

ALASKA LEGISLATURE

COMMITTEE FILES

1987-1988

8672

5329 SJUD

SCR 23 - SJR 12

9/51

SCR

23

5-0854B
Utermohle
4/1/87

Original sponsor: Duncan

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 23 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Requesting the Governor to consider
6 appointing a peace officer nominated by
7 the Alaska Peace Officers Association to
8 serve on the Alaska Judicial Council.

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

10 WHEREAS the Alaska Judicial Council is an organization created by the
11 Alaska Constitution consisting of three nonattorney members appointed by
12 the Governor, three attorney members appointed by the Board of Governors of
13 the Alaska Bar Association, and the chief justice of the Alaska Supreme
14 Court; and

15 WHEREAS the purpose of the Judicial Council is to improve the adminis-
16 tration of justice, review the qualifications of persons nominated to serve
17 as judges, and evaluate the performance of judges; and

18 WHEREAS the Alaska Peace Officers Association is a professional orga-
19 nization whose membership consists of approximately 800 persons involved in
20 law enforcement-related occupations; and

21 WHEREAS the members of the Alaska Peace Officers Association have
22 extensive experience with and exposure to the judicial system; and

23 WHEREAS the purpose of the Alaska Peace Officers Association is to
24 foster and cultivate educational and professional endeavors to promote the
25 efficiency and effectiveness of its members in the performance of their
26 duties as peace officers; and

27 WHEREAS a peace officer who is a member of the Alaska Peace Officers
28 Association could provide professional guidance, insight, and balance to
29 the Judicial Council; and

1 WHEREAS the appointment of a peace officer who is a member of the
2 Alaska Peace Officers Association to the Judicial Council would represent
3 an efficient use of professional resources that would enhance the ability
4 of the Judicial Council to perform its duties;

5 BE IT RESOLVED that the Alaska State Legislature respectfully requests
6 the Governor to consider appointing a peace officer nominated by the Alaska
7 Peace Officers Association to serve as a nonattorney member of the Alaska
8 Judicial Council.

5-0854B
Utermohle
4/1/87

Original sponsor: Duncan

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 23 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Requesting the Governor to consider
6 appointing a peace officer nominated by
7 the Alaska Peace Officers Association to
8 serve on the Alaska Judicial Council.

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

10 WHEREAS the Alaska Judicial Council is an organization created by the
11 Alaska Constitution consisting of three nonattorney members appointed by
12 the Governor, three attorney members appointed by the Board of Governors of
13 the Alaska Bar Association, and the chief justice of the Alaska Supreme
14 Court; and

15 WHEREAS the purpose of the Judicial Council is to improve the adminis-
16 tration of justice, review the qualifications of persons nominated to serve
17 as judges, and evaluate the performance of judges; and

18 WHEREAS the Alaska Peace Officers Association is a professional orga-
19 nization whose membership consists of approximately 800 persons involved in
20 law enforcement-related occupations; and

21 WHEREAS the members of the Alaska Peace Officers Association have
22 extensive experience with and exposure to the judicial system; and

23 WHEREAS the purpose of the Alaska Peace Officers Association is to
24 foster and cultivate educational and professional endeavors to promote the
25 efficiency and effectiveness of its members in the performance of their
26 duties as peace officers; and

27 WHEREAS a peace officer who is a member of the Alaska Peace Officers
28 Association could provide professional guidance, insight, and balance to
29 the Judicial Council; and

1 WHEREAS the appointment of a peace officer who is a member of the
2 Alaska Peace Officers Association to the Judicial Council would represent
3 an efficient use of professional resources that would enhance the ability
4 of the Judicial Council to perform its duties;

5 BE IT RESOLVED that the Alaska State Legislature respectfully requests
6 the Governor to consider appointing a peace officer nominated by the Alaska
7 Peace Officers Association to serve as a nonattorney member of the Alaska
8 Judicial Council.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

MAR 24 1987

REQUEST: _____

Bill Version: SCR 23
Publish Date: 3-20-87

Revision Date: _____

Agency Affected: Office of the Governor

Title: Governor to Appoint Peace

BRU: Executive Office

Officer to serve on Ak. Judiciary Council

Sponsor: Duncan

Components: _____

Requestor: Judiciary

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						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *M. Nizich*
Division: Administrative Services

Phone: 465-3616
Date: 3-23-87

Approved by Commissioner: Carol P. Kastelic *CPK*
Agency: Office of the Governor

Date: 3-23-87

Distribution (by preparer):

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

SJR

2

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

REQUEST: _____

Bill Version : SJR 2
Publish Date : _____

Revision Date: _____

Agency Affected : _____

Title: Proposing an amendment to the constitution of the State of Alaska

BRU: relating to the rights of states.

