are obvious. Hon. Members should note that there is no obligation under NATO for Canada to test the cruise missile or other nuclear weapons, or to have nuclear weapons on our soil.

As all hon. Members well know, Canada has a proud history of being a peaceful nation, as well as a nation of peacekeepers. Our participation in the peacekeeping efforts of the United Nations points to this. It is my hope that all hon. Members will support this motion for the Yukon Territory being a nuclear weapons free zone. I look forward to your participation in this debate.

**Mr. McLachlan:** I agree with the intent of the motion, but mainly because of the inclusion of the word weapons and nuclear weapons-related. In order to illustrate that, I want to say that it is not my intent to make Yukon entirely nuclear free. Nuclear

weapons, yes. If I may take just three lines to explain that, someday there may be a possibility of being able to use nuclear-generated power in the territory.

If that should shock the Members opposite, let me remind the Members for Old Crow and Watson Lake that the possibility of using slowpoke type nuclear reactors has come up as close to us as Inuvik and Fort Nelson in the south, some 334 miles away.

I do agree with the Member for Old Crow that the Yukon people are striving for world peace and nuclear disarmament. I think that is very important.

I would like to illustrate my feelings with this story that was related to me by a friend, of two fellows discussing the issue of nuclear war in a bar. One fellow, not too informed on it, leaned over to the other and said, "George, I would really hate to see my son come back from a nuclear war. I think he would be kind of scarred up." The other fellow leaned toward him and said, "You will not have to worry about your son returning from a nuclear war." That was the end of the discussion.

My party is on record at the national level as illustrating the fact that Canada remain free of nuclear weapons, that the country have no involvement in SDI, nor in the production of chemical and biological weapons, that Canada's armed forces should be dedicated to the efforts of international peacekeeping and the protection of sovereignty — an issue that we have heard much about recently — and, further, that Canada work with all circumpolar nations to achieve a nuclear-free zone north of 60.

We will be giving our consent to this motion.

**Mr. Phillips:** I am pleased to have been given the opportunity to speak about an issue that concerns all of us as Yukoners, as Canadians and as world citizens. I found it a bit interesting that the Member for Old Crow used Manitoba as an example. It seems to me to be a little bit hypocritical for a New Democratic government in Manitoba to be passing a motion like this and, at the same time, screaming, making trips to Ottawa, doing everything they can to get an F-18 contract. It seems to me that the two do not go together. I have a bit of difficulty with that. Both of them are instruments of war and it does not make much sense when the government is taking both actions.

I am speaking today about an issue that crosses party lines and even appears to be of interest and a concern to people who have considered themselves to be apolitical. This issue has inspired and motivated different groups and individuals to take action, and while the nature and extent of their action may differ, and while we may disagree with some of their action, and support one group rather than another, we, all of us, share a very common concern. That concern is world peace.

#### *Amendment proposed*

I would like to make an amendment to the motion that has been proposed by the Member for Old Crow, and I would like to read the amendment for the record.

The amendment reads: THAT Motion no. 77 be amended by deleting all the words after the word "THAT" where it first appears, and substituting therefor: "to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly requests that Canada make representation to the United Nations, requesting the declaration of all land, inland water, coastal water and airspace within the world as Nuclear Weapons Free Zone."

**Speaker:** It has been moved by the Member for Whitehorse Riverdale North THAT Motion no. 77 be amended by deleting all the words after the word "THAT" where it first appears and substituting therefor: "to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly requests that Canada make representation to the United Nations, requesting the declaration of all land, inland water, coastal water and airspace within the world as Nuclear Weapons Free Zone."

**Mr. Phillips:** The amendment to this motion is simply that we, on this side, believe very strongly that it is much larger than a

that governments generally expressed the views of all individuals in this area.

Specifically concerning the amendment, the concept of Canada making representation to the United Nations, we believe is an excellent one. We have no problem whatsoever with that. It will be important if we can get a unanimous motion. However, what the amendment leaves out is that the original motion clearly states a very important principle, and that very important principle is that we here in this House declare that this territory is a nuclear weapons free zone. That is central to the original motion. It is unfortunate that that concept would be left out of the amended motion if the amendment were accepted and nothing else.

*Amendment to amendment proposed*

Therefore, concerning the amendment, I wish to move: THAT the amendment to Motion No. 77 be amended by adding at the end the following words: "and THAT this Assembly declare the Yukon a nuclear weapons free zone"

Speaker: It has been moved by the Minister of Justice

THAT the amendment to Motion No. 77 be amended by adding at the end the following words: "and, THAT this Assembly declare the Yukon a Nuclear Weapons Free Zone."

Hon. Mr. Kimmerly: Briefly on the amendment to the amendment, I explained it in the introduction that the amendment we consider to be a good amendment; however, it leaves out one of the very essential ingredients of this motion, one of the central concepts, and that is the declaration by this Assembly that the territory be a Nuclear Weapons Free Zone. It is our intention to stand by that principle; that is why the amendment to the amendment is moved.

Mr. Nordling: I am pleased to see that we have made progress today with respect to the motion. With the amendments I am sure that we will eventually have unanimity in the House. In the context of this motion, to me, world peace is peace looked at from a military and political point-of-view. There is no question that throughout history most people have wanted a lasting peace. The development and deployment of nuclear weapons has threatened the goal of global peace. Over the past five or six centuries, many great men have proposed various plans to achieve a lasting peace. In 1648, the Peace of Westphalia, which ended the Thirty Years War, tried to ensure peace by establishing a balance of power. This balance of power proposal hoped to maintain an even distribution of military and economic power among nations so no nation, or group of nations, would be strong enough to conquer any other nation or group of nations.

As with most proposals, there are weaknesses. The balance of power theory has two weaknesses in international affairs. Firstly, nations are always changing and upsetting the balance of power; and secondly, governments are run by human beings who often make mistakes.

Since the Second World War, many attempts have been made by governments to achieve lasting peace among nations. Five areas that come to mind are: firstly, the area of diplomacy between nations, the exchange of diplomats; secondly, international organizations such as the United Nations; thirdly, disarmament, which is difficult but, in 1968, the United Nations approved the nonproliferation treaty to prevent nuclear nations from giving nuclear weapons to other nations, and there have been the United States's and Soviet Union's involvement in Strategic Arms Limitations Talks; fourthly, there has been an effort in improvement of international trade and communications; and, fifthly, collective security based on the balance of power theory.

As Yukoners, we must work within this framework for peace that has developed over the centuries and deal on a government-to-government level to establish certain rules by which all nations should abide.

The major problem we face is the lack of understanding and acceptance. People in one country see their own interests more clearly than they see the interests of another country. Our desires seem reasonable, and the desires of others look selfish and

unreasonable.

This motion, and the amendments to the motion, is a step that we, as Yukoners, can take toward world peace to set an example to the rest of the world by declaring the Yukon a nuclear-free zone and requesting of the United Nations that the rest of the world be declared a nuclear weapons-free zone.

We should then take the initiative and request other countries to follow suit. Now that we have established contact with the Premier of the Soviet Union, as a result of our debate over the testing of cruise missiles, which was held in this Assembly on April 2, 1986, I would suggest that the government again contact the Soviet Union to ask it to make the Arctic a nuclear weapons-free zone, as well as ask the United States to make Alaska a nuclear weapons-free zone.

As was pointed out by the Member for Old Crow, who brought the motion, this has already been done with respect to Greenland. I think that we can all agree with this amendment referring specifically to the Yukon and, following that, to the amendment by the Member for Riverdale North. I am sure that we will have unanimous agreement for the motion.

Mr. Phillips: I am left a little confused by the amendment. My own feeling when I read it is that the problem is widespread, and I think that the amendment to the motion that we proposed was addressing the widespread problem. As far as I know, the Yukon is in the world.

What I see happening on the other side, and it rather annoys me on an issue that is as important as this, is that they have again decided to play politics so that they can use this issue somewhere down the line.

I think that is wrong. I think it is a very important issue to address. We addressed it responsibly. For the other side to try and drag it back into the political arena, I think, is wrong. I will be supporting the amendment to the motion, but I am certainly not very pleased about the types of games that they like to play on the other side.

Mr. Webster: I do not think that it is a matter of cheap political games at stake here. The intent of the original motion was to address a specific area, our area. The amendment was to address, in general, the world. The amendment to the amendment is speaking to both. It includes, in the general sense, the world, and the amendment to the amendment speaks to the Yukon. I see no problem with anyone in this House accepting these amendments.

*Amendment to amendment agreed to*

Speaker: Is there any further debate on the amendment as amended?

*Amendment agreed to*

Speaker: Is there any further debate on the motion as amended? Motion No. 77 agreed to as amended

**Motion No. 80**

Mr. Clerk: Motion No. 80, standing in the name of Mr. Nordling.

Speaker: Is the honourable Member prepared to proceed with Motion No. 80?

Mr. Nordling: Yes.

Speaker: It has been moved by the Member for Whitehorse Porter Creek West: THAT it is the opinion of this House that the deduction for travel by northerners, as found in Bill C-23, (*An Act to Amend the Income Tax Act*) should be available to all Yukoners;

and THAT the Government of Yukon should urge the Government of Canada to introduce amendments to section 110.7 of Bill C-23 which would provide a deduction for the cost of two trips outside per year, if incurred, for each Yukon taxpayer and each member of his or her family.

Mr. Nordling: Before I begin talking to the motion itself, I would like to mention a slight error in the terminology I used. I do not believe it requires an official amendment. In the second

#18 -1984

ALASKA NURSES ASSOCIATION

R E S O L U T I O N

Regarding

DANGER OF NUCLEAR WAR

WHEREAS, the threat of nuclear war is the largest potential health hazard to the people of the world and is preventable, and

WHEREAS, prevention is the nurse's first intervention to promote health, and

WHEREAS, expenditures on nuclear arms and delivery systems conflict directly with providing resources for health care and human services,

THEREFORE BE IT RESOLVED THAT this voting body affirm the 1982 American Nurses Association resolution acknowledging that there is no adequate response to nuclear war and calling on American Nurses Association to support efforts for peace and disarmament beginning with a verifiable bilateral nuclear weapons freeze, and

BE IT FURTHER RESOLVED THAT the American Nurses Association resolution with the Alaska Nurses Association voting body affirmation be sent to the Alaska Congressional Delegation.


Adopted by the House of Delegates  
Alaska Nurses' Association  
30 March 1984



Dept. of Transportation & Public Facilities

# Position Paper

BILL NO: SJR 38

APPROVED:  J. C. Knapp  
Commissioner

TITLE: "Relating to a Nuclear Free Arctic," DATE: 4/5/84

Senate Joint Resolution Number 38, "Relating to a Nuclear Free Arctic," proposes that the Alaska State Legislature, the Governor, and the Alaska Congressional Delegation promote and initiate efforts to "prevent nuclear testing or nuclear devices in the arctic and sub-arctic or elsewhere in the atmosphere." It further advocates banning nuclear wastes from the State.

Any resolution to eliminate nuclear materials from Alaska and/or the arctic should be very careful to specify what is to be excluded. There are several isotopes which are used in medicine in combination with current technology to provide great beneficial use to the citizens of our State. Further, these uses of nuclear materials are safe.

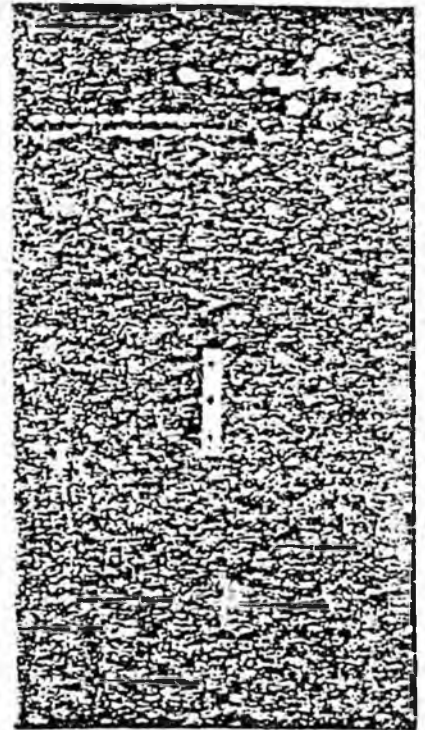
At this time the Department of Transportation and Public Facilities is developing, with the help of others, an airport light system which could one day make a major contribution to aviation safety in Alaska. The system uses the radio isotope tritium as an energy source which is a byproduct of the nuclear industry. The system is safe and is expected to be cost effective compared to conventional systems while improving reliability and lowering maintenance costs. It would be most unfortunate if such technologies and many beneficial ideas yet to be developed would be stifled unnecessarily.

## Radioluminescent Taxiway Lights

A set of experimental radioluminescent (RL) taxiway lights was installed at Fairbanks International Airport (FIA) from January 2, 1984, to May 24, 1984. The project was initiated at the request of the F.A.A. Director to evaluate the effectiveness of blue RL lights to define a taxiway's lateral boundaries for general aviation (GA) aircraft. Durability of the lights and mounting fixture also was evaluated. The lights are tritium powered, similar to the units being developed for airport edge lighting (see *Research Notes*, Vol. 3, No. 1). But the fixture design and blue color were a first attempt to adapt the RL concept specifically to ground control lighting.

Lights were placed along both sides of taxiway 35 (located on the northeast end and perpendicular to the GA airstrip) and on a portion of taxiway 4 (located between the intersections of T-33 and T-35 and parallel to the GA airstrip). The units were secured to standard stake-mount bases approved by the Federal Aviation Administration (FAA), using an FAA-approved frangible coupling. FIA maintenance crews installed the stake bases. The initial 30 lights were installed with spacing ranging from a minimum of 50 feet apart on the curve to a maximum of 150 feet on portions of the straightaway. Due to the nature of the light emitted, the maximum distance was found to be too great for clear taxiway definition; therefore, 12 more RL lights were fabricated at the U.S. Department of Energy's (USDOE) Oak Ridge National Laboratory in Tennessee and installed in late February. The additional lights reduced the maximum spacing to 100 feet with about 75 feet being typical.

The RL taxiway lights demonstrated ruggedness and reliability. During the test, a motor grader removing snow collided with several light units. An inspection revealed that the impacted units were broken from their mounts, but no light tubes were damaged. Mounting couplings were easily replaced. Since there were no electrical connections to repair, the lights were restored to service quickly.



Security was a concern because the lights were experimental and contained the radioisotope tritium. This was not a problem. Routine surveillance by the FIA airport security force proved an adequate precaution to prevent any vandalism or theft.

Comments from users suggested that the lights could be useful in rural areas and possibly in urban areas. The addition of orange paint or reflectors on the fixture bodies, or an attached flag, was suggested for better visibility during daylight. One observer stated, "The lights were so weak they cannot be observed from the tower during hours of darkness with binoculars." The tower is located approximately 1/2 to 3/4 mile from taxiway T-4. Low light intensity is the limiting factor of the present RL technology.

Based on the comments received, it seems likely that the blue RL taxiway lights could be used to delineate taxiways and parking aprons in areas with low ambient light (i.e. rural airstrips). Some type of reflector is recommended and unit spacing should be closer than for conventional lights. For areas with more ambient light (i.e. FIA and other urban airports), improvements are needed to increase light output.

A full report on this demonstration will be available from DOT&PF Research by the end of April 1985.

Lorena Hegdal  
Research Engineer

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#### DOT&PF RESEARCH

Further information on any of the topics covered in *Research Notes* may be obtained by contacting Larry Sweet, Research Manager. A list of publications produced by the Research Section may be obtained by writing Publications Specialist, Research Section, 2201 Peger Road, Fairbanks, Alaska 99701, or by calling the Research Section at (907) 479-2241.