Sponsor: Sen. Coghill

Components : _____

Requestor: Senate State Affairs

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						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee

Phone : 465-4522

Division : _____

Date : 1/29/87

Approved by ^{Chairman} Senator [Signature]

Date : 1/29/87

Agency : _____

Distribution (by preparer) :

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

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-4921

Box 55028
North Pole, Alaska 99705
(907) 488-0862



January 28, 1987

TO: All Members of the Senate
State Affairs Committee

FROM: Senator Jack Coghill

RE: SJR 2

This amendment to the Alaska Constitution will help clarify the philosophy and the powers of our state government in the federal union.

SJR 2 is based on 24 months of study by the Alaska Statehood Commission. The commission, of which I was chairman, was enacted by a vote of the people in 1980 to study Alaska's relationship to the United States. The final product was a report which set forth a plan of action to deal with the federal government.

SJR 2 gives the federal government notice that the State of Alaska will not allow usurpation of the powers afforded the states' by the U.S. Constitution.

The resolution is modeled after Article 1, Section 1 of the Texas Constitution. Texas, which came into the Union as a previously sovereign nation, preserved the maximum amount of powers a state can in the federal union.

This issue is still topical today. The federal/state power dilemma confronts us in land selections, management of fish and game, right-of-way access and our fisheries.

Now, more than ever, we should take an active role in our relationship with the federal government.

The Constitution of the State of Alaska

ARTICLE I

DECLARATION OF RIGHTS

Inherent
Rights

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Source of
Government

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It added the word "sex" to this section.)

Freedom of
Religion

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Freedom of
Speech

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-4921

Box 55028
North Pole, Alaska 99705
(907) 488-0862



TO: SENATE JUDICIARY COMMITTEE

FROM: SENATOR JACK COGHILL

DATE: FEBRUARY 19, 1987

RE: SJR 2

INTRODUCTION

SJR 2 is based on 24 months of study by the Alaska Statehood Commission. The commission, of which I was Chairman, was enacted by a vote of the people in 1980 to study Alaska's relationship to the United States. The final product was a report which set forth a plan of action to deal with the federal government.

BACKGROUND

The United States Constitution is our "supreme law of the land" but not the only law of the land. It is ultimately a statement of constitutional principles in a compound system of 51 constitutions.

Also known as the American federal system, this compound republic of the United States is made up of all 51 national and constituent polities, each served by a representative government.

The American federal system is not a management hierarchy, but a matrix of arenas, each designed to be politically responsive to its citizens. Unfortunately, the trend for the past twenty years has been toward the view that the federal government should mandate state administrative tasks, but in reality it is the U.S. Constitution that is supreme over the states, not the national government.

As a free and equal state of the Union, Alaska's principal task is to govern, to make and implement policies within our sphere of jurisdiction and to share in the governance of the political conduct of the country as a whole. Alaska is more than simply an administrator of programs developed by the federal government.

PURPOSE

The goal and purpose of SJR 2 is to strengthen the capacity of the state to govern in the federal system. It would give the federal government notice that the state of Alaska will not allow usurpation of the powers afforded the states by the U.S. Constitution.

Furthermore, this amendment would serve to link the ideas of citizenship, statehood and local self-government. Finally, this amendment would enforce the idea that states, under the U.S. Constitution, are indeed partners with the national government and not merely "middle managers".

CONCLUSION

SJR 2 is modeled after Article 1, Section 1 of the Texas Constitution. Texas, which came into the Union as a previously sovereign nation, preserved the maximum amount of powers a state can in the federal union.

The federal/state power dilemma confronts Alaska even today in land selections, management of fish and game, right-of-way access, etc.

Now, more than ever, we should maximize Alaska's role vis-a-vis the federal government. Passage of SJR 2 will help do this.

SJR

6

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 16, 1987

SUBJECT: Sectional analysis of draft CSSJR 6 (Jud)
(Constitutional amendment for State Auditor)

TO: Senator Jalmar Kerttula
Chairman, Senate Finance Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the draft CSSJR 6 (Judiciary) dated 2/04/87, proposing constitutional amendments to create the office of state auditor.

Sec. 1 prohibits the governor from changing the organization or function of the office of the state auditor.

Sec. 2 excludes the office of the state auditor from the principal departments that are under the supervision of the governor.

Sec. 3 corrects an obsolete reference to the secretary of state and excludes the state auditor from those executives who serve at the pleasure of the governor.

Sec. 4 adds new sections to the constitution relating to the state auditor.