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# ESTIMATES OF CANCER INCIDENCE IN ALASKAN NATIVES DUE TO EXPOSURE TO GLOBAL RADIOACTIVE FALLOUT FROM ATMOSPHERIC NUCLEAR WEAPONS TESTING

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## Abstract

During the peak period of atmospheric nuclear weapons testing in the northern hemisphere in the early 1960's, measurable concentrations of cesium-137 and strontium-90 accumulated in native residents of certain northern Alaskan villages through the lichen-caribou food pathway. Now that a significant latent period for cancer induction has elapsed, the question of possible cancer increases from this radiation exposure has been raised. To address this question, radionuclide measurement data and dose estimates made during this period were reviewed. Leukemia, breast cancer, and bone sarcoma were identified as the malignancies most likely to be induced from internally deposited cesium-137 and strontium-90, and risk estimates were developed for these cancers. Maximum annual dose rates due to these radionuclides were found to be low and comparable

to the natural background radiation levels that exist in certain parts of the United States. In addition, the number of Alaskan natives likely to have received these maximum doses was found to be very small. As a result, the number of cancer cases expected from this exposure is too low to be detected by epidemiologic study of the populations actually exposed. Fallout radionuclides other than cesium and strontium have also been detected in Alaskan ecosystems, but at levels resulting in doses considerably lower than those referred to above.

## Abbreviations

- Ci — Curie (a measure of the quantity of radioactive material)
- mCi — millicurie ( $10^{-3}$  Ci)
- µCi — Microcurie ( $10^{-6}$  Ci)
- nCi — nanocurie ( $10^{-9}$  Ci)
- pCi — picocurie ( $10^{-12}$  Ci)
- rad — A measure of radiation dose in tissue
- mrad — millirad ( $10^{-3}$  rad)
- rem — a measure of radiation dose equivalent, an entity which takes into account the quality of the radiation as well as the absorbed dose in rads. The rem is equivalent to the rad for gam-

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ma and medium to high energy beta radiation.  
mrem — millirem

### Introduction

During the early and middle 1960's, radionuclide body burdens were measured in a considerable number of northern Alaskan Natives because of concern about concentration of radioactive fallout through the lichen-caribou-human food pathway. Now that a significant latent period for cancer induction has passed, recent public concern has been raised by Natives about possible increases in cancer incidence among Alaskan Natives as a result of this exposure. To address this concern, personnel from the Cancer Branch, Center for Environmental Health, Centers for Disease Control (CDC) met with personnel from the Arctic Investigations Laboratory, Center for the Infectious Diseases, CDC, Anchorage in August, 1984, to review the problem. Several approaches to the problem were planned: 1) to assess the original methods of measuring radiation exposure and the estimates for the groups exposed; 2) to calculate the cancer incidence which could result utilizing estimates of dose and population exposed in Alaska; 3) to review Alaska Native Tumor Registry data pertinent to the radiation issue; and 4) obtain original measurement data on individuals and compare this with their subsequent cancer experience. This report includes items 1 and 2 above; items 3 and 4 will be reported subsequently.

### Background

The bulk of atmospheric nuclear weapons testing was carried out from 1945 to 1963 in the northern hemisphere by the U.S.A. and the U.S.S.R. During this period, 379 atmospheric tests were conducted. In the ten years following the Limited Test Ban Treaty in 1963, only 43 atmospheric tests were conducted, 29 by France and 14 by the People's Republic of China, neither of whom were party to the treaty (1). Although subsurface nuclear weapons testing by the major powers has continued since 1963, the peak periods of contamination of the biosphere documented by extensive radiation monitoring throughout the world occurred during the 1950's and the early 1960's.

Radioactive fallout consists of radioactive particles that have entered the atmosphere as a result of nuclear detonations. Explosions at, or slightly above, the earth's surface (i.e. atmospheric nuclear tests) result in the greatest release of radionuclides into the atmosphere and, therefore, the largest amount of fallout. Subsurface nuclear detonations (the predominant type after the test ban treaty) release only a fraction of the total resultant radioactivity, that fraction being inversely related to the depth of the detonation.

Radioactive fallout is classified as local or global

depending on its spatial and temporal distribution. Local fallout consists of larger particles (generally over 35 microns in diameter) and falls back to the earth's surface within about a day and within several hundred miles or less from the detonation site. Global fallout is composed of smaller particles, rises higher into the atmosphere, and becomes widely dispersed over the earth's surface. The higher the yield of the nuclear device (i.e. the megatonnage), the higher the fallout particles are blown up into the atmosphere, and the longer they take to return to the earth's surface.

The atmosphere can be divided into the troposphere (from sea level to about 45,000 feet) and the stratosphere (from over 45,000 feet to about 160,000 feet). Low yield detonations yield mainly tropospheric fallout which returns to the surface within a month or so from the time of detonation. Fallout deposition from the troposphere is dependent on weather conditions and usually occurs along a band in the same latitude as the detonation site. High yield detonations are powerful enough to push radioactive material up into the stratosphere. This material returns to the surface over a period of months to several years. Deposition is a function of latitude and deposits occur in higher concentrations in the temperate zones. Since the majority of the weapons testing has taken place in the northern hemisphere, more fallout occurred in the northern than southern temperate zone. The major portion of global fallout from nuclear weapons testing has been from the stratosphere.

Fallout is composed of a variety of radionuclides whose biological importance depends on factors such as the type of radiation emitted, particle size, solubility, physical and biologic half-life, etc. Only a few of these radionuclides pose a potentially significant long-term health hazard since only some occur in abundance, have relatively long half-lives, and have chemical characteristics that facilitate transport and concentration through food chains and result in accumulation of significant amounts of radioactivity in sensitive body tissues. Of the 200 or more radionuclides possibly present right after a nuclear explosion, only a small percentage have half-lives long enough that they exist more than a few hours. Since most global fallout has been stratospheric, which takes months to years to return to the earth's surface, very few of these nuclides are deposited as radioactive fallout. Of those that are, even fewer are found in concentrations sufficient to pose a potential hazard to human health. For this to occur, some type of mechanism of concentration through the food chain is required. The major factor involved in the concentration of fallout radionuclides in arctic and subarctic food chains is the ability of the lichen to absorb and retain particles from the atmosphere and from precipitation. A large fraction of fallout

material can be directly absorbed by the lichen and, because lichens have evolved very efficient mechanisms for conserving nutrients in their barren environments, much of this is retained in the plant for many years. Northern Alaskan caribou migrate southward in the fall into the Kobuk and Koyukuk River drainage areas, where they spend the winter and feed predominately on lichens. In the spring the caribou migrate northward back through the passes of the Brooks Range, and during the summer wander throughout the north western Arctic feeding predominately on seed plants, which have fallout radionuclide concentrations two to ten times lower than those found in lichens.

During the 1950's and early 1960's, subsistence hunting and fishing provided the economic base for the northern Alaskan native villages. These subsistence economies have been gradually shifting toward capital-based economies because of the increasing immigration and influence of white people in northern Alaska, particularly in the larger coastal villages. This shift was accelerated by the oil industry development that occurred in the North Slope region during the 1970's. One result of this shift has been a general decrease in dependence on caribou as a food source. However, during the period of maximum fallout and continuing through the 1970's, caribou was a major food source for many of the northern villages. This was particularly true for the Eskimos of Anaktuvuk Pass in the Brooks Range, where the highest body burdens of cesium-137 occurred in 1964 (2).

Cesium-137 has a radioactive ("physical") half-life of 30 years (see Table I) and a biochemical behavior similar to potassium so that it accumulates and concentrates in many different body tissues including caribou muscle which may be eaten in large quantities by certain Native groups. After ingestion, cesium is rapidly absorbed and, since it is soluble in body fluids, it is distributed fairly uniformly throughout the body, although concentrations are generally higher in muscle than in bone and fat. The biological elimination half-time is about 135 days in adult males, 85 days in adult females, and ranges from about 60 days in older children down to 12 days in infants (3). Thus, for a given initial body burden, dose would be roughly proportional to body mass (i.e., younger smaller persons would receive a lower dose per unit body burden). Pregnant women also have a shorter biological elimination half-time, resulting in a lower dose per unit body burden to the fetus (4). From the standpoint of carcinogenesis, since cesium distributes fairly evenly throughout the body and emits penetrating higher energy gamma radiation, the critical organs are those that are most sensitive to induction of cancer by radiation, namely bone marrow and possibly breast (5).

Strontium-90 is another fallout radionuclide of

potential concern because of its long physical half-life (28 years), its absorption and concentration by lichen, its concentration in caribou bone after ingestion, and its long effective half-life in bone (18 years-see Table I). Strontium has a biochemical similarity to calcium, which explains its affinity for bone. Because it emits high energy beta radiation, strontium-90 deposited in bone irradiates both the calcified bone and the adjacent bone marrow (3). The tumor types of prime concern with strontium exposure are therefore bone sarcoma and leukemia.

Iodine-131 is also of some possible concern because, although it has a much shorter physical half-life (8 days-see Table I), it emits beta particles and concentrates like ordinary iodine in the thyroid gland, one of the organs most sensitive to cancer induction by radiation (5).

Table I  
Metabolism of Selected Radionuclides

Radionuclide	Half-life		Target Organ
	Physical	Effective*	
Cesium-137	30 yrs	135 days	Whole body (similar to potassium)
Strontium-90	28 yrs	18 yrs	Bone (similar to calcium)
Iodine-131	8 days	7.5 days	Thyroid

\* Effective half-life takes into account both the decrease in radionuclide activity due to radioactive decay (physical half-life) and the decrease due to biological elimination of the nuclide from the body (Biological elimination half-time).

Although the three radionuclides just discussed are the primary ones of concern because they may cause long-term health effects, several other fallout nuclides also merit some mention. However, these other nuclides do not appear to be significant long term health hazards for Alaskan Natives because: 1) no effective concentration process occurs in the arctic and subarctic ecosystems that would result in a significant accumulation of, and dose to, humans; 2) their physical half-life is too short to present a long-term hazard, given the time frame over which the accumulation processes occur; or 3) they simply do not exist in sufficient quantities to present a significant health hazard.

The period of greatest global fallout occurred in the early 1960's. In 1965 measurements were made of a number of different radionuclides in lichens, in tissues of caribou and wolves (which feed on Caribou), and in urine samples of Eskimos in the Anaktuvuk Pass region. Results of these measurements are the basis of many of the comments in Table II.

Table II

Selected properties of fallout radionuclides of potential public health importance for Alaskan Natives

Nuclide	Physical half-life	Comments
Tritium (a)	12 years	no concentration process; mean urine concentration in Moatak in 1972 was 1500 pCi/l, corresponding to an annual dose of 0.15 mrem (8); present in form of tritiated water.
Carbon-14 (a)	5,500 years	no concentration process; present in form of carbon dioxide; eventually transferred to deep oceans.
Argon-39 (a)	260 years	inert gas; no concentration process.
Iron-55 (b)	2.9 years	concentrates most in ocean fish (salmon, tuna); Alaskan natives had maximum body burdens of 2.3uCi (7) (maximum permissible body burden for general population is 100 uCi for <sup>55</sup> Fe).
Ruthenium-106 (c)	1 year	no concentration beyond lichen stage of food chain; not detected in caribou flesh, wolf flesh, or Eskimo urine (8).
Cerium-144 (c)	290 days	no concentration beyond lichen stage in food chain (very poorly absorbed from gastrointestinal tract in man); not detected in caribou flesh, wolf flesh, or Eskimo urine (8).
Plutonium-239 (d)	24,400 years	unlike Cs and Sr, Pu is not related to any nutrient element; degree of transport in food chains is very low (successive trophic level concentration factor is less than 0.01)(1) inhalation would be the most important exposure pathway; mean dose commitment in U.S. from nuclear testing through 1970 is 2 mrad to the lung and 0.2 to the bone; doses estimated in Lapps through lichen-reindeer food chain are negligible (9).
Plutonium-240	6,580 years	
Plutonium-241	13.2 years	
Americium-241 (e)	458 Years	primarily created in situ from <sup>241</sup> Pu; estimated doses in Lapps negligible (9).

- (a) Neutron activation product (air)  
 (b) neutron activation product (soil)  
 (c) fission product  
 (d) may exist as unreacted weapon component  
 (e) decay product of <sup>241</sup>Pu

### Dose Assessment

During the 1960's a considerable amount of measurement of radiation was done in the arctic and subarctic ecosystems, including assessments of radionuclide levels in lichens, caribou and Eskimos. Of prime importance are the cesium-137 body burden measurements done during various years on Eskimos in many of the northern Alaskan villages, particularly Anaktuvuk Pass where caribou was the primary component of their diet at that time.

Body burdens of the higher energy gamma-emitting radionuclides such as cesium-137 can be directly measured by whole-body counting. The classical whole-body counter consists of one or more sensitive gamma detectors in a heavily shielded iron room. This arrangement permits quantification and identification (by its specific gamma energy spectrum) of small amounts of a radionuclide in the body with minimal interference from natural background radiation. Comparison of the amount of activity detected with a known quantity of the same radionuclide measured in a phantom allows an accurate determination of the body burden.

Portable whole-body counters, which require about 5 tons of lead brick shielding, have been used for some cesium-137 body burden measurements in Alaskan Eskimos (10). These counters reduce background about as well as the iron-room counter, show little variation in sensitivity with body size, and are only slightly less sensitive than the iron-room counter. Average body burden measurements are generally within a few percent of the expected values based on counting in iron-room whole body counters. A less cumbersome whole-body counting method, which does not use any lead shielding, has been developed for field measurements (11). A gamma detector is placed in the sitting subject's lap, and the subject is counted while bending over the detector. This configuration gets as much of the subject's body as close to the detector as possible, while the body provides some shielding from background radiation. The counting efficiency decreases with increasing body size and measurements are corrected for this factor. This method is best suited for radionuclides that are distributed uniformly throughout the body, such as cesium, and for subjects with higher body burdens. The accuracy of this technique has been estimated to be  $\pm 20\%$  for body burdens around 200 nCi cesium-137 and decreases to  $\pm 100\%$  at body burdens of 40 nCi (based on comparison of subjects counted by both this technique and the iron-room whole body counter). Many of the cesium-137 body burden measurements in Alaskan Eskimos were done using this simplified technique, which was appropriate since body burdens of possible health concern are well above 200 nCi.

The highest average cesium-137 body burdens measured (over 1000 mCi) occurred in Anaktuvuk Pass residents in the summer of 1964. From 1962 through 1967, residents of Kotzebue and regional river villages of Noatak, Selawik, Noorvik, Kiana, Shungnak, Kobuk, and Ambler had intermediate levels (150-550), and the northern coastal villages of Barrow and Point Hope had the lowest levels (3-150 nCi) (12-18). The maximum levels in Anaktuvuk Pass occurred about 2 years after the peak period of atmospheric testing in 1962. This time lag is consistent with stratospheric fallout deposition and subsequent concentration of cesium through the lichen-caribou-human food pathway. Since 1964, cesium levels in Anaktuvuk Pass residents have slowly decreased, as shown by body burden measurements done in the early 1970's (19). The slowness of this decrease is due to the 30-year half life of cesium-137 and the 10-year or longer retention half-time for cesium in lichens. The seasonal fluctuation occurs because the caribou feed mainly on lichens only during the winter. Caribou killed in the spring (and consumed over the summer) had higher levels than those killed in the fall. This resulted in higher summer cesium levels in the Eskimos.

Because strontium-90 is a pure beta emitter, body burdens cannot be measured by whole-body counting techniques. However, strontium-90 body burdens in Anaktuvuk Pass residents have been estimated on the basis of annual strontium ingestion rates and the metabolism of strontium in humans. Strontium-90 concentrations were measured in caribou meat samples obtained from Anaktuvuk Pass Eskimo hunters from 1964 to 1966 and adult male Eskimo body burdens were estimated to be about 900 pCi, which was very similar to body burdens of residents of New York and San Francisco during the same period (20). (Residents of the contiguous 48 states had elevated strontium levels from consumption of dairy products and vegetables, which are not important components of the traditional Eskimo diet). A higher average estimate (7400 pCi) was made from strontium-90 concentrations measured in 9 individual rib samples from Alaskan subjects obtained during 1963 and 1964, although these concentrations were also similar to those in bone specimens from residents of other states (21,22). Strontium-90 ingestion rates, and estimated body burdens, for adult females and for children were, respectively, 50% and 20% of those for adult males. Caribou meat provided 30 to 95% of the strontium-90 body burdens of northern Alaskan Eskimos during the 1960's. The steadily decreasing body burdens since 1966 resulted more from a decreased dependence on caribou as a food source, rather than from decreasing levels of strontium in caribou meat (20).

Although direct measurements of iodine-131 in

thyroid glands of Alaskan Eskimos were not done. Measurements and dose calculations were done on thyroids from deer, elk, caribou, and reindeer from Alaska and several other states during and after the peak 1962-63 nuclear testing period. Doses received by these herbivores during this period are shown in Table III (23).

Table III

Thyroid doses received by selected herbivores from 131 I fallout during the 1962-63 nuclear testing period.

State	Animal	Thyroid Dose (rem)
Colorado	Deer	20
Wyoming	Elk	7.6
Washington		
California	Deer	2.3
Maryland		
New York		
Alaska	Caribou Reindeer	0.3

The herbivore thyroid dose appears to be related to distance and direction from the sites of testing. This pattern is consistent with the relatively short half-life of the iodine-131 (8 days) and suggests that tropospheric fallout deposition is the predominant process involved. Alaskan herbivores received the lowest thyroid dose of all the animal locations sampled. This suggests that either arctic deposition of iodine was lower or that iodine did not enter the arctic food chain as readily as in other areas of the country. No specific thyroid dose estimates are available for Alaskan Natives. However, dairy products were not an important part of the traditional Eskimo diet, and no other significant human exposure pathway is evident.

Elevated levels of certain naturally occurring radionuclides have also been measured in Anaktuvuk Pass residents. Lead-210 and polonium-210, the solid decay products of radon-222 which occurs naturally in the atmosphere, have been found in relatively high concentrations in arctic lichens and caribou. The concentration process for this "natural fallout" is similar to the one observed with cesium-137 and strontium-90. Concentrations of polonium-210 in caribou flesh were about 10 times greater than lead-210 concentrations. Measurements of

polonium-210 in urine samples from Anaktuvuk Pass residents in the early 1960's showed levels 200 times higher than those measured in other states. These levels corresponded to about ten percent of the maximum permissible body burden for polonium-210 (24).

### Cancer Risk Estimates

Cancer risk estimates were based on information from the National Research Council Committee on the Biological Effects of Ionizing Radiations, 1960 (BEIR III Report) (5). They are expressed as a range of numbers rather than as a precise value because of the uncertainty associated with carcinogenic risk from radiation. Several important points must be emphasized regarding these risk estimates and resultant expected cancer incidence rates that were derived from them:

1. The highest average dose measurements were used in calculating expected cancer incidence. These occurred in Anaktuvuk Pass residents, who were still largely dependent on caribou for their food source in the early and middle 1960's. The actual number of persons who received these maximum doses was probably less than 100 (the total Alaskan Native population of Anaktuvuk Pass in 1970 was 97) (25). The population in 1980 of the northern Alaskan villages where measurements were taken was 5,715 (26). (The total Alaskan Native population was 54,047 in 1980 and 50,319 in 1970). Thus the percentage of Alaskan Natives with additional radiation exposure from fallout via the lichen-caribou food chain is small.
2. Expected cancer incidence rates were calculated with the assumption that the peak exposure levels of the middle 1960's remained at the same level over the next 20 years. Body burdens have actually been steadily decreasing during that period. Average cesium-137 body burdens in Anaktuvuk Pass residents measured in 1979 result in a dose of 8 mrem per year (2), which is more than 20 times lower than the peak dose levels in 1964. Strontium-90 body burdens have been decreasing by about 9 percent per year since 1970 (20).
3. When risk estimates for a particular cancer site were based on more than one risk model in the BEIR III Report, the highest risk estimates were used to calculate the upper limit of the expected cancer incidence rate.

These three factors result in a "worst case" estimate of expected excess cancer incidence rates, and the "most likely case" estimates may be 10 to 1000 times lower. Expected excess cancer rates

were estimated for four cancer sites that have the greatest potential for induction by radiation in this situation.

- A. Leukemia may result from cesium or strontium exposure. Radiation-induced leukemia has a relatively short latent period (median 7 to 8 years in the Japanese A-bomb survivors). Latency appears to be shorter in younger age groups and with higher doses. There is a decrease risk 2 to 5 times higher among the very young and the very old.

Acute leukemia and chronic myelogenous leukemia are the major types associated with radiation exposure. Chronic lymphocytic leukemia has not been shown to be related to radiation (5).

- B. Breast cancer may result from cesium exposure. The female breast is very sensitive to induction of cancer by radiation. A conservative lower limit for the minimum latent period is 5 to 9 years. The maximum latent period is 30 or more years. Latency appears to be independent of dose but strongly dependent on age at exposure. The lower the age at exposure, the longer the latency period tends to be. The occurrence of radiation-associated breast cancer parallels the age distribution of "spontaneous" breast cancer, after a minimal latent period.

The dose-response for breast cancer appears to be linear down to zero dose, i.e. the risk-per-rem is similar for low and high doses. Risk does not seem to depend on dose rate. However, risk may depend on age at exposure, although precise age pattern is not clear. Risk estimates based on the Japanese A-bomb survivors' experience show a 2 to 3 fold higher risk in the 10 to 19 year exposure age group, compared to the 20 to 39 year age group and the 50+ year age group. There is not substantial evidence yet of increased risk for exposure before age 10 years. The risk in the 40 to 49 year exposure age group is slightly negative and the reason for this is not apparent. These variations in risk of breast cancer with age at exposure may be due to changes in tissue sensitivity to radiation carcinogenesis resulting from variations in ovarian function at different ages (5).

- C. Bone cancer may result from strontium exposure. Risk estimates are based mainly on the knowledge gained from studies of exposure to alpha emitters (eg., radium-226), which have a high relative biological effectiveness compared to beta and gamma emitters. This would tend to overestimate the risk from strontium-90, a beta radiation emitter. Radiation-induced bone cancers have shown a latency period ranging

from 4 to 52 years. Generally, latency is directly related to the duration of the exposure. Short exposure periods show a peak latency of 6 to 8 years, while continuous long-term exposures (which would result from strontium ingestion) show much longer latent periods. The most common types of radiation-induced bone cancers (in order of decreasing frequency) are osteosarcoma, fibrosarcoma, and chondrosarcoma. No cases have occurred in the radium dial painters at doses much below 900 rads. No increases in bone sarcoma was noted in the Japanese A-bomb survivors (2).

- D. Thyroid cancer (iodine exposure). The radiation-induced types of thyroid cancer are papillary carcinoma and follicular carcinoma. Anaplastic carcinoma of the thyroid has not been associated with radiation. The minimum latency periods is about 10 years. The peak latency period, if one actually exists, is probably from 15 to 25 years. External gamma radiation has a higher carcinogenic risk than internal beta radiation (such as occurs with iodine-131). The reason may be partly because the iodine resides mainly in the colloid of the thyroid follicle and gives a variable beta dose to the sensitive cellular component of the follicle. The risk from iodine-131 is also lower than that from the shorter-lived radioactive iodine isotopes (which are a local rather than global fallout problem), probably because iodine-131 gives a lower dose rate (since it has a longer half-life) and may allow for some type of cellular recovery or repair.

An entity termed "minimal or occult microscopic thyroid cancer" is found at necropsy in 30% of the Japanese population and 15% of the American population. It is felt to have no malignant potential and is not known to be induced by radiation. Therefore, occult carcinoma should not be included with clinical disease when developing or applying radiation risk estimates.

Radiation-induced benign thyroid adenomas occur 3 times more commonly than malignant carcinomas. Other non-malignant radiation effects on the thyroid gland are associated with higher doses than those which induce cancer: acute thyroiditis - 20,000 rads; and hypothyroidism (thyroid ablation) - 2,000 rads external or 5,000 rads internal irradiation (5).

The range of expected cancer which may result annually from fallout exposure in Alaska is given in Table IV and compared with age-adjusted rates for the United States. It cannot be emphasized enough that these are "worst case" estimates, and also that the actual percentage of Alaskan Natives to which these rates might apply is probably extremely small.

Table IV

Cancer risk in Alaskan Natives due to radioactive fallout from atmospheric nuclear weapons tests (based on "worst case" estimate assuming a 20 year exposure at the maximum dose rate)

Radionuclide	Cancer or tumor type	Highest average body burden or tissue concentration	Corresponding dose rate	Risk coefficient (case per rem per year per million persons) (5)	Expected annual excess cancer rate (per 100,000) for a 20 year exposure	Annual age adjusted <sup>1</sup> cancer rate (per 100,000) for U.S. from SEER program 1973-77 (20)
Cesium 137	Leukemia	1330 nCi (27)	190 mrem/yr <sup>1</sup>	0.01 to 2.2	0.004 to 0.8	9.8
	Breast cancer	1330 nCi (27)	190 mrem/yr <sup>1</sup>	0.60 to 6.1	0.23 to 2.3	85.4
Strontium 90	Bone cancer	2.0 pCi/gm Ca (20)	12.5 mrem/yr <sup>2</sup>	0.09 to 0.76	0.002 to 0.019	0.8
	Leukemia	2.0 pCi/gm Ca (20)	12.5 mrem/yr <sup>2</sup>	0.01 to 2.2	0.0002 to 0.055	9.8
Iodine 131	Thyroid cancer	unknown	unknown	4		4.0
	Benign thyroid adenomas	unknown	unknown	12		

1) 1000 nCi cesium 137 gives 143 mrem/yr whole body and average skeletal dose (4).

2) 10 pCi strontium 90 per gram of calcium in bone (pCi/gm Ca) gives 4.5 mrem/yr skeletal dose (20).

3) Age adjusted to the 1970 Census population.

Table V shows some representative doses from various sources for comparison with the doses due to fallout in Alaska. Natural background radiation includes that from cosmic radiation, external gamma radiation from naturally occurring radioactive material in the earth's crust, and radiation from naturally occurring radionuclides found in the body. Average levels in the United States range from 100 to 250 mrem per year (30). Certain areas of the world have unusually high natural radiation levels, averaging as high as 3000 mrem per year and ranging up to 12,000 mrem per year (31). Epidemiologic studies done in some of these regions have not shown increased cancer incidence attributable to these exposures although the number of people exposed was generally only a few thousand. Average annual medical exposure (32) and the current regulatory guidelines are also given in Table V. Doses received by the Japanese A-bomb survivors ranged from 0 to over 400,000 mrem. There is little evidence of excess cases occurred at doses over 50,000 mrem in this group (33).

Table V

Average radiation doses from selected sources.

Source	Dose (mrem)
A. Annual Natural background radiation (to whole body).	
1. United States	
Colorado	250
Wyoming	245
New York	135
Alaska	130
Georgia	125
Texas	100
2. High Background areas of the world.	
Kerala, India	1500
Minas Gerias, Brazil	2000
Sri Lanka (Granite areas)	3000

B. Medical exposure

1. Average annual dose per person in United States	60
2. Dose to exposed organs from specific exams.	
Chest X-ray	4 (bone marrow)
Upper GI Series	19 (lungs)
Barium Enema	117 (bone marrow)
	532 (lungs)
	298 (bone marrow)
	48 (lungs)

C. Regulatory guidelines

1. Annual occupational limit.	5000
2. Annual general population limit.	500

D. Japanese A-bomb survivors.

Dose resulting in about 50% mortality in 3 to 5 weeks	300,000
(received by about 1500 survivors of Hiroshima and Nagasaki)	

Table VI shows the maximum expected numbers of cancer cases per year due to cesium-137 and strontium-90 body burdens for the northern Alaskan Villages. With a population totaling 5,715 assuming the worst case estimate, a maximum of 3.6 cases of cancer would have developed in 20 years. These numbers are so small that an increase could not be detected by epidemiologic study.

Table VI

Maximum expected annual number of cancer cases due to cesium-137 and strontium-90 body burdens for northern Alaskan villages.

Village	Anaktuvuk Pass	Kotzebue	Barrow	Point Hope	River Villages	Total
1980 native population	191	1573	1720	434	1796	5715
Leukemia	0.002	0.01	0.01	0.004	0.02	0.049
Breast Cancer	0.004	0.04	0.04	0.01	0.04	0.13
Bone Sarcoma	0.00004	0.0003	0.0003	0.0001	0.0003	0.001

## Conclusions

1. Studies over the past 25 years have adequately identified and measured the fallout radionuclides of potential significant health importance in Alaska.
  - A. Cesium-137 is the radionuclide of primary concern because of the lichen-caribou-human pathway, although strontium-90 and iodine-131 were of importance also.
  - B. Cesium levels were measured by whole body counting. This was done throughout the areas where caribou was a significant food source, and the whole body counting techniques used were sensitive and precise enough to detect cesium body burdens of potential concern.
  - C. Strontium-90 levels in humans were assessed from dietary information and measurements in caribou flesh, and to a limited extent from direct measurements in human bone specimens.
  - D. Iodine-131 levels were measured in caribou only, but no significant exposure pathway exists for humans.
  - E. Other radionuclides including tritium, iron-55, ruthenium-106, cerium-144, plutonium isotopes, and americium-241, have been detected in fish and game, but none were found that appear to be at levels which would pose a hazard to humans.
2. The cancer risk due to the levels of fallout radionuclides in Alaskan Natives is very low, consistent with the observation that the maximum annual dose rates from measured body burdens of cesium were comparable to dose rates from natural background radiation in some regions of the United States (Table V).

## Recommendations

1. Individuals on whom cesium measurement data was obtained should be identified so that subsequent cancer development can be determined through matching of individuals in the Alaskan Native Tumor Registry. Cancer occurrence in individuals among this group can then be compared with their measured cesium body burdens, to determine if any correlation exists. The Cancer Branch of the Center for Environmental Health, CDC, is willing to work with the Alaskan Native Tumor Registry and the Alaska Department of Health and Human Services in this effort.
2. Aside from the above, no other study of fallout exposure and cancer incidence among Alaskan

Natives is recommended at this point. Based on current knowledge regarding radiation carcinogenesis, the radiation doses received and the populations potentially exposed are too small to expect such a study to detect any effect.