Section 17 sets out the qualifications for a person serving as state auditor. The term of office is six years, beginning at noon on the first Monday in January following the convening of the legislature. The legislature is directed to provide by law for experience requirements and procedures for removal for cause.

Section 18 establishes selection procedures for the state auditor. The procedures are similar to those provided in AS 24.55.020 for selection of the state ombudsman.

Section 19 provides that an incumbent state auditor serves until a successor is appointed. If the office becomes vacant, the deputy state auditor serves as acting state auditor until a new state auditor is appointed under Section 18.

Section 20 provides that the state auditor receives compensation equal to the compensation of the lieutenant governor.

Section 21 prohibits the state auditor from serving as governor or lieutenant governor for four years after serving as state auditor.

Sec. 5 prohibits both the legislature and the governor from reducing the budget of the state auditor's office during the second, third and fourth years of operation below the amount appropriated for the first year except to the extent that the state operating budget as a whole is reduced.

Sec. 6 repeals the section relating to the legislative auditor.

Sec. 7 provides for placement of the resolution on the next general election ballot.

TC:mkr
m9/017

EXECUTIVE BRANCH

STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION

State	Licensing	Mental health	Natural resources	Parks & recreation	Personnel	Planning	Post audit	Pre audit	Public library	Public utility regulation	Purchasing	Social services	Solid waste	Taxation	Tourism	Transportation	Welfare
Alabama	...	B	G	G	H	...	L	(a-12)	B	SE	CS	G	A	G	G	G	(a-34)
Alaska	(A)	A	GI	A	A	G	L	A	A	GB	A	(a-22)	GH	(a-19)	A	GB	AG
Arizona	(d)	A	GS	B	AG	(c)	L	AG	B	CE	AG	GS	(a-18)	AG	GS	GS	GS
Arkansas	...	AG	GS	GS	AG	...	L	A	B	GS	AG	AG	AG	AG	AG	(a-23)	G
California	(a-13)	GS	GS	GS	G	G	(a-19)	(a-12)	GS	GS	GS	GS	(f)	BS	G	GS	(a-34)
Colorado	GS	A	GS	BA	GS	A	ACB	(a-12)	A	GS	A	GS	A	GS	(a-10)	...	(a-34)
Connecticut	G	GE	G	CS	A	A	L	(a-12)	B	GS	A	GE	CS	GE	CS	GE	GE
Delaware	AG	AG	AG	AG	GS	...	CE	(a-31)	AG	GS	AG	AG	(g)	AG	AG	GS	GS
Florida	GS	A	GOC	A	A	(a-9)	L	A	A	G	A	A	GS	GOC	A	GS	A
Georgia	SS	BG	G	A	GD	A	SL	(a-31)	A	CE	A	A	A	GOS	A	B	(a-34)
Hawaii	GS	A	GS	AB	GS	GS	A	A	B	GS	A	GS	(a-18)	GS	A	GS	A
Idaho	G	A	...	GS	BGS	(a-10)	L	CE	H	GS	A	GS	A	GS	(a-10)	BGS	GH
Illinois	GS	GS	(a-17)	(a-20)	(a-6)	...	L	(a-12)	...	G	(a-6)	A	...	AG	(a-10)	GS	GS