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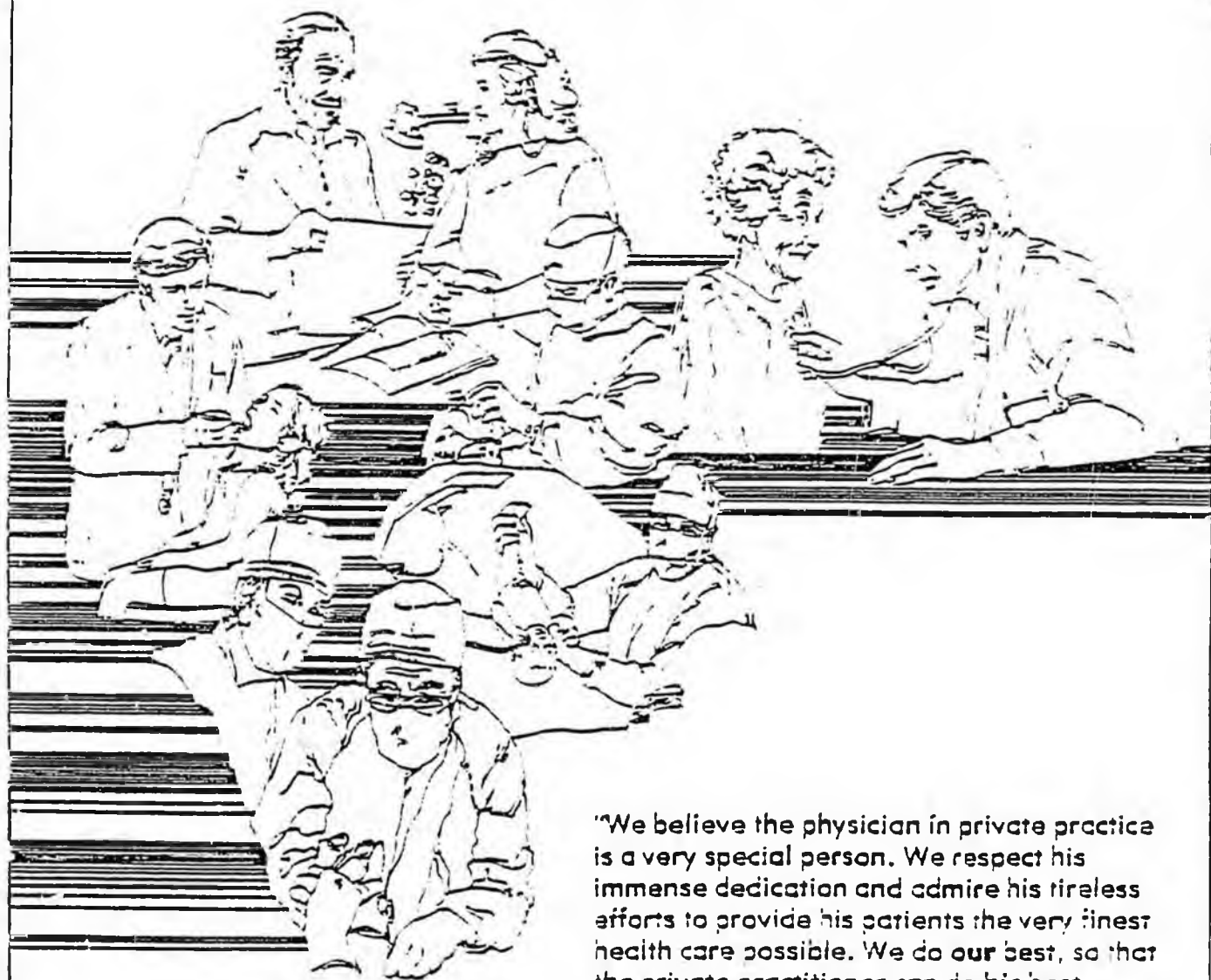
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A.J.R. 4

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[Added by the Department of State]

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION!

WHEREAS the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water was signed at Moscow on August 5, 1963 by the respective plenipotentiaries of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, and was thereafter opened to other States for signature at Washington, London, and Moscow;

WHEREAS the text of the Treaty, in the English and Russian languages, as certified by the Department of State of the United States of America, is word for word as follows:

## T R E A T Y

banning nuclear weapon tests  
in the atmosphere, in outer  
space and under water

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

## Article I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

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(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

#### Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the

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deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

### Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties -- the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics -- which are hereby designated the Depository Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.<sup>11</sup>

### Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

### Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government  
of the United States  
of America

For the Government  
of the United Kingdom  
of Great Britain and  
Northern Ireland

For the Government  
of the Union of  
Soviet Socialist  
Republics

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*Home*

*A. G. Gromyko*

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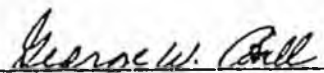
*A. S.*

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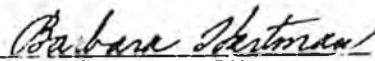
*A. S.*

I CERTIFY THAT the foregoing is a true copy of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, a signed original of which is deposited with the Government of the United States of America and was opened for signature on behalf of other States at Washington on August 8, 1963.

IN TESTIMONY WHEREOF, I, GEORGE W. BALL, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this ninth day of August, 1963.

  
Acting Secretary of State

[ ]

By   
Authentication Officer  
Department of State

WHEREAS the Senate of the United States of America by their resolution of September 24, 1963, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the Treaty;

WHEREAS the Treaty was duly ratified by the President of the United States of America on October 7, 1963, in pursuance of the advice and consent of the Senate;

WHEREAS on October 10, 1963, the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics duly deposited instruments of ratification with the aforesaid Governments, designated by Article III, paragraph 2, of the Treaty as the Depositary Governments;

AND WHEREAS, pursuant to the provisions of Article III, paragraph 3, of the Treaty, the Treaty entered into force on October 10, 1963;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after October 10, 1963, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

~~Coatney~~ VI

February 1, 1987

Dear Alaska Representative,

As an individual Alaska citizen with some background in Soviet military history and affairs, I am deeply concerned by the "nuclear-free Alaska/Arctic/Subarctic" HJR 4 under consideration. Contrary to its idealistic intent, the practical effect of this resolution can only increase the probability of another world war, let alone radioactive pollution.

As an individual member of the American Committee on the History of the Second World War, I feel that this resolution is actually only a nuclear age repetition of the same "neutrality" fallacy which encouraged Axis aggression and the butchery of well over 30 million men, women and children. If we forget or ignore history's tragic lessons, we condemn ourselves to resuffering them.

For over 40 years, nuclear deterrence — up-to-date weapons backed by the solidarity of our Allied nations and peoples — has given us safety from world war, nuclear or otherwise. Anti-deterrence agitation, such as "nuclear freezes" and "nuclear-free zones" undermines this critical component of solidarity and deterrence itself. Nuclear-free agitation has already destroyed our strategic alliance with New Zealand and is recognized by our Department of State as a real threat to world peace.

*i.e., it is propelling us toward war.*

*and the label is counted - not the contents*

The resolution itself seems confused — attempting to somehow blame our relatively safe nuclear deterrence policy for pollution from the Soviet radioactive disaster at Chernobyl. Attached is a more detailed list of HJR4's overights and dangers, as well as copies of some principal sources. Please consider each of these points before deciding your position on this resolution.

I well know how effective nuclear terrorism can be, even on Alaskans. I realize enormous and well-organized political pressure and intimidation are being exerted by "nuclear-free" promoters. Whether there are still enough profiles in courage among Alaska legislators to again defeat a nuclear-free ploy we will see.

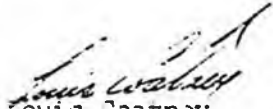
Nuclear deterrence has had risks, and they are growing. However, until we can replace it with something better — such as an SBI-type defense or genuine international disarmament — we should not undermine it and what world peace we still have.

Judging from recent Soviet interest in Alaska and our political affairs, your vote on this resolution could have serious consequences. I do not envy your responsibility for your decision on this matter.

Wanting to "do something" about the arms race is understandable and commendable. However, instead of HCR4, I ask that you initiate and pass a resolution endorsing our Secretary of State's policies and ongoing efforts to negotiate genuine disarmament treaties, to protect the world's environment and to combat terrorism. Now more than ever, he needs and deserves our support.

Thank you for your time and fair hearing.

Respectfully,

  
Louis Coatney  
9706 Trappers Lane  
Juneau, AK 99801  
739-0043

## HJR 4 OVERSIGHTS AND DANGERS

1. HJR4 is aimed at the wrong target. Atmospheric testing of weapons has long been banned. Radioactive and other airborne pollution comes from sources well outside the Arctic, Subarctic and Alaska — principally from the western, industrial Soviet Union where Chernobyl is located. (4Oct81 ENPIRE, "Once-pure Arctic air dirtied by Soviet, European industry") The Kremlin has stated it will continue its reckless nuclear energy program, regardless of Chernobyl.

Soviet political, military and environmental aggression is the real problem, and Soviet leaders only cooperate with those having the raw power to command their respect. (As Stalin once scoffed, "...and how many divisions does the Pope have?!" )

2. The Soviets have violated virtually every disarmament treaty they have signed — see attached State Department list — and have successfully evaded for dangerous lengths of time the hi-tech treaty verification systems which the resolution touts in Line 20, Page 2. (Obviously, they have been even more successful in the violations we don't know about.) The Soviets' unrepentant killing of U.S. Army Major Arthur Nicholson indicates their contempt for treaty guarantees of direct, on-site verification procedures.

Maybe most relevant to HJR4 is the Soviet submarine which ran aground while violating Swedish territorial waters in an attempt to snoop that nation's naval bases. (16Nov81 NEWSWEEK: "The spy sub's not secret") Nuclear weapons were detected aboard it, in spite of a long-promoted Soviet propaganda campaign to have Scandinavia declare itself a nuclear-free zone. (AAPSS AIRMAILS, 481: "Peace propaganda and submarines: Soviet policy toward Sweden and Northern Europe", by Ingmar Oldberg)

3. The claim by the resolution's promoters that a nuclear-free Arctic treaty is alright because we already have something similar for the Antarctic is a fundamental, simplistic fallacy typical of this resolution. The Antarctic is at the other end of anywhere and, as a land mass, is one vast obstacle. In the Arctic, on the other hand, we are eyeball-to-eyeball with the Soviets across an Arctic Ocean which is a mobile arena for naval operations. A nuclear-free treaty could be violated massively at a moment's notice by Soviet air and naval forces.

4. Line 20, Page 1, seems dishonest. Even the Nuclear-Free America office in Maryland admits that no statewide nuclear-free measure has passed. Oregonians recently voted down a statewide ballot initiative, as did our own Republican voters (in spite of a low election turnout which favored nuclear-free activists.)

Lines 19-20 are similarly misleading, considering how New Zealand's nuclear-free policies have broken up our naval allies' alliance in the South Pacific.

5. The nuclear freeze vote in the August Alaska primary election reflected a slick promotional campaign, the lack of an organized opposition and incomplete coverage of the issue, generally. The outcome was nothing to boast about.

On the other hand, overeager Soviet observers might have concluded, dangerously, that nuclear terrorism even works on Alaskans. If this is a misperception, it should be corrected as soon as possible, and the rejection of HJR4 would greatly help to do that.

6. One important damage by nuclear-free agitation is that Federal agencies (like our State Department, Defense Department and Arms Control and Disarmament Agency) must divert staff time and resources from their normal activities to defend our country's policies from these attacks from the rear. According to Nuclear-Free America itself, defense contractors (understandably concerned about protecting their plants from potential legal harassment by local nuclear-free vigilantes) have bankrolled opposition campaigns. This can only drive back up the price of hammers and custom toilet seats.

7. One aspect of all this "nuclear-free" agitation of particular concern to me is the involvement of outside agitators in spawning it. A month ago, I attended a local World Affairs Council presentation by Satomi Nakamura of the Hiroshima "Never Again" organization. She mentioned the various Alaska villages and towns she had visited and urged to declare themselves "nuclear-free".

Satomi seems like a very nice and sincere person. She readily admitted Japanese atrocities like the Rape of Nanking. However, she couldn't seem to grasp that her nation and people embarked on militarism and their own destruction precisely because we lost our ability to deter them. *Never again* requires that we must "never forget."

3. Another concern is the racial aspect.

The Inuit Circumpolar Conference (ICC) has been dominated by a Dane, Hans-Pavia Rosing, who has long agitated against American bases in Greenland. Supposedly intended to promote the racial/cultural identity of Inuit peoples in Alaska, Canada and Greenland — Soviet Inuit are not

allowed to participate, of course — the ICC has apparently contributed to serious political dissension among the peoples and nations of our Northern Shield. Interestingly, the ICC seriously protests only the presence of American military forces in the Arctic. (May88&Oct/Nov88 ARCTIC POLICY REVIEW)

The World Council of Indigenous Peoples (WCIP) similarly seems concerned with only native rights causes outside the Soviet sphere. (Oct/Nov88 ARCTIC POLICY REVIEW: "WCIP President addresses ICC") Dissension among Lapps in Norway's strategically vital northern areas seems coincident with the WCIP's interest in the area. The WCIP is involved in New Zealand and Australia.

Attached is a copy of an article from the Wellington NZ DOMINION, entitled "Marxists use race conflict — author". A former member of the Australian Communist Party describes in his book SHADOWS OVER NEW ZEALAND how leftwing political elements are stirring up racial strife and guilt, controversy over indigenous land rights and anti-nuclear fears through such devices as "peace studies" in the schools.

In any case, the ICC and WCIP teamed up in Alaska to sponsor the Alaska Native Review Commission with no input from the Alaska Federation of Natives. Led by Justice Thomas Berger of Canada — a sincere and credible advocate of native rights — an ANRC team whistle-stopped through Alaska's native villages in order to acquire input to "perfect" the Alaska Native Claims Settlement Act. In its wake, we have a groundswell of demand for tribal sovereignty and a nuclear-free Arctic.

Maybe we or our Federal government should check into the nature and activities of the WCIP before letting it lead us into nuclear-freeness.

Alaska Natives have been the backbone of our northern defenses and more proudly American than many of the rest of us. We badly need their loyalty, and their ethnic pride and political assertiveness reflect the benefits of our nation's tolerance and freedoms. I myself was once promoting the virtues of secession — until the Soviet invasion of Afghanistan demonstrated to me that this is no time for any group on the borders of the USSR to be going off on its own. Should the Alaska State House of Representatives be legitimizing and promoting this kind of divisive agitation? *It pits our Native and professional military communities against each other.*

5. The "nuclear-free" concept is a warmed-over version of neutrality, the naive belief that if we don't get involved we will be left alone. This self-concerned and divisive doctrine (practiced in 1940 by countries like Belgium, Holland, Norway, Sweden and our own) encouraged Axis militarism to march and directly abetted the "conventional" holocaust of World War II. Afghanistan is a timely example of what happens to a "neutral". By contrast, postwar collective security alliances backed by nuclear deterrence (such as NATO) have helped to avert another world war.

10. The claim by the resolution's supporters that HJR4 should be acceptable because it only directs our State and Congressional representatives to work for a nuclear-free Alaska/Arctic treaty (rather than actually declaring a zone) is specious. The "nuclear-free" concept itself is false and shouldn't be endorsed, however indirectly.

Judging by the media coverage of the State Senate's passage of a nuclear-free resolution, the media often grab for labels rather than contents. If HJR4 passes even just the House, damage to deterrence will be done.

11. If nuclear deterrence collapses, a Soviet miscalculation and an initially conventional world war is more likely. Even a strictly conventional war would be devastating, especially for Alaskans. The disruption of normal supplies and the rapacity of Soviet troops (which we have again seen in Afghanistan) would annihilate most Alaskans. However, the superior efficiency of nuclear weapons against naval and space targets would compel their use by tactical commanders fighting for their own survival, in any case.

12. Just as in labor negotiations, solidarity is essential for the credibility of one's bargaining position in treaty negotiations. Divisive agitation eroded our negotiating ability at the Paris Peace Talks, contributed to our desertion of the Cambodian and Vietnamese peoples and culminated in the genocide portrayed in "The Killing Fields". Once it finally had its disarmament agenda, the Reagan Administration found its efforts undercut by public and legislative agitation, such as Alaska's nuclear freeze, SJR85 in 1982 and SJR38 in 1984. Soviet negotiators are encouraged to stonewall and wait for an ever better deal. If we had instead given Administration negotiators our solidarity, maybe they could have produced genuine disarmament and environmental treaties eliminating the threat of radioactive and other pollution from the Arctic and wherever else.

13. Agitation like HJR4 does real damage to our deterrence of another world war.

In the 7 JUL 86 U.S. NEWS & WORLD REPORT, Carter Administration National Security Advisor Zbigniew Brzezinski describes how the nuclear freeze and similar agitation has damaged disarmament efforts and deterrence.

The new Brookings Institution book, MILITARY OBJECTIVES IN SOVIET FOREIGN POLICY, states that upon achieving strategic parity, Soviet military leaders began a dangerous drift toward the belief that a world war could be fought conventionally — that we won't use the nuclear weapons which once deterred them.

The ultimate proof, though, is World War II. As Admiral Russell (a naval aviation commander in Alaska during World War II) stated in his public television interview recently, the Japanese attacked us against all material odds because they had seen the anti-defense agitation in the U.S.. They believed we would quickly crack under their Russian ruthlessness, as France had cracked under Nazi attack in 1940. (Like today's anti-deterrence agitators, the prewar pacifists believe that weapons were immoral in and of themselves, regardless of who possessed them. Policemen sometimes encounter the same attitude.)

A key belief the Soviets draw from their World War II victory in the Battle of Stalingrad is that the more horrible the confrontation, the more likely the impatient Westerners are to crack and steal Soviet advantages to prevail. Thus, our anti-nuclear hysteria in the West only confirms their concept for us and the validity of their military.

Thinking in a small part to agitation like HJR4, it has done real damage toward another world war.

RECEIVED MAR 09 1987

United States Department of State

Washington, D.C. 20520



MAR 4 1987

file of HJR 4

The Honorable Jan Faiks  
Senator  
Alaska State Legislature  
Post Office Box V  
Juneau, Alaska 99881

Dear Senator,

Thank you for the opportunity to comment on HJR 4, relating to a nuclear-free zone in the arctic, subarctic, and the state of Alaska

For over four decades, the policy of deterrence has successfully prevented the outbreak of global war or armed conflict between nuclear powers. The integrity of the Western alliance system has been a central element in maintaining the credibility of deterrence against both nuclear and conventional attack. The United States has played a central role in this effort by maintaining the capability to project its military forces thousands of miles from its shores in order to meet the security commitments that lie at the heart of deterrence.

In the past the US has supported, on a case-by-case basis, certain international regional nuclear free zone proposals which advanced non-proliferation interests while not undermining existing security arrangements or our deterrent capabilities. Thus the U.S. supported the Treaty of Tlatelolco, the Antarctic Treaty and the Seabed Treaty, while opposing proposed Nordic and Central European nuclear free zones. With regard to the Treaty of Rarotonga, generally known as the South Pacific Nuclear Free Zone (SPNFZ), the U.S. decided recently that in view of its global security interests and responsibilities it is not, under current circumstances, in a position to sign the associated protocols to that treaty.

The US has a deep commitment to bringing about a safer strategic environment involving progressively less reliance on nuclear weapons. It shares the vision of a world freed from the incessant and pervasive fear of nuclear devastation. The US goal in arms control is to enhance stability and reduce the risk of war by reaching equitable and verifiable agreement on deep reductions in the nuclear arsenals of both sides.

The U.S. believes, however, that the growing number of proposals for regional nuclear free zones has the potential to undermine deterrence as the cornerstone of Western security. The proliferation of such zones, especially when unmatched by

disarmament in the Soviet bloc, clearly would be detrimental to Western security and could also limit our future ability to meet security commitments world-wide.

In view of your concerns regarding national defense, I have taken the liberty of sharing your letter with the Department of Defense.

Sincerely,



Jayne H. Plank  
Director, Intergovernmental Affairs  
Office of Legislative and  
Intergovernmental Affairs

*So*  
Drafted: PM/ISP: JFHickman  
Wang 7528S 3/2/37

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PM/ISP: CDuelfer  
PM/ISP: SButcher  
PM/PD: DMozena  
ACDA: RRochlin (subs)

#: L HUNT *ed*  
#: M Johnson *ed*



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER

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Ser 441C/50393212  
18 Mar 85

Mr. Bob Henschen  
850 Jacquet  
Bellaire, TX 77401

Dear Mr. Henschen:

I am responding to your note to Lieutenant Allen of the Navy Office of Information which forwarded questions regarding the safety and handling of nuclear weapons.

It is the policy of the Department of Defense and the Navy to neither confirm nor deny the presence of nuclear weapons aboard any ship, station or aircraft. This policy is an absolute security requirement.

Many of your questions have application to any location where nuclear weapons might be stored. In this general context, I can state the Navy goes to extraordinary lengths to ensure both the safety and security of nuclear weapons. All Navy weapons, including nuclear weapons, are designed with redundant safety features and are subjected to rigorous testing to ensure weapon integrity even in the unlikely event of an accident. These built-in safety features are complemented by strict administrative, safety and security controls and well trained personnel. In thirty years of experience, Navy has never had a nuclear weapons accident in which there was a hazard to the civilian population or civilian property. This safety record is the best testimony to the effectiveness of our efforts.

Navy is not the sole judge of its methods and practices with regard to nuclear weapons. Oversight is exercised by the Department of Defense and the Department of Energy, which produces the weapons. Ultimately, we are responsible to the President and to Congress. The General Accounting Office, an arm of the Congress, is conducting a through review of our safety and handling procedures. We expect a report to be issued in the near future which may reassure you if your concern is based purely on safety and environmental interests.

Sincerely,

J. P. CORNELL  
Captain, U. S. Navy  
Deputy Director, Shore Activities  
Planning and Programming Division

NAVAL NUCLEAR PROPULSION, MAY 1986

AT THE PRESENT TIME, THE U.S. NAVY OPERATES ONE HUNDRED AND FORTY EIGHT NUCLEAR POWERED WARSHIPS IN ALL THE OCEANS OF THE WORLD AND IN HUNDREDS OF DOMESTIC AND FOREIGN PORTS. FROM THE START OF THIS PROGRAM OVER THIRTY YEARS AGO, IT HAS BEEN THE POLICY OF THE NAVY TO REDUCE TO THE MINIMUM PRACTICABLE, THE AMOUNT OF RADIOACTIVITY RELEASED TO THE ENVIRONMENT AND IN PARTICULAR THE AMOUNT RELEASED INTO HARBORS AND COASTAL AREAS. THIS OBJECTIVE HAS BEEN ACHIEVED BY INCORPORATING THE NECESSARY DESIGN FEATURES INTO THE PROPULSION PLANTS AND BY THE PREPARATION AND STRICT ENFORCEMENT OF PROPULSION PLANT OPERATING PROCEDURES WHICH ARE FOLLOWED BY EACH SHIP'S CREW.

THESE PRACTICES HAVE BEEN VERY SUCCESSFUL. DURING EACH OF THE PAST FIFTEEN YEARS THE TOTAL AMOUNT OF RADIOACTIVITY RELEASED BY ALL THE NUCLEAR POWERED SHIPS IN THE U.S. NAVY TO ALL THE HARBORS AND COASTAL AREAS OF THE WORLD HAS BEEN LESS THAN THE AMOUNT OF NATURAL RADIOACTIVITY CONTAINED IN THE SEAWATER DISPLACED BY A SINGLE SUBMARINE. IN FACT, THE TOTAL AMOUNT RELEASED BY ALL OF THE NAVY'S NUCLEAR POWERED WARSHIPS IN ALL OF THESE YEARS IS LESS THAN THE AMOUNT OF NATURAL

Encl (1)

RADIOACTIVITY CONTAINED IN THE TOP INCH OF SEAWATER IN THE AREA OF THE BEHM CANAL BEING CONSIDERED FOR THE ACOUSTIC FACILITY.

BASED ON YEARS OF EXPERIENCE WITH NUCLEAR SUBMARINES, THE RECORD DEMONSTRATES THAT SHIP OPERATIONS ASSOCIATED WITH USE OF THIS FACILITY WILL RESULT IN NO MEASURABLE EFFECT ON THE QUALITY OF THE BEHM CANAL ENVIRONMENT.



# Editorials

## Run silent, run deep

IT WAS the U.S. Navy, not Santa Claus, that brought some cheering year end news to Ketchikan.

By requesting the Ketchikan Public Utilities to begin preparing to supply electricity to the proposed Back Island submarine acoustic test site, the Navy pretty well confirmed that the facility will be a reality.

The Navy said it would need 1,500 kilowatts of power by 1989 in connection with a submarine deep water sound measurement operation in Behm Canal, about 15 or 20 miles north of Ketchikan.

Both support and technical facilities will be needed as part of the program to test how silently the navy

try's new nuclear powered subs can operate.

THE TOTAL facility apparently won't be very big. A relatively small crew will run the operation, which presumably will be the site of periodic — not full-time or continuous — testing.

But even so, the on-going testing program will make a significant contribution to Ketchikan's economic base. And what helps any Alaska city, helps all Alaska these days.

Moreover, of course, the test program will contribute in a great measure to national security. And to give Ketchikan a role in that is a further plus.



# Editorials

## The Navy looks ahead

**ALTHOUGH** we have seen nothing official on the subject, we expect again this year to see more Navy ships making calls on the Port of Anchorage — as an interlude for weekend liberty during the course of extended training operations in the North Pacific.

It's simply in the cards that the Navy will follow up last year's exercises in northern waters with more and more operations in the same area.

Alaska, it is safe to say, is back on the Navy maps.

**WITH THAT** in mind, it's worth making note that the Navy has been given the go ahead to seek funding this year for the construction of two additional nuclear-powered aircraft carriers.

The two new carriers, as yet unnamed, would be completed in 1995 and 1998 and would replace the Forrestal and the Saratoga, now nearing the end of their 45-year service lives.

The new vessels are scheduled to be built at the Newport News (Va.) Shipbuilding & Drydock Co., where one new carrier, the Theodore Roosevelt, was recently launched and two more, the Abraham Lincoln and the George Washington, are under construction.

**THESE ARE** Nimitz-class

carriers, the largest warships built by the United States.

The lead ship of this series, the USS Nimitz, might well be one we will see in Alaska waters in the years ahead. The Nimitz has been reassigned from Norfolk, Va., to Bremerton, Wash., and sailed this past week from its old home port for six months of sea duty before reporting to the Seattle area at the end of June.

The Nimitz, by the way, was commissioned in 1975 and is powered by two nuclear reactors. It and others carriers in the same class are 1,100 feet long, can sail in excess of 30 knots and can support roughly 95 airplanes.

Anchorage got a look last fall at the USS Constellation, the first supercarrier ever to drop anchor in Cook Inlet's waters off our port.

We don't know whether the Constellation will be back again this year or whether the Nimitz will be along in its place.

But sometime in the future, some years hence, you can probably make book on the fact that we'll have a chance to welcome the Theodore Roosevelt, the Abraham Lincoln or the George Washington during training exercises in the waters off Alaska's coast.

The Navy, we feel confident, is here to stay.

wherein this motion could be discussed, where the discussion could be opened up to a much fuller, longer review of all of the procedures.

We have some problems in defining what is meant by "significant value" because many people contribute a large amount of work to political parties that is of significant value and does not relate in any way to monetary returns. The term "significant value" does mean different things to different people.

I am interested to know if the proposer of the motion is willing, in the discussion, to define the limits that would be set on political contributions. For example, does he think that a top limit of \$3,000 would apply to a corporation, an individual or any situation for defining how much goes to any political party?

We will be supporting the motion on the basis that the current system of financing political contributions and controlling election expenses, although not rampant in its abuse in the Yukon, could be at some point. We have had many cases in Canada where there have been examples of this. It is because of this possibility of the opening up of the chance of abuse in some situations that we will supporting the principle of the motion.

**Hon. Mr. Penikett:** As the Member for Klondike observed, I did table some draft regulations on Monday. The Member for Riverdale South indicated the full range of regulations in this regard across the country. What she did not note was that our Act is based on British Columbia's, which is generally viewed by people who are interested in this question as the least satisfactory in Canada.

The important principle that I think should be noted here is that — and this was something I raised at the time of the second reading of the Bill in 1981 — only British Columbia and the Yukon permit a tax credit for political contribution with no disclosure whatsoever. During the course of this sitting, we have had arguments made about public disclosure and public expenditures. I am very much persuaded by those arguments that have been made on all sides of the House.

Presently, anyone can make a \$100 contribution to a registered political party in the Yukon Territory and receive a \$75 tax credit. Anyone may also donate \$100 to a federal political party and receive a \$75 tax credit. The difference between the federal law and the Yukon law is that, in the case of a \$100 contribution to a federal political party, there will be disclosure of a person's name and the contribution for an amount over \$100.

In the case of the Yukon Territory, there is no disclosure whatsoever. In effect, you have a grant of public money amounting to \$75 for a tax credit, with no disclosure. That is the principle that was argued quite strenuously by the three federal parties in 1973, when this Act came in. In the end, all parties were persuaded that it was morally necessary that if there was going to be a gift of public money to donors of political parties — in other words, an indirect subsidy by the state of political parties — that the people who benefited from those tax credits, from those gifts, of a significant amount — in the federal case, being \$100 — should have their names disclosed.

In tabling draft regulations on Monday, I would note that the government of course could have done this by Order-in-Council. Notwithstanding some of the less than flattering things that have been said on the other side of the House during the last two weeks, I remain persuaded that I have, personally — and my party has — a very good record with respect to a proper regard for what are the constitutional proprieties of the House. I believe that matters governing the conduct of elections ought not to be, in any case, the exclusive domain of the government party, and that, wherever possible constitutional issues, such as this, should be dealt with on the basis of an all party agreement, if possible, or dealt with by an all-party committee.

Ultimately, if we are to move on this question, a Cabinet decision about regulations will have to be made. In proposing, as we are proposing to do today, to refer this matter to Committee, we have a chance to consult with representatives of all three parties represented in this House.

I am saying that the goal of disclosure can be accomplished through amendments to the Political Income Tax Credit Regula-

tions. As I believe has been made clear, I requested the chief electoral officer to draft a set of amendments based on the disclosure provisions found in the federal election financing laws. That is the draft regulations that have been tabled in the Assembly. What I and my colleague, the Member for Klondike, are asking through this Motion is that the Standing Committee on Rules, Elections and Privileges examine these regulations and make recommendations as to their desirability to the House and, if necessary, do an interim report upon which the Cabinet can act, if the committee sees fit to complete its work expeditiously.

I feel it necessary to say that I do not intend in any way to prejudice the work of the committee by tabling a reference of these draft regulations. The committee is free to recommend that something be done with them, nothing be done with them, or something more be done. The Member for Faro made mention of the different kinds of contributions and what constituted significant. The \$100 may have been significant in 1973. Some people may not think it is significant today. It still is for me, but it may not be to other Members in the House. In the federal Act, there are regulations governing gifts in kind, which is only proper.

It may be, having listened to the Member for Riverdale South, that full disclosure of political contributions is an idea whose time has come. The Member mentioned the contributions of trade unions and corporations. Certainly, the trend in the United States law and the trend in many other countries in the democratic world is for full disclosure, to cite the principle uttered by the Member for Klondike, so that the citizens of the public may know who may have potential influence with their elected representatives.

Whatever the committee decides to do, I would submit that the draft regulations are a useful first step in the process. They can be enacted to provide a short-term measure until the committee gives further indepth consideration if it wishes. It might also be the view of the committee that the amended regulations should be enacted and after a few years reviewed to determine whether anything further is required in legislative measures. In reference to the draft regulations, I should make clear that they are only a draft. It may be desirable in the future to embody these changes in legislation, but we will see what the Committee has to say about them.

The Member for Riverdale South correctly pointed out that the proposal here is to include people who receive income tax credits only. That is quite true, but it is also, I submit, entirely within the powers of the Committee to recommend a set of recommendations of broader scope than that if they so desire. I would not presume to anticipate the Committee's decision. It appears that the motion will be supported on all three sides of the House. I will, therefore, conclude my remarks and perhaps you can call the question.

*Motion No. 75 agreed to*

**BEGIN NUCLEAR  
WEAPONS FREE  
ZONE DEBATE**

Mr. Nordling.  
ceed with item

Member for

*Motion No. 77*

**Clerk:** Clerk's mistake. Item number three standing in the name of Ms. Kassi.

**Speaker:** Is the hon. Member prepared to proceed with item number three?

**Ms. Kassi:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Member for Old Crow: THAT, to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly declares all land, inland water, coastal waters and airspace within the territory as a Nuclear Weapons Free Zone and this Assembly will use all means within its power to ensure the Yukon is used solely for peaceful purposes; and

THAT this Assembly declares the Yukon's opposition to the testing and/or establishment of nuclear weapons and nuclear-weapons-related technology and nuclear waste dump sites in the Yukon.

Ms. Kassi: It so happens that this is the International Year of Peace. I think it is a good time now to think about taking initiatives such as this, as a Legislature, as it is close to Christmas.

This year we have some change for the better between the superpowers, and efforts are being made to reduce the nuclear stockpiles around the world. This should be encouraged by all of us.

We have also seen expressions from people around the world in support of nuclear arms reduction. New Democrats and Conservatives united to make a statement for nuclear disarmament in Manitoba, and we can do the same here. More recently, the Legislatures of Ontario and the Northwest Territories adopted a similar motion to declare themselves nuclear weapons free zones. In Alaska, a resolution has been introduced in the State Legislature to work towards the same initiative. In August, a referendum at the State Primary showed big support for a nuclear weapons free zone.