Indiana	...	G	G	A	G	LG	G	CE	B	G	(a-6)	G	A	G	(a-24)	G	(a-6)
Iowa	...	(a-18)	GD	BG	G	CE	(a-10)	CS	GB	(a-18)	GS	GS	GD	A
Kansas	...	AS	AG	BG	A	(a-9)	L	(a-12)	GS	GS	A	GS	(a-27)	GS	A	GS	GS
Kentucky	G	G	(a-18)	G	G	(a-6)	CE	AG	G	G	A	AG	AG	G	G	G	AG
Louisiana	...	GS	GS	GS	B	GS	(a-9)	(a-9)	B	CE	(a-6)	GS	(a-18)	GS	GS	GS	GS
Maine	A	AG	GLS	B	GLS	G	SL	(a-12)	BG	GS	AGS	GLS	(a-18)	AG	(a-10)	GLS	(a-34)
Maryland	GS	A	GS	A	GS	GS	ASH	A	A	GS	CS	AG	A	(a-12)	G	GS	(a-34)
Massachusetts	...	G	G	A	A	(a-11)	CE	(a-12)	A	G	A	G	A	G	A	G	G
Michigan	GS	GS	B	CS	CS	...	CL	(a-31)	...	GS	CS	GS	(a-18)	(h)	CS	GS	(a-34)
Minnesota	(a-26)	GS	GS	A	GS	G	CE	GS	A	GS	A	GS	A	GS	A	GS	GS
Mississippi	...	GS	B	AH	G	G	CE	(a-31)	B	SE	A	B	A	GS	A	(a-17)	(a-34)
Missouri	A	B	GS	A	A	(a-9)	CE	A	B	GS	A	GS	A	GS	B	(a-21)	A
Montana	A	GS	GS	A	AG	(a-11)	L	...	B	SE	A	GS	A	GS	A	B	(a-34)
Nebraska	A	A	B	(a-20)	GS	G	CE	(a-6)	H	CE	A	A	A	GS	A	(a-23)	GS
Nevada	...	A	G	A	A	...	L	(a-6)	G	G	A	G	(a-18)	G	G	B	A
New Hampshire	...	GC	GC	GC	BGC	(a-11)	L	(a-12)	B	GC	AGC	GC	A	GC	A	(a-23)	(a-34)
New Jersey	A	A	GS	A	A	...	L	(a-12)	A	GS	A	GS	A	GS	A	GS	AH
New Mexico	G	B	GS	A	G	...	CE	A	A	GS	GS	G	(a-18)	G	A	GS	A
New York	(a-2)	GS	(a-18)	G	(o)	(p)	(a-12)	(a-12)	...	GS	(a-21)	GS	(a-18)	GS	G	GS	(a-34)
North Carolina	...	G	G	G	AG	...	CE	(a-31)	G	GB	AG	G	G	A	G	(a-34)	(a-34)
North Dakota	...	A	...	G	AB	A	(s)	(q)	A	CE	A	G	A	CE	B	A	(a-34)
Ohio	...	GS	(a-1)	A	A	A	CE	(a-31)	B	GS	A	GS	GS	GS	A	GS	GS
Oklahoma	...	H	G	G	B	...	CE	(a-19)	B	CE	A	GS	A	GS	(a-28)	H	(a-34)
Oregon	(a-10)	AG	G	AB	A	...	A	...	B	L	A	GS	A	GS	A	HS	AG
Pennsylvania	G	(t)	GS	CS	AG	G	CE	(a-4)	A	GS	(a-21)	(w)	CS	(a-14)	(a-10)	GS	A
Rhode Island	G	GS	(a-18)	A	GS	CS	A	(a-12)	GS	GS	CS	GS	B	CS	A	GS	A
South Carolina	(v)	B	...	B	B	...	B	(a-12)	B	L	H	B	B	GS	A	(a-23)	(a-34)
South Dakota	...	A	GS	GS	GS	G	L	...	B	SE	A	GS	GS	GS	A	GS	AG
Tennessee	...	G	G	A	G	...	(a-12)	A	A	SE	A	A	A	G	G	G	G
Texas	...	B	...	(a-20)	...	G	L	(a-12)	B	GS	(a-21)	HS	A	(a-12)	B	(a-23)	(a-34)
Utah	AG	AB	GS	BA	AG	G	CE	(a-19)	AB	GS	AG	GS	...	GS	AH	GS	GS
Vermont	(a-2)	GS	GS	A	GS	G	CE	(a-19)	G	GS	G	GS	A	GS	A	GS	GS
Virginia	GB	GH	GB	A	GB	(a-9)	GH	(a-12)	GH	L	A	GB	(j)	GH	A	GB	(a-34)
Washington	GS	A	CE	B	G	(a-9)	CE	(a-10)	...	H	GS	(a-6)	(a-22)	A	GS	A	(a-22)
West Virginia	...	A	GS	A	(a-6)	(a-10)	CE	(a-19)	B	GS	A	A	B	GS	A	A	GS
Wisconsin	GS	A	B	A	GS	A	L	A	A	GS	A	(a-22)	A	GS	A	GS	(a-22)
Wyoming	...	A	...	G	G	G	CE	(a-31)	B	GS	A	G	G	G	G	...	(a-34)

Key:
 ... — No specific function.
 CL — Constitution
 SE — Statutory.
 SL — Statutory.
 L — Selected by
 SC — Statutory.

Appointed by:
 G — Governor
 GS — Governor
 GB — Governor
 GE — Governor
 GE — Governor
 GD — Governor
 GLS — Governor

GLG — Governor cabinet
 GOC — Governor cabinet
 LG — Lieutenant
 AT — Attorney
 SS — Secretary

(a) Chief of
 (a-1) Lieutenant
 (a-2) Secretary
 (a-3) Attorney
 (a-4) Treasurer
 (a-5) Adjutant
 (a-6) Administrator
 (a-7) Agriculture
 (a-8) Banking
 (a-9) Budget
 (a-10) Commerce
 (a-11) Community
 (a-12) Comptroller
 (a-13) Consumer
 (a-14) Disaster
 (a-15) Education
 (a-16) Employment
 (a-17) Energy
 (a-18) Environment
 (a-19) Finance
 (a-20) Fish and
 (a-21) General
 (a-22) Health
 (a-23) Highways
 (a-24) Industrial
 (a-25) Insurance
 (a-26) Labor and
 (a-27) Natural
 (a-28) Parks and
 (a-29) Personnel
 (a-30) Planning
 (a-31) Post Audit
 (a-32) Public Util
 (a-33) Purchasing
 (a-34) Social Serv
 (a-35) Taxation
 (a-36) Transporta

(b) Responsible within the Office
 (c) Responsible administrative office
 (e) Responsible the Office of Economic Development
 (f) Numerous
 (g) Not a state
 (h) See entry u
 (i) Function performed by

Table 3
STATE AUDITING

State/Agency	Audit all state agencies	State agencies permitted to arrange for own audits	Regulation of local govt. actg., auditing & reporting practices	Audit local governments	Types of local government audits	Prescribe scope & nature for other auditors	Types of audits performed		State/Agency
							State	Local	
Alabama									Nevada
State Auditor.....	Yes	No	Yes	Yes	CI	No	---	F,C	Legislative A
Chief Examiner.....	Yes(a)	No	Yes	Yes	CO,SD,OT	Yes	F,C,E,P	F,C	New Hampshire
Alaska									Legislative B
Legislative Auditor.....	Yes	Yes	Yes	Yes	OT	No	F,C,E,P	---	Post-Audit D
Internal Auditor.....	Yes	Yes	No	No	---	---	---	---	New Jersey
Arizona									State Auditor
Auditor General.....	No	Yes	Yes	Yes	CO,SD	Yes	F,C,E,P	F,C	New Mexico
Arkansas									State Auditor
Legislative Auditor.....	No	Yes	Yes	Yes	CI,CO,SD	No	F,E	F	New York
State Auditor.....	Yes(b)	No	Yes	No	---	---	---	---	State Compt
California									
Auditor General.....	Yes	Yes	Yes	Yes	CI,CO,SD	No	F,C,E	E	Leg. Comm.
Dept of Finance.....	Yes	No	No	Yes	CO,SD	Yes	F,C(c),E	Cti)	North Carolina
State Controller.....	Yes	Yes	Yes	Yes	CO,OT,(c)(u),SD	Yes	F,C,P	F,C,P	State Auditor
Colorado									North Dakota
State Auditor.....	Yes	No	Yes	No	---	No	F,C(c)	E,P	State Auditor
Connecticut									Leg. Bud. Ar.
Auditors of Accounts.....	Yes	No	Yes	No	---	---	F,C(d)	---	Ohio
Delaware									State Auditor
Auditor of Accounts.....	Yes	No	No	No	---	No	F,C,E	---	Oklahoma
Florida									Leg. Fiscal C
Auditor General.....	Yes	No	Yes	Yes	SD,OT	Yes	F,C,E,P	F,C	State Aud. &
Georgia									
State Auditor.....	No	No	Yes	Yes	SD	No	F,C,E,P	F,C	Oregon
Hawaii									Div. of Audi
Legislative Auditor.....	Yes	Yes	No	Yes(v)	CO	No	F,C,E,P(e)	F,C	Pennsylvania
(Post Audits)									Auditor Gen
Idaho									Leg. Bud./F
Legislative Auditor.....	Yes(f)	Yes(g)	Yes(h)	No(i)	---	No(h)	F,C,E,P(c)(j)	---	Rhode Island
Illinois									Bureau of Au
Auditor General.....	Yes	No	No	Yes	OT	No	F,C,E,P	---	Auditor Gen
State Comptroller.....	No	No	No	No	---	No	---	---	South Carolina
Indiana									State Auditor
State Examiner.....	Yes	No	Yes	Yes	CI,CO,SD,OT	---	F,C	F,C	Leg. Audit C
Iowa									
Auditor of State.....	Yes	No	Yes	Yes	CI,CO,SD	Yes	F,C(c)	F,C	South Dakota
Kansas									State Auditor
Legislative Auditor.....	Yes	No	No	No	---	No	F,C(c),E,P	---	Auditor Gen
Kentucky									Tennessee
Aud. of Public Accts.....	No	Yes	Yes	Yes	CO	Yes	F,C	F,C	Comptroller
Louisiana									
Legislative Auditor.....	Yes	Yes	Yes	Yes	(k)	Yes	F,C	F,C	Texas
Maine									State Auditor
State Auditor.....	Yes	Yes(l)	Yes	Yes	CI,CO,SD,OT	Yes	F,C	F,C	Leg. Budget
Maryland									
Legislative Auditor.....	Yes	lo	Yes	No	---	Yes	F,C,E,P	---	Utah
Massachusetts									Legs. Aud. C
State Auditor.....	Yes	Yes	Yes	Yes	OT	No	F,C(c)	---	State Auditor
Legislative Auditor.....	No	Yes	Yes	No	---	No	E,P	---	Vermont
Michigan									Auditor of A
Legislative Auditor General..	Yes	No	No	No	---	No	F,C(c),E,P(p)	---	Virginia
Local Govt. Audit Div.....	---	---	Yes	Yes	CI,CO,SD,OT	Yes	---	F,C (m)	Aud. of Publ
Minnesota									Jt. Legis. Au
Legislative Auditor.....	Yes(a)	No(n)	No	No	---	No	F,C(c)(o),E,P	---	Washington
State Auditor.....	No	---	Yes	Yes	CI,CO,SD,OT (o)	Yes	---	F,C(c)	State Auditor
Mississippi									Legislative A
Department of Audit.....	Yes	No	Yes	Yes	CI,CO,SD	Yes	F,C(c)	F,C(c)	Legislative A
Jt. Leg. Com. Perf. & Expend Review.....	Yes	---	---	Yes	CI,CO,SD,OT	No	E,P(e)	F,P	Legislative A
Missouri									West Virginia
State Auditor.....	Yes	Yes	No	Yes	CO	No	F,C(c),E	F,C(c),l	Legislative A
Montana									State Trs De
Legislative Auditor.....	Yes	No	No	No	---	No	F,C(c),E,P(p)	---	Wisconsin
Nevada									State Auditor
Aud. of Public Accts.....	Yes	No	Yes	Yes	(t)	Yes	F,C,E	F,C,l	Dept. of Res