Earlier this year, the Inuit Circumpolar Conference met in Alaska and fully endorsed the motion for a nuclear free Arctic. This was one of the biggest gatherings of the Inuit people ever from Alaska, the Northwest Territories and Greenland. This motion passed unanimously. In the Province of British Columbia as well as in Ontario, Quebec, Nova Scotia, Saskatchewan and Newfoundland, various communities have declared themselves nuclear free as well.

Many countries around the world such as Greenland, Iceland, New Zealand, Sweden and a number of smaller countries have proceeded with this initiative. With Sweden, Iceland, Greenland and the Northwest Territories joining this group, now the Yukon would make five jurisdictions in this circumpolar north that would be nuclear weapons free. It is my hope that this would be extended to northern countries in Europe, Alaska and the Soviet Union. I think it is interesting to note that despite uranium exploration in the Northwest Territories, their Legislature voted as part of their motion to oppose exploration and exploitation of materials related to the nuclear weapons industry.

I know that my people are concerned about signs of uranium near our community. I want to make it clear to this House that we do not want any uranium mining or development near our community. I think it would be a very negative thing for other parts of the territory as well. We fear the possible contamination that would come from uranium mining. There are many dangers associated with uranium development, and we fear a lot of damage would be done to the land and its habitat.

The motion before honourable Members does not address this, but I felt it important to make this statement that we have these fears about uranium mining in our area. The motion, however, is clear in terms of making the Yukon a nuclear weapons free zone, and I consider this a first step. As well, Canada is unofficially a nuclear weapons free zone and has been since the 1950's when the Conservative Prime Minister, Mr. Diefenbaker, decided against putting nuclear missiles on Canadian territory. Perhaps with enough support from territorial and provincial Legislatures, the present government in Ottawa will make us an officially nuclear weapons free zone. That would be strong message for peace throughout the world at this special time of year.

This motion also puts this Legislature on record as opposing the establishment of nuclear waste dump sites in the territory.

I think the reasons for opposing this are obvious. Hon. Members should note that there is no obligation under NATO for Canada to test the cruise missile or other nuclear weapons, or to have nuclear weapons on our soil.

As all hon. Members well know, Canada has a proud history of being a peaceful nation, as well as a nation of peacekeepers. Our participation in the peacekeeping efforts of the United Nations points to this. It is my hope that all hon. Members will support this motion for the Yukon Territory being a nuclear weapons free zone. I look forward to your participation in this debate.

Mr. McLachlan: I agree with the intent of the motion, but mainly because of the inclusion of the word weapons and nuclear weapons-related. In order to illustrate that, I want to say that it is not my intent to make Yukon entirely nuclear free. Nuclear

weapons, yes. If I may take just three lines to explain that, *some* there may be a possibility of being able to use nuclear ~~generate~~ power in the territory.

If that should shock the Members opposite, let me remind the Members for Old Crow and Watson Lake that the possibility of using slowpoke type nuclear reactors has come up as close to us as Inuvik and Fort Nelson in the south, some 334 miles away.

I do agree with the Member for Old Crow that the Yukon people are striving for world peace and nuclear disarmament. I think that is very important.

I would like to illustrate my feelings with this story that was related to me by a friend, of two fellows discussing the issue of nuclear war in a bar. One fellow, not too informed on it, leaned over to the other and said, "George, I would really hate to see my son come back from a nuclear war. I think he would be kind of scared up." The other fellow leaned toward him and said, "You will not have to worry about your son returning from a nuclear war." That was the end of the discussion.

My party is on record at the national level as illustrating the fact that Canada remain free of nuclear weapons, that the country have no involvement in SDI, nor in the production of chemical and biological weapons, that Canada's armed forces should be dedicated to the efforts of international peacekeeping and the protection of sovereignty — an issue that we have heard much about recently — and, further, that Canada work with all circumpolar nations to achieve a nuclear-free zone north of 60.

We will be giving our consent to this motion.

Mr. Phillips: I am pleased to have been given the opportunity to speak about an issue that concerns all of us as Yukoners, as Canadians and as world citizens. I found it a bit interesting that the Member for Old Crow used Manitoba as an example. It seems to me to be a little bit hypocritical for a New Democratic government in Manitoba to be passing a motion like this and, at the same time, screaming, making trips to Ottawa, doing everything they can to get an F-18 contract. It seems to me that the two do not go together. I have a bit of difficulty with that. Both of them are instruments of war and it does not make much sense when the government is taking both actions.

I am speaking today about an issue that crosses party lines and even appears to be of interest and a concern to people who have considered themselves to be apolitical. This issue has inspired and motivated different groups and individuals to take action, and while the nature and extent of their action may differ, and while we may disagree with some of their action, and support one group rather than another, we, all of us, share a very common concern. That concern is world peace.

#### *Amendment proposed*

I would like to make an amendment to the motion that has been proposed by the Member for Old Crow, and I would like to read the amendment for the record.

The amendment reads: THAT Motion no. 77 be amended by deleting all the words after the word "THAT" where it first appears, and substituting therefor: "to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly requests that Canada make representation to the United Nations, requesting the declaration of all land, inland water, coastal water and airspace within the world as Nuclear Weapons Free Zone."

Speaker: It has been moved by the Member for Whitehorse Riverdale North THAT Motion no. 77 be amended by deleting all the words after the word "THAT" where it first appears and substituting therefor: "to express the desire of Yukon people for world peace and nuclear disarmament, the Yukon Legislative Assembly requests that Canada make representation to the United Nations, requesting the declaration of all land, inland water, coastal water and airspace within the world as Nuclear Weapons Free Zone."

Mr. Phillips: The amendment to this motion is simply that we, on this side, believe very strongly that it is much larger than a

Yukon issue. I am speaking today about some reasonable action that we, as Yukon Legislators, can and should take in this matter on behalf of our constituents, out of concern for our children, and the children of the world, and in the interest of long-term good government.

It is most appropriate that we take this action now in the spirit of the Christmas season, taking this action for several very simple but basic and important things.

▀ Taking this action says several very simple and basic, but important, things. We recognize that we are not only members of our communities and of our territory, but are part of an international system. We have responsibilities in and concerns about the whole system. We are not isolated, and we cannot isolate ourselves. What happens elsewhere will affect us in this manner. Rather than simply fence ourselves in, hoping that the problem will go away or that someone else will handle it for us, is not the solution. We can make a positive contribution.

We might as well aim a little higher. By aiming higher and by doing our small part in a very carefully thought out manner, we demonstrate our true commitment to achieving an important goal. We encourage and join with others in reaching that same goal.

This is not a pie-in-the-sky dreaming. It is a feet-on-the-ground possible thinking. The motion we are talking about today has to come about. I am pleased to have been able to speak to this issue in this season and to have been able to suggest that one small way of extending the spirit of the season into the months and years ahead.

**Hon. Mr. Kimmertly:** I wish to first thank the Member for Old Crow for bringing forward this most important motion to this Assembly. It is entirely appropriate and fitting that we take time to discuss this matter, which is of the ultimate importance. It may be considered that it is of not immediate practical importance, or within the immediate jurisdiction of this Legislature. I argue strongly that it is most appropriate that we add our voice, or the voice of this Legislature, to the growing voices in the world to declare our opposition to war generally and the nuclear madness specifically.

The Member for Old Crow spoke primarily about nuclear weapons. I will emphasize more the issue of peace as a general aim. I wish to first tell a story that I heard at a forum on peace a week or so ago.

The story is about the perception of children. What happened was that many children were asked about nuclear war and asked if they were afraid of nuclear war and what they thought of it. As I understand it, it was a kindergarten class in a southern city.

The kindergarten class was 18 small children. They were asked, are you afraid of a nuclear war or dying in a nuclear war?

▀ They were asked: "Do you think there will be a nuclear war?" There were 17 of the children who said "yes"; one of them said "No". She was asked why, and she said: "because all the time my daddy goes to meetings to stop it".

I think that is an extremely significant story. One child is comforted and is living and growing in a positive spirit because her daddy is trying to stop it. I think it is the duty of all Members here to try to stop it. We are not completely powerless. We can add our voice, our expression, and it is significant because we here represent the population of the territory, and as representatives, if we add our voices to the growing numbers of voices in the world to simply proclaim that we wish an end to this nuclear madness, that we wish peace, that is one of the most significant things that we could do.

I occasionally listen to popular music, and I am moved to mention the words of John Lennon when he said, "Imagine a lasting peace and a world without war". He says, "You may say that I am dreamer, but I am not the only one". What we can do as a Legislature is to say here that those who dream for peace are not the only ones. We can add our voices to that most worthy goal, and I would ask all Members to support this concept.

The madness of nuclear war is promoted not by individuals, but by governments or world powers. Many have said that we are powerless because of that. I wish to just think a moment about the relationship between governments and individuals. Of course, we in

democratic traditions have no difficulty at all in thinking about the fact that governments are, or should be, the expression of the collection of individuals who live within the governed jurisdiction.

▀ It is important that we, as individuals, express our views to government, and it is important that municipalities and provinces and territories express our concern to the national government. I welcome the amendment from the Member for Riverdale North, because it also adds the concept of adding our voice in the international forum which, of course, is extremely important and it is entirely appropriate that our views be expressed in the world community and the United Nations.

Peace is an issue upon which many religions speak and I wish to, for the purposes of clarity and to lead into another concept about the individual, to quote from some of the expressions about peace that have been made by various religious doctrines or religious traditions. I would quote what many of us know as the Golden Rule. These quotes are collected in a book published by the people of the Bahai Faith, and I would quote some short sentences which reflect religious teachings essentially about peace.

From Buddhism, I quote, "Hurt not others in ways that you yourself would find hurtful."

From Zoroastrianism: "That nature only is good when it shall not do unto another whatever is not good for its own self."

From Judaism: "What is harmful to you, do not to your fellow men. That is the entire law, all the rest is commentary."

From Hinduism: "This is the sum of all true righteousness: deal with others as thou wouldst thyself be dealt by; do nothing to thy neighbour which thou wouldst not have thee do to thee after."

From Christianity: "As ye would that men should do to you, do ye also to them likewise."

And I quote, "All things whatsoever ye would that men should do to you, do ye even so to them, for this is the law of the prophets."

From Islam I quote, "No one of you is a believer until he desires for his brother that which he desires for himself."

▀ From Taoism, I quote: "The good man ought to pity the malignant tendencies of others, to rejoice over their excellence, to help them in their straits, to regard their gains as if they were his own and their losses in the same way."

From Confucianism: "Surely it is the maxim of loving kindness. Do not unto others that you would not have them do unto you."

From the Baha'i Faith, I quote: "It is our wish and desire that everyone of you may become a source of all goodness unto men, and an example of uprightness to mankind. Beware lest ye prefer yourselves above your neighbours" and "Blessed is he who prefereth his brother before himself."

I go through those primarily to emphasize the thought and to emphasize the universality of that thought. I wish to lead into a story that is reflective of that particular thought. This occurred to me over the summer. I attended a course in Ottawa on human rights. This was a course for leaders concerning human rights. One of the students was a Jewish person, an Israeli, who had just retired as an airforce pilot from the Israeli army. He also spoke of his brother, who was currently a tank commander in the Israeli army. I asked him, "Why are you here from your military background and your military experience?" He explained to me in a way that I will always remember. He said, "I am now spending my life in the pursuit of world peace and world human rights because I am confident that I will do more in that area than I ever did as a soldier." He said that if you think about it, the ultimate peace issue is about human rights. The ultimate issue in human rights is about peace.

The reason for that is that if you are a soldier and you meet the enemy and it is your job, as a soldier, to kill the enemy, or gun them down, or bomb them, or whatever, how can you possibly perform that act if you respect that person's religion, or that person's right to exist, that person's right to be there. How can you do it? How can you be at war with people if you respect those people's right to exist and to be different from you?

▀ I believe that that is an important example of the relationship between individuals and governments on this issue. We, as individuals, know full well the madness of nuclear war. It is time

that governments generally expressed the views of all individuals in this area.

Specifically concerning the amendment, the concept of Canada making representation to the United Nations, we believe is an excellent one. We have no problem whatsoever with that. It will be important if we can get a unanimous motion. However, what the amendment leaves out is that the original motion clearly states a very important principle, and that very important principle is that we here in this House declare that this territory is a nuclear weapons free zone. That is central to the original motion. It is unfortunate that that concept would be left out of the amended motion if the amendment were accepted and nothing else.

*Amendment to amendment proposed*

Therefore, concerning the amendment, I wish to move: THAT the amendment to Motion No. 77 be amended by adding at the end the following words: "and THAT this Assembly declare the Yukon a nuclear weapons free zone".

» Speaker: It has been moved by the Minister of Justice

THAT the amendment to Motion No. 77 be amended by adding at the end the following words: "and, THAT this Assembly declare the Yukon a Nuclear Weapons Free Zone."

Hon. Mr. Kimmerly: Briefly on the amendment to the amendment, I explained it in the introduction that the amendment we consider to be a good amendment; however, it leaves out one of the very essential ingredients of this motion, one of the central concepts, and that is the declaration by this Assembly that the territory be a Nuclear Weapons Free Zone. It is our intention to stand by that principle; that is why the amendment to the amendment is moved.

Mr. Nordling: I am pleased to see that we have made progress today with respect to the motion. With the amendments I am sure that we will eventually have unanimity in the House. In the context of this motion, to me, world peace is peace looked at from a military and political point-of-view. There is no question that throughout history most people have wanted a lasting peace. The development and deployment of nuclear weapons has threatened the goal of global peace. Over the past five or six centuries, many great men have proposed various plans to achieve a lasting peace. In 1648, the Peace of Westphalia, which ended the Thirty Years War, tried to ensure peace by establishing a balance of power. This balance of power proposal hoped to maintain an even distribution of military and economic power among nations so no nation, or group of nations, would be strong enough to conquer any other nation or group of nations.

As with most proposals, there are weaknesses. The balance of power theory has two weaknesses in international affairs. Firstly, nations are always changing and upsetting the balance of power; and secondly, governments are run by human beings who often make mistakes.

» Since the Second World War, many attempts have been made by governments to achieve lasting peace among nations. Five areas that come to mind are: firstly, the area of diplomacy between nations, the exchange of diplomats; secondly, international organizations such as the United Nations; thirdly, disarmament, which is difficult but, in 1968, the United Nations approved the nonproliferation treaty to prevent nuclear nations from giving nuclear weapons to other nations, and there have been the United States's and Soviet Union's involvement in Strategic Arms Limitations Talks; fourthly, there has been an effort in improvement of international trade and communications; and, fifthly, collective security based on the balance of power theory.

As Yukoners, we must work within this framework for peace that has developed over the centuries and deal on a government-to-government level to establish certain rules by which all nations should abide.

The major problem we face is the lack of understanding and acceptance. People in one country see their own interests more clearly than they see the interests of another country. Our desires seem reasonable, and the desires of others look selfish and

unreasonable.

This motion, and the amendments to the motion, is a step that we, as Yukoners, can take toward world peace to set an example to the rest of the world by declaring the Yukon a nuclear-free zone and requesting of the United Nations that the rest of the world be declared a nuclear weapons-free zone.

We should then take the initiative and request other countries to follow suit. Now that we have established contact with the Premier of the Soviet Union, as a result of our debate over the testing of cruise missiles, which was held in this Assembly on April 2, 1986. I would suggest that the government again contact the Soviet Union to ask it to make their Arctic a nuclear weapons-free zone, as well as ask the United States to make Alaska a nuclear weapons-free zone.

As was pointed out by the Member for Old Crow, who brought the motion, this has already been done with respect to Greenland. I think that we can all agree with this amendment referring specifically to the Yukon and, following that, to the amendment by the Member for Riverdale North. I am sure that we will have unanimous agreement for the motion.