115
 Local
 F,C
 F,C
 --
 --
 F,C
 F
 --
 E
 C(i)
 F,C,P
 E,P
 --
 --
 F,C
 F,C
 F,C
 --
 --
 F,C
 F,C
 --
 --
 --
 F,C(m)
 --
 F,C(c)
 F,C(c)
 E,P
 F,C(c),E
 --
 F,C,E

State/Agency	Audit all state agencies	State agencies permitted to arrange for own audits	Regulation of local govt. acctg., auditing & reporting practices	Audit local governments	Types of local government audits	Prescribe scope & nature for oth. auditors	Types of audits performed	
							State	Local
Nevada Legislative Auditor.....	Yes	No	No	No		No	F,C(c)	---
New Hampshire Legislative Budget Asst..... Post-Audit Div.	Yes	No	No	No		No	F,C,E,P	---
New Jersey State Auditing.....	Yes	Yes(q)	Yes	No		No	F,C	---
New Mexico State Auditor.....	Yes	Yes	Yes	Yes	CI,CO,SD,OT	Yes	F,C	F,C
New York State Comptroller.....	Yes	No	Yes	Yes	CI,CO,SD,OT	Yes(r)	F,C,E,P	F,C, P(cc) E,P
Leg. Comm. on Exp. Review	Yes		No	Yes	CI,CO,SD	No	E,P	
North Carolina State Auditor.....	Yes	No	No	No		Yes	F,C(v),E	
North Dakota State Auditor.....	Yes	No	Yes	Yes	CI,CO,SD	Yes	F,C	F,C
Leg. Bud. Anal. & Aud.....	No	No	No	No		Yes	C,E,P	---
Ohio State Auditor.....	Yes	Yes	Yes	Yes	CI,CO,SD	Yes	F,C(c)	F,C
Oklahoma Leg. Fiscal Office.....	Yes	Yes	No	No		No	C,E,P	
State Aud. & Inspector.....	Yes	No	Yes	Yes	CO	Yes	F,C	F,C
Oregon Div. of Audits.....	Yes	No	Yes(s)	Yes	CI,CO,SD,OT	Yes	F,C,P	F,C
Pennsylvania Auditor General.....	No	Yes	No	Yes	CI,CO,SD,OT	No	F,C,E,P	F,C,E,P
Leg. Bud./Fin. Cmte.....	No		No	No		No	E,P	---
Rhode Island Bureau of Audit.....	Yes	No	Yes	Yes	CI,SD,OT	No	F,C	F,C
Auditor General.....	No	Yes	Yes	No		Yes	F,C(c),E(t),P	---
South Carolina State Auditor.....	Yes	Yes	No	Yes	SD,OT	No	F,C(m)	---
Leg. Audit Council.....	No	No	No	No		---	F,C,E,P	---
South Dakota State Auditor.....	No	No	No	No	---	---	(bb)	---
Auditor General.....	Yes	Yes	Yes	Yes	CI,CO,SD,OT	Yes	F,C(c)	F,C
Tennessee Comptroller of Treasury....	Yes	No	Yes	Yes	CI(u),CO, SD(u),OT(u)	Yes	F,C(c),E,P(p)	F,C
Texas State Auditor.....	Yes	No	Yes	No		No	F,C,E	---
Leg. Budget Office.....	Yes	No	No	No		No	P,E(p)	---
Utah Legis. Aud. General.....	Yes	No	No(v)	No(v)		No	E,P(p)	---
State Auditor.....	Yes	No	Yes	No(v)		Yes	F,C(c)	---
Vermont Auditor of Accts.....	Yes	No	No	No		No	F,C(c)	---
Virginia Aud. of Public Accts.....	Yes	Yes(w)	Yes	Yes	CI,CO,OT	Yes	F,C	F,C
Jr. Legis. Aud. & Review....	Yes		Yes	Yes(x)	CI,CO,OT	No	E,P	E,P
Washington State Auditor.....	Yes	No	Yes	Yes	CI,CO,SD,OT	No	F,C	F,C
Legislative Auditor.....	Yes	No	Yes	Yes	CI,CO,SD	No	P	---
West Virginia Legislative Auditor.....	Yes	No	Yes	No	CI,CO,SD,OT	No	F,C,E,P	---
State Tax Dept.....	No		Yes	Yes	CI,CO,SD,OT	Yes		F,C,E,P
Wisconsin State Auditor.....	Yes	Yes	No	No	CI,CO,SD,OT	---	F,C,E,P	---
Dept. of Revenue.....			No	Yes(aa)		No	C(d),E	F,C
Dept. of Public Instruction..			Yes(r)	No		Yes(n)		
Wyoming State Auditor.....	No	Yes	No	No	---	No	C	---
Leg. Services Office.....	(y)		No	Yes	CI,CO,OT(z)	No	P(p),C(d),E	---
State Exam. Office.....	No	Yes	Yes	Yes	CI,OT	Yes	F,C	F,C

STATE AUDITING—Notes

Key:
CI—City
CO—County
SD—School districts
OT—Other
F—Financial audits
C—Compliance audits
E—Efficiency/economy audits
P—Program results audits

- (a) Except other legislative agencies.
- (b) All Treasury funds of state agencies.
- (c) Financial and compliance audits combined.
- (d) Have elements of all types.
- (e) Includes sunset audits.
- (f) Authorized to audit all state agencies including universities.
- (g) Legislative auditor must approve contract provisions and may review private auditor papers.
- (h) Authorized to issue regulation on all aspects of governmental auditing for government units subordinate to state.
- (i) Authorized to audit local units upon direction of Joint Finance Appropriation Committee.
- (j) Authorized to perform comprehensive audits, F,C,EE,P. Present audits are complying with OMB Circ. A-102. Att. P as applicable.
- (k) All units except municipalities.
- (l) Federal grants only.
- (m) Also fraud investigations.
- (n) Exceptions are certain activities financed by review bonds.
- (o) State auditor does not actually audit all local governments. CPA firms perform a good share of certain local government types.
- (p) Efficiency and economy and program results combined.
- (q) With the express approval of auditor.
- (r) For school districts only.
- (s) Budgeting, auditing and reporting only.
- (t) Financial, compliance, and economy and efficiency combined.
- (u) Monitor.
- (v) Has the authority.
- (w) Grant audits.
- (x) To the extent state funds are involved.
- (y) At present, sunset audits only.
- (z) If they have state funding.
- (za) At the request of local governing bodies.
- (zb) Pre-audit state agencies.
- (zc) New York City only.
- (zd) Fraud investigations as requested by the attorney general of the State Law Enforcement Division.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 21, 1987

SUBJECT: Sectional analysis of SJR 6
(Constitutional amendment for State Auditor)

TO: Senator Ja'mar Kerttula
Chairman, Senate Finance Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of SJR 6, proposing constitutional amendments to create the office of state auditor.

Sec. 1 prohibits the governor from changing the organization or function of the office of the state auditor.

Sec. 2 excludes the office of the state auditor from the principal departments that are under the supervision of the governor.

Sec. 3 corrects an obsolete reference to the secretary of state and excludes the state auditor from those executives who serve at the pleasure of the governor.