»

Mr. Phillips: I am left a little confused by the amendment. My own feeling when I read it is that the problem is widespread, and I think that the amendment to the motion that we proposed was addressing the widespread problem. As far as I know, the Yukon is in the world.

What I see happening on the other side, and it rather annoys me on an issue that is an important as this, is that they have again decided to play politics so that they can use this issue somewhere down the line.

I think that is wrong. I think it is a very important issue to address. We addressed it responsibly. For the other side to try and drag it back into the political arena, I think, is wrong. I will be supporting the amendment to the motion, but I am certainly not very pleased about the types of games that they like to play on the other side.

Mr. Webster: I do not think that it is a matter of cheap political games at stake here. The intent of the original motion was to address a specific area, our area. The amendment was to address, in general, the world. The amendment to the amendment is speaking to both. It includes, in the general sense, the world, and the amendment to the amendment speaks to the Yukon. I see no problem with anyone in this House accepting these amendments.

*Amendment to amendment agreed to*

Speaker: Is there any further debate on the amendment as amended?

*Amendment agreed to*

Speaker: Is there any further debate on the motion as amended?  
*Motion No. 77 agreed to as amended*

**END.**

name of Mr.

o proceed with

» Speaker: It has been moved by the member for Whitehorse Porter Creek West: THAT it is the opinion of this House that the deduction for travel by northerners, as found in Bill C-23, (*An Act to Amend the Income Tax Act*) should be available to all Yukoners;

and THAT the Government of Yukon should urge the Government of Canada to introduce amendments to section 110.7 of Bill C-23 which would provide a deduction for the cost of two trips outside per year, if incurred, for each Yukon taxpayer and each member of his or her family.

» Mr. Nordling: Before I begin talking to the motion itself, I would like to mention a slight error in the terminology I used. I do not believe it requires an official amendment. In the second

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Representative Niilo Koponen

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March 20, 1987

Ms. Jayne H. Plank  
Director, Intergovernmental Affairs  
Office of Legislative and  
Intergovernmental Affairs  
United States Department of State  
Washington, D.C. 20520

Dear Ms. Plank:

Regarding your letter to Senator Jan Faiks dated March 4, 1987, and circulated by her, I would like to clarify elements of HJR 4 that have been, apparently, misunderstood.

The letter states that nuclear free zones, "...when unmatched by disarmament in the Soviet bloc, clearly would be detrimental to Western security and could also limit our future ability to meet security commitments world-wide." I agree in concept with this statement and that is why HJR 4 seeks, in its resolves, to encourage and/or obtain "...verifiable bilateral and multilateral agreements and treaties between the United States, the Soviet Union, and other nations..."

This resolution seeks to support the Department's stated policy by ensuring any actions taken by the United States must be met with a commensurate commitment by the Soviet Union and other nations.

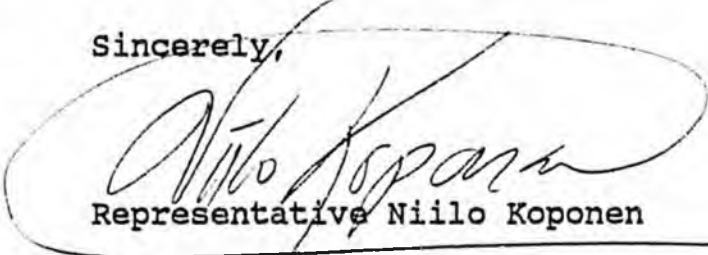
After reading this letter I find few areas of disagreement between HJR 4 and the Department of State's expressed position. In fact, the two positions appear to be mutually supportive.

I do not dispute our nation's role in maintaining its security commitments. I understand America's treaties and agreements are an essential element of that policy. Finally, I agree with your statement:

"The U.S. has a deep commitment to bringing about a safer strategic environment involving progressively less reliance on nuclear weapons. It shares the vision of a world freed from the incessant and pervasive fear of nuclear devastation. The U.S. goal in arms control is to enhance stability and reduce the risk of war by reaching equitable and verifiable agreement on deep reductions in the nuclear arsenals of both sides."

This is exactly what HJR 4 calls for. Thank you for your interest and for supporting the principles passed so overwhelmingly by Alaskan voters last year.

Sincerely,



Representative Niilo Koponen

cc: all legislators

cc: Senator Jan Faiks

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May, 1988

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Mary Van Nimwegen

*H Rules*

*3-31-87*

HJR

44

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May, 1988

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Mary Van Nimwegen

*House Rules:*

*April 26, 1988*



# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/15/88

FURTHER REFERRALS:

DATE: 4-26-88

The Rules Committee has considered HCR 47

Proposing an amendment to Rule 37(a) of the Uniform Rules of the Alaska State Legislature relating to introduction and sponsorship of measures.

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*Mike Savone*  
 \_\_\_\_\_  
*Bob Mulcahy*  
 \_\_\_\_\_  
*Ben Saunders*  
 \_\_\_\_\_  
*Sam Hoff*  
 \_\_\_\_\_  
*Debbie*  
 \_\_\_\_\_  
*Larry Martin*  
 \_\_\_\_\_  
*R.C. Parker*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Mike Savone*  
 \_\_\_\_\_  
 Chairman's signature

# HOUSE COMMITTEE REPORT

referred: 4/22/88

FURTHER REFERRALS:

4/26  
Rule

DATE: 4-26-88

The Rules Committee has considered HJR 44

Proposing an amendment to the Constitution of the State of Alaska relating to open meetings.

**RECOMMENDS:**

- replace with CS HJR 44 (Rule)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 2-10-88
- same as previous zero fiscal note published \_\_\_\_\_

**SIGNING DO PASS:**

Mike Savane

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature] No Rec

Terry [Signature] No Rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Mike Savane  
Chairman's signature



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## AGENDA - HOUSE RULES COMMITTEE MEETING

TUE DAY, APRIL 26, 1988

### INDEX


- I. MEMO DATED APRIL 22, 1988 TO ALL HOUSE MEMBERS FROM REP. BROWN RE: PROPOSED VERSION CS HJR 44 (RULES)
- II. PROPOSED VERSION CS HJR 44 (RULES)
- III. ANALYSIS/HJR 44 (RULES)
- IV. CS HJR(44) JUDICIARY)
- V. ANALYSIS CS HJR(44) JUDICIARY - DATED 4/18/88 - FROM RICHARD A. BRADLEY, LEG. COUNSEL
- VI. HJR 44
- VII. MEMO/DATED MARCH 28, 1988 FROM REP. KAY BROWN TO ALL MEMBERS OF THE HOUSE RE: OPEN MEETINGS CONSTITUTIONAL AMENDMENT
- VIII. FISCAL NOTE HJR 44

# Kay Brown

Alaska State Legislature  
House of Representatives

## MEMORANDUM

TO: All House Members

FROM: Rep. Kay Brown 

DATE: April 22, 1988

RE: HJR 44 - Proposed Rules CS

Attached for your review is a work draft for a proposed Rules Committee Substitute for CS HJR 44(Judiciary) that I requested in response to concerns voiced by some House members.

The changes are:

- 1) lines 19-20, add "A court may not prescribe rules or procedures for the conduct of legislative business."
- 2) line 18, delete "penalty" and insert "fine".

These changes are intended to make clear the legislature's intent that the court not prescribe operating procedures such as defining the circumstances under which teleconferences should be held, room size, adequate public notice, and other operational matters.

A civil "fine" rather than a "penalty," would provide a deterrent for wilful violations and define the extent of court enforcement. This change further indicates the legislature's intent that the court not enjoin violations.

In response to these concerns, the House Rules Committee will be meeting at 8:00 a.m. Tuesday, April 26, in the Speaker's Chambers to consider adoption of the proposed Committee Substitute. I welcome your questions and comments.

Attachment



Private and substantive deliberation on <sup>any</sup> subject ~~under~~ <sup>its</sup> jurisdiction by a quorum of a legislative body is a violation of this section.

By Brown, Ellis, Frank, Davis, Cotten,  
Navarre, Pourchot, Boyer, Koponen,  
Boucher, Davidson, Menard and Donley

Prepared by:  
Rep. Kay Brown  
April 25, 1988

**Proposed CS HJR 44 (Rules): Proposing an amendment  
to the Constitution of the State of Alaska  
relating to open meetings**

HJR 44 includes intent language making it clear that this amendment is not intended to prevent the free flow of ideas among legislators or their participation in public forums, community meetings, or social events.

The proposed language is the work of a number of individuals who began meeting together shortly after the Supreme Court issued its ruling last September.

**HJR 44 proposes to amend the State Constitution by:**

- mandating legislative adherence to the Open Meetings Act
- providing for court enforcement in the instance of a violation
- requiring that legislative deliberations be open unless the body is meeting in executive session to consider matters authorized by law
- prohibiting a quorum of a legislative body from engaging in private and substantive deliberation on a matter appropriate to that body
- allowing legislative caucuses to meet in private to consider matters of procedure, organization or strategy
- providing for a civil fine for each instance of a wilful violation
- providing that the courts not prescribe rules or procedures for the conduct of legislative business.
- providing that the language permitting executive sessions and caucuses be narrowly construed to avoid unnecessary closed meetings

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

March 18, 1988

SUBJECT: Open meetings  
(CSHJR 44(Judiciary))

TO: Representative Kay Brown

FROM: Richard A. Bradley  
Legislative Counsel RB

I have reviewed the citations from the House Research Agency report that Roxanne provided to me on the avoiding of action for a violation of open meeting laws. I have reviewed about half of the laws of the other states and will, if you wish, review the remainder. But it seems that some kind of pattern appears in the laws of the states that I did review. Let me make some observations about the laws and then offer the individual analyses of the states from Alabama through Missouri.

First, and I think this is significant, I found no case where an Act of a legislature was avoided. It appears that no action was avoided (or challenged until Abood) where the violation was based only on the actions of a committee or subcommittee of the legislative body.

There is some logic to this point. While committee recommendations are useful, a member may vote for or against final passage based on or in spite of recommendations of a committee. What one committee does may be disregarded by a subsequent committee or used for entirely different reasons. It should not follow that the action by a committee vitiates the final legislative action.

In probably every state, state constitutions will require votes on final enactment to be public. Whether a disregard of committee action that violates open meeting concepts (if final action is open) is a serious loophole or a reasonable expectation may be debatable but it appears to explain why the application of open meeting concepts to legislative

action does not result in the avoidance of the final legislative action. The legislature should have the power to cure the defects in legislation caused by a committee of the legislature.

While the senate and the house each seem to have their own different ideas about the amount of debate required for adoption, it is quite different for a court to order the legislature to engage in "substantial, de novo, independent and public reconsideration of those substantive matters previously discussed in private." That remedy was requested in Abood v. League of Women Voters of Alaska, 743 P.2d 333, 334 (Alaska 1987).

The amount of debate required to cure a violation is the kind of question that the courts would be required to address if a violation by a committee is permitted to taint the final legislative action fatally. If I am correct that only violations by the enacting body will cause action to be void, the cure for violations is not a problem since no violation by the legislature itself will (or can) occur.

During our discussion, I noted frustration with effective remedies. John Hartle suggested an analogy to the exclusionary rule (on evidence in criminal trial obtained in violation of civil rights, etc); the only remedy is the exclusion of the evidence; the only solution here is the avoidance of the law.

I disagree. A number of the states permit citizen complaints for mandatory or other injunctions against the violations. A number permit the citizen plaintiff to obtain fines for violations. One would permit the court to terminate the term of a member who violated open meetings requirements and was sanctioned twice during a term; that would not work as to a legislator since expulsion of members is also constitutionally regulated but it could work on other levels of government. The Maryland provision says that the action of a public body may not be voided because of the violation by another public body; perhaps that addresses the legislature vs. its committees question.

At that point, the proper sanction is not an avoidance of the legislation but the proper sanctions against individuals involved at the committee level. And as I suggest, the cases that do appear address violations by school boards, municipalities, and other public bodies. I found no case

where the defect in committee action voided the action by the final adopting body that itself complied with open meeting requirements.

Finally, an analysis of state laws. While it has been suggested (by the House Research Agency report) that each state has an open meeting law, it is far from true that the citations offered prove that the legislatures have uniformly subjected themselves to such laws.

Alabama. I could find no laws at the citation suggested in the HR report. Title 13 has been repealed. No entries in the index for the topic.

Arizona. Sec. 38.431. Applies to the legislature. No case in annotation appears to have challenged legislative violations. Only applies when a quorum is present according to AG opinion. Court may impose a fine of not to exceed \$500. Sec. 431.07. Public body may not expend public money to defend action under certain circumstances. Sec. 431.07. Either house of legislature may exempt itself by adoption of rule or procedure. Sec. 431.08(B). Does not apply to conference committees of legislature or any caucus. Sec. 431.08(A); conference committees shall nonetheless be open.

Arkansas. Citation incorrect: see A.C.A. 25.19.101 et seq. Open meetings section does not apply to the legislature. Sec. 25.19.106. Misdemeanor penalty for violations of \$200 or 30 days (sec. 25.29.104). Action taken not void unless adopted at a public meeting. Sec. 25.19.106.

California. Citation given (sec. 11120 et seq., Cal. Gov't Code) applies only to executive branch agencies. See earlier memorandum for comments on sections applicable to the legislature.

Colorado. C.R.S. sec. 24.6.401 et seq. Applies to the legislature. Sec. 24.6.402. Does not apply to "chance meeting or social gathering at which discussion of public business is not the central purpose." Sec. 24.6.402(2.1). Provisions on invalidity may not apply to the legislature: "(4) No resolution, rule, regulation, ordinance, or formal action of a board, committee, commission, or other policy-making or rule-making body shall be valid unless taken or made at a meeting that meets the requirements . . ." Note

that while it applies to a committee in the legislature, a committee is not a policy making body.

Connecticut. G.S.C. sec. 1.21. Appears to apply to the legislature. Sec. 1.21(a). Establishes notice; has no provision explicitly establishing application to the legislature or providing for the implications of violations (even as to executive branch agencies).

Delaware. 29 D.C.A. sec. 10001 et seq. Includes legislature. Sec. 10002. "Any action taken at a meeting in violation of this chapter may be voided by the Court of Chancery" within 60 days of notice of the action but not more than 6 months from the action. Sec. 10005(a). No annotations regarding violations by the legislature.

Florida. Ch. 286, F.S. at 011. Does not apply to the legislature. Sec. 286.011(1). Did not determine whether other law applies to the legislature.

Georgia. O.C.G. sec 50-14-1 et seq. Not applicable to the legislature.

Hawaii. H.R.S. sec. 92.3. Does not apply to the legislature. Sec. 92.10; rather, will be subject to rules adopted by the legislature (I have not found such rules). Executive action voidable on "proof of willful violation." Sec. 92.-11.

Idaho. I.C. sec. 67-2340 et seq. General sections do not apply to the legislature. Sec. 2341. Open legislative meetings required. Sec. 2346. Curiously, there is no statutory authorization for any executive session by legislative committees: "All meeting . . . shall be open at all times"; I suggest the section cannot be taken seriously. Action taken at a meeting that violates the sections is null and void. No cases construing statute in context of suit against legislature for its violation.

Illinois. 102 Ill. A.S. sec. 41 et seq. Includes "legislative . . . bodies of the state . . . except the General Assembly and committees or commissions thereof." Sec. 41.02. Did not find any specific sections applying to the legislature.

Indiana. B.I.S.A. sec. 5-15-1.5-1. Appears to apply to the legislature. Sec. 5-14-1.5-2(a). Notice requirement do not

apply to the legislature. Sec. 5-14-1.5-5(g). Citizen may enjoin action taken at an executive session or to declare void action in violation of notice requirements (not applicable to legislature). Sec. 5-14-1.5-7(a). Court may award costs and attorney fees if action was knowing and intentional. Sec. 5-14 - 1.5-7(f).

Iowa. The correct citation is chapter 21 in the 1987 code. The chapter does not apply to the legislature. Remedies include assessment of fines of \$100 to \$500 for participants; no fines for a person who voted against the violating meeting or acted in good faith or in reliance of legal advice. Sec. 21.6(3). Costs and attorney fees for prevailing party who establishes the violation. Sec. 21.6(3). Voids the action taken in violation if the case is brought within six months of the action on a determination that the public interest in the enforcement of the open meeting policy outweighs the public interest in sustaining the validity of the action taken; doesn't apply to an action regarding the issuance of bonds or other indebtedness of a governmental body if a public hearing, election, or public sale has been held. The court may remove an individual who has engaged in two prior violations in which damages were assessed during the member's term. May issue a mandatory injunction punishable by civil contempt. Ignorance is no defense.

Kansas. 75 K.S.A. sec. 4317 et seq. Appears to apply to the legislature. Sec. 4318. Violators subject to a \$500 civil penalty. Any binding action taken in violation is voidable in an action brought by the attorney general or county attorney. Sec. 4320. Court may award costs and attorney fees. Exceptions for impeachment are made. Sec. 4318. One annotation says that there was no "authority for private individual to bring action to void acts performed in violation of open meetings law. Stoldt v. City of Toronto, 678 P.2d 153 (Kansas 1984). Unannounced gathering prior to official meeting violates the law. Coggins v. Public Employee Relations Board, 581 P.2d 817.

Kentucky. KRS 61.805. Appears to apply to the legislature. Sec. 61.805(2), but with some "exceptions" "committees of the general assembly other than standing committees". Sec. 61.810(9). Courts may enforce by injunction. Sec. 61.845. Curiously, though there are pages of annotations of opinions of the attorney general as well as court decisions, no case involves the legislature.

Louisiana. RS 42.5 is the law; a 1981 amendment deleted the language that exempted the legislature in those words but the words now used do not include the legislature. Sec. 42.4.2(2). A specific section authorizes closed or executive sessions of legislative houses and committees. Sec. 42.6.2. The law also exempts "chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken." Sec. 42.6.2(C). The legislature is exempted from requirement applicable to executive agency that meetings for the year be announced at the beginning of the year. Sec. 42.7. Suits to void action must be filed within 60 days of the action.

Maine. 1 M.R.S.A. sec. 401 et seq. Applies to the legislature. Sec. 402.2. For violations of the policy: "If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action shall be illegal and the officials responsible shall be subject to the penalties hereinafter provided". I note that "Acts" are not included. The penalty is a class E crime, probably a misdemeanor. No case examines a challenge to a legislative enactment.

Maryland. 76A A.C.M., sec. 7 et seq., reorganized as 10 A.C.M., 501 et seq. in the 1984 edition. Regarding enforcement, the law says: . . . the court may declare void any final action taken at a meeting held in wilful violation of [the law] if the court finds no other remedy would be adequate under the circumstances. However, the action of a public body may not be voided because of the violation . . . by any other public body." Sec. 10-510(a)(2); sec. 10-510(e) authorizes injunctions or other appropriate relief. The section specifically excludes actions appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or evidences of public obligation from the authority of the court to void actions. Sec. 10-510(a). No case examines a challenge to a legislative enactment.

Massachusetts. 30A M.G.L.A. sec. 11A. Does not apply to the general court (legislature) or the committees or recess committees of the general court. Sec. 11A.

Representative Kay Brown  
Page 7  
March 18, 1988

Michigan. Michigan has a constitutional provision requiring open meeting unless the public welfare requires otherwise. Art. 4, sec. 20. The current citation to the general law is 15 M.C.L.A. sec 261 et seq. "Public body" is defined as "any state . . . legislative . . . body, including a . . . committee, subcommittee . . . empowered by the state constitution . . . to exercise governmental . . . authority . . . ." Sec. 15.262(a); under 15.262(d), "decision" includes a "vote . . . upon a . . . bill . . ." Attorney General opinions are consistent that committee action is covered. A reenactment complying with the act cures a prior enactment that was deficient; the effective date is on the reenactment. Sec. 15.270. No case addresses a challenge to a legislative enactment.

Minnesota. M.S. 471.705. Does not apply to the legislature.

Mississippi. Not reviewed.

Missouri. M.R.S., sec. 610.010 et seq. Applies to the legislature. Sec. 610.010(2). Violations include injunctive relief. Sec. 610.027(1). Civil fines of not more than \$100 are authorized. Sec. 610.027(3). Actions may void the action on evidence that the governmental body violated the section "if the court finds under the facts of the particular case that the public interest in the enforcement of the policy . . . outweighs the public interest in sustaining the validity of the action taken at the closed meeting, record, or vote." Sec. 610.027(4). Injunctive relief is authorized. Sec. 610.030. No annotation applies a challenge to a legislative enactment.

If I may be of further assistance, please advise.

RAB:bb  
b4/020

# Kay Brown

Alaska State Legislature  
House of Representatives

**MEMORANDUM**

TO: All Members of the House

FROM: Rep. Kay Brown *Kay*

DATE: March 28, 1988

RE: Open Meetings Constitutional Amendment

Attached for your review is CS HJR 44 (Judiciary), "Proposing an amendment to the Constitution of the State of Alaska relating to open meetings," and a news article.

I introduced the constitutional amendment to ensure the right of public access to the deliberations of legislative bodies. The legislative process must be accountable, accessible, and responsive to the press and the people of Alaska.

A summary of the legal proceedings leading up to the introduction of HJR 44 is relevant. As you will recall, the League of Women Voters v. Adams et al lawsuit was brought over the closed budget discussions in caucus meetings during the 1986 session. The Superior Court found an implied right of access to the proceedings of the legislature under the Alaska Constitution. The Superior Court appeared to hold that discussion and binding decisions on substantive legislation cannot be made in a private caucus. However, the open meetings law specifically does not apply to "...any votes required to be taken to organize a public body..."(AS 44.62.310(a)). It had been noted earlier by the Supreme Court that the statute has no application to private caucuses, so there is no reason to exempt from the statute organizational votes which take place in those caucuses. (Tamara Cook memo, Dec. 11, 1986).



The case was appealed to the Alaska Supreme Court. The higher court had earlier demonstrated an unwillingness to interfere in matters of procedure involving the legislature (Malone v. Meekins, 650 P.2d 351 (Alaska 1982)). The legislature is constitutionally required to determine rules for its own proceedings and it may not do so by statute because this would bind itself in the future (the legislature would be subject to the Governor's veto of the repeal of the statute, or would need a supermajority vote to override a veto.) The task before the Supreme Court in League of Women Voters was to determine whether the public has an unenumerated right of access to legislative meetings at which substantive budget decisions are made.

The Supreme Court reversed the lower court's ruling and held that there is no implied right of public access to legislative committees or caucuses under the Alaska Constitution. The Court's decision was based on the separation of powers doctrine; that is, the Court had no constitutional authority to enforce the law governing the operating procedures of the legislature. The Court concluded that it is not the function of the judicial branch to require the legislature to follow its own rules.

HJR 44 would amend the constitution to mandate legislative adherence to the Open Meetings Act and to provide for judicial enforcement in the instance of a violation. It provides the legal framework to protect the public's right to openness in the legislative process.

The resolution requires that deliberations be open unless the body is meeting in executive session to consider matters authorized by law. It prohibits a quorum of each house and its committees from engaging in private and substantive deliberation on a matter appropriate to that body. It allows private caucuses for matters relating to procedure, organization and strategy.

HJR 44 was amended in House Judiciary to provide for a civil penalty in Superior Court for a wilful violation of the open meetings requirement. It also was amended to provide that the language permitting executive sessions and caucuses shall be narrowly construed to avoid unnecessary closed meetings.

The intent language included in the constitutional amendment makes clear that it is not intended to prevent the free flow of ideas among legislators, or their participation in public forums, community meetings, or social events.

CS HJR 44 (Judiciary)  
Page 3

HJR 44 requires a two-thirds vote of both the House and the Senate, and the signature of the Governor to place it before the voters in November. I would appreciate your careful review and consideration of this measure. Please call me at -4998 if you have any questions or concerns. Thank you.

Attachments

**RECEIVED**  
 JAN 26 1988  
 DIRECTOR OF ELECTIONS  
 FISCAL NOTIONS

**VIII.**

**STATE OF ALASKA  
 1988 LEGISLATIVE SESSION**

BILL VERSION: HJR 44  
 PUBLISH DATE: 1/15/88

**REQUEST:**

Revision Date: 1/22/88  
 Title: Constitutional Amendment  
relating to open meetings.  
 Sponsor: BROWN  
 Requestor: State Affairs

Agency Affected: Office of the Governor  
 BRU: Division of Elections  
 Components: II - Primary & General  
Elections

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>2.2*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

\* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (cont.)

*Maw*

Prepared by: Linda Edgeworth  
 Division: Elections

Phone: 465-4611  
 Date: 1/22/88

Approved by Commissioner: [Signature]  
 Agency: Office of the Governor, Division of Elections

Date: 1/26/88

- Distribution (by preparer):
- ✓ Legislative Finance
  - ✓ Legislative Sponsor
  - ✓ Requestor
  - ✓ Office of Management and Budget
  - ✓ Impacted Agency(ies)

RECEIVED  
JAN 26 1988  
DIRECTOR OF ELECTIONS

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 44

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

Original sponsors: Brown, Ellis,  
Frank, et al.

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 44 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-  
6 tion of the State of Alaska relating to  
7 open meetings.

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

9 \* Section 1. Article I, Constitution of the State of Alaska, is amended  
10 by adding a new section to read:

11 SECTION 23. MEETINGS OPEN. The deliberations of each house of  
12 the legislature and its committees shall be open to the public unless  
13 the legislative body is meeting in executive session to consider  
14 matters authorized by law. If a ~~matter is appropriate to a particular~~ <sup>relevant</sup>  
15 legislative body, <sup>has jurisdiction over a procedural matter</sup> private and substantive deliberation on the matter  
16 by a quorum of that legislative body is a violation of this section.  
17 A member of the legislature who wilfully violates this section is  
18 subject to a civil <sup>[penalty]</sup> fine for each wilful violation in an action brought  
19 in the superior court. A court may not prescribe rules or procedures  
20 for the conduct of legislative business. Caucuses of the legislature  
21 may meet in private to consider matters of procedure, organization, or  
22 strategy. The provisions of this section that permit executive ses-  
23 sions and caucuses shall be narrowly construed to achieve maximum  
24 public access and to avoid unnecessary executive sessions and  
25 caucuses.

26 \* Sec. 2. (a) The purpose of the amendment to art. I, Constitution of  
27 the State of Alaska, proposed in sec. 1 of this resolution is to make  
28 openness in government the rule and secrecy the exception. The amendment  
29 ensures that the public is not excluded during the substantive deliberative

1 and decision-making stages of the budgetary and lawmaking process.

2 (b) The existing open meetings law, AS 44.62.310 and 44.62.312,  
3 complies with this constitutional amendment and the amendment provides a  
4 basis for judicial enforcement of that law, notwithstanding art. II,  
5 secs. 6 and 12, Constitution of the State of Alaska.

6 (c) The existing open meetings law requires that votes be conducted  
7 in a manner that allows the public to know how members voted. For execu-  
8 tive sessions, it requires that meetings first be convened as public meet-  
9 ings and the question of holding an executive session be determined by a  
10 majority vote of the body. Reasonable public notice is required for open  
11 meetings.

12 (d) Under existing law, a legislative body may use an executive  
13 session only to discuss

14 (1) matters, the immediate knowledge of which would clearly have  
15 an adverse effect on the finances of the government;

16 (2) subjects which tend to prejudice the reputation and charac-  
17 ter of any person, provided the person may request a public discussion; and

18 (3) matters which by law, municipal charter, or ordinance are  
19 required to be confidential.

20 (e) This amendment is not intended to prevent the free flow of ideas  
21 among legislators or their participation in public forums, community  
22 events, or social events. Meetings of less than a quorum of the legisla-  
23 tive body that have the purpose or effect of circumventing the open meet-  
24 ings law would also be a violation of this section.

25 (f) In the preparation of its neutral summary under AS 15.58.020(6)-  
26 (C), the Legislative Affairs Agency shall consider the statement of legis-  
27 lative intent contained in (a) - (e) of this section.

28 \* Sec. 3. The amendment proposed by this resolution shall be placed  
29 before the voters of the state at the next general election in conformity  
CSHJR 44(R1s)

1 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
2 tion laws of the state.  
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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H Rules

5-5-87

8:00 a.m.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



## House of Representatives

ANCHORAGE  
P.O. BOX 104836  
ANCHORAGE, AK 99510  
(W) (907) 276-6813  
(H) (907) 338-2425

JUNEAU  
P.O. BOX V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

### MEMORANDUM

DATE: May 4, 1987

TO: Members, House Rules Committee  
Rep. Mike Navarre, Chairman  
Rep. Lyman Hoffman, Vice-Chairman  
Rep. "Red" Boucher  
Rep. Ben Grussendorf  
Rep. Max Gruenberg  
Rep. Terry Martin  
Rep. Fritz Pettyjohn

FROM: Rep. Pat Pourchot *Pat*

SUBJECT: House Resolution 2 - Relating to the University of  
Alaska System

Attached please find a proposed Rules Committee Substitute for House Resolution 2. HR 2, as originally drafted and moved out of the House HESS and Finance Committees, requested the Board of Regents of the University of Alaska to reconsider President Donald O'Dowd's wholesale restructuring proposal and examine alternatives that would preserve the unique goals and mission of the community college system within the University of Alaska's structure.

However, in spite of the expressed concerns of the public and the Legislature, the Regents have adopted O'Dowd's plan and are moving forward. I believe that this proposed revision of HR 2 provides some oversight and several elements necessary to safeguard the identity, the budget and the mission of community colleges.

Page two

This proposed committee substitute sets out several resolves including:

1) urging the Chairman of the House Finance Committee to establish a subcommittee to monitor the Board of Regents and the University administration's activities regarding the restructuring process, study and develop a formula for funding the mission of the community colleges, and to report back to the Legislature no later than the 10th day of next session;

2) requiring the preservation of the community college mission, identity, and goals in the restructuring process;

3) urging the Governor to appoint at least three members to the Board of Regents who would represent community college interests;

4) maintaining the existing community college advisory councils and vocational education advisory committees;

5) compelling upon the University administration the maintenance of a clear distinction between institutional support services and instructional services, and retention within the community colleges instructional support while administration support services may be combined in order to save money;

6) prohibiting the transfer between allocations for community college instruction and other allocations for instruction, and not allowing allocations for instruction to be reduced to fund administrative costs.

The proposed restructuring plan and the subsequent proposed separation of community colleges from the University have turned out to be one of the more controversial issues facing this Legislature. In light of our difficult financial situation, I believe the adoption of Committee Substitute for House Resolution 2 by the Rules Committee would be a good compromise in this difficult and challenging circumstance.

Thank you for your consideration.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : CSHR 2 (RULES)  
Publish Date : \_\_\_\_\_

Revision Date: May 5, 1987  
Title: Re: UofA Community College System

Agency Affected: University of Alaska  
BRU: All

Sponsor: Rep. Pourchor  
Requestor: House Rules

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS: N/A**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Representative Mike Navarre, Chairman  
Division: House Rules Committee

Phone: 465-3764  
Date: \_\_\_\_\_

Approved by Commissioner: \_\_\_\_\_  
Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

# Alaska State Legislature

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### MEMORANDUM

DATE: May 5, 1987

TO: Members, House Rules Committee  
Rep. Mike Navarre, Chairman  
Rep. Lyman Hoffman, Vice-Chairman  
Rep. "Red" Boucher  
Rep. Ben Grussendorf  
Rep. Max Gruenberg  
Rep. Terry Martin  
Rep. Fritz Pettyjohn

FROM: Rep. Pat Pourchot *Pat*

SUBJECT: Amendments to Proposed Committee Substitute for  
HR 2 (Rules) - Relating to the University of  
Alaska System

The draft Rules Committee Substitute for HR 2 is before you. I wholeheartedly support this revision. I have, however, received several suggestions for language changes to this draft which I recommend to you for consideration.

These suggested changes are attached. Thank you.