Sec. 4 adds new sections to the constitution relating to the state auditor.

Section 17 sets out the qualifications for a person serving as state auditor and for the method of appointment and legislative confirmation. The term of office is six years, beginning at noon on the first Monday in January following the convening of the legislature. The legislature is directed to provide by law for experience requirements and procedures for removal for cause.

Section 18 provides that an incumbent state auditor serves until a successor is appointed. If the office becomes vacant, the governor may appoint a successor for the balance of the term.

Senator Kerttula
January 21, 1987
Page 2

Section 19 provides that the state auditor receives compensation equal to the compensation of the lieutenant governor.

Section 20 prohibits the state auditor from serving as governor or lieutenant governor for four years after serving as state auditor.

Sec. 5 prohibits both the legislature and the governor from reducing the budget of the state auditor's office during the second, third and fourth years of operation below the amount appropriated for the first year except to the extent that the state operating budget as a whole is reduced.

Sec. 6 repeals the section relating to the legislative auditor.

Sec. 7 provides for placement of the resolution on the next general election ballot.

TC:mkr
m8/035

Original sponsors: Kelly, Abood,
Sturgulewski and Faiks

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 6 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 office of state auditor.

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

9 * Section 1. Article III, sec. 23, Constitution of the State of Alaska,
10 is amended to read:

11 SECTION 23. REORGANIZATION. Except as provided in this section,
12 the [THE] governor may make changes in the organization of the execu-
13 tive branch or in the assignment of functions among its units which he
14 considers necessary for efficient administration. Where these changes
15 require the force of law, they shall be set forth in executive orders.
16 The legislature shall have sixty days of a regular session, or a full
17 session if of shorter duration, to disapprove these executive orders.
18 Unless disapproved by resolution concurred in by a majority of the
19 members in joint session, these orders become effective at a date
20 thereafter to be designated by the governor. The governor may not
21 change the organization or function of any unit of the executive
22 branch that is headed by the state auditor.

23 * Sec. 2. Article III, sec. 24, Constitution of the State of Alaska, is
24 amended to read:

25 SECTION 24. SUPERVISION. Except for any unit of the executive
26 branch that is headed by the state auditor, each [EACH] principal
27 department shall be under the supervision of the governor.

28 * Sec. 3. Article III, sec. 25. Constitution of the State of Alaska, is
29 amended to read:

1 SECTION 25. DEPARTMENT HEADS. The head of each principal de-
2 partment shall be a single executive unless otherwise provided by law.
3 He shall be appointed by the governor, subject to confirmation by a
4 majority of the members of the legislature in joint session, and shall
5 serve at the pleasure of the governor, except as otherwise provided in
6 this article with respect to the lieutenant governor and as provided
7 in Section 17 of Article IX with respect to the state auditor [SEC-
8 RETARY OF STATE]. The heads of all principal departments shall be
9 citizens of the United States.

10 * Sec. 4. Article IX, Constitution of the State of Alaska, is amended
11 by adding new sections to read:

12 SECTION 17. STATE AUDITOR. There shall be a state auditor. The
13 state auditor shall be a qualified voter of the State, a citizen of
14 the United States, and a resident of Alaska for at least five years
15 preceding appointment to the office. The state auditor shall meet re-
16 quirements for experience in management and accounting or auditing as
17 ~~provided by law.)~~ The term of office of the state auditor is six
18 years, beginning at noon on the first Monday in January following the
19 convening of the legislature and ending at noon on the first Monday in
20 January following the convening of the legislature six years later.
21 The legislature shall provide by law for procedures for removal of the
22 state auditor for cause by affirmative vote of two-thirds of the
23 members of the legislature in joint session. The state auditor shall
24 be the auditor of the accounts of all departments, offices, and
25 agencies of the State including the legislature, the executive, and
26 the judiciary, all independent state corporations, all political
27 subdivisions of the State including municipalities, and the University
28 of Alaska. The state auditor shall perform other duties prescribed by
29 law. The office of the state auditor constitutes an agency

*Delete
provision
17
X*
*appoint
Governor*

1 independent of the executive branch agencies named in Section 22 of
2 Article I. .

3 New SECTION 18. APPOINTMENT OF THE STATE AUDITOR. (a) The state
4 auditor selection committee shall nominate a candidate for appointment
5 as state auditor. The selection committee shall be composed of three
6 members of the senate appointed by the president of the senate and
7 three members of the house of representatives appointed by the speaker
8 of the house. One member of the minority party caucus in each house
9 shall be appointed to the selection committee. The state auditor
10 selection committee shall examine persons to serve as state auditor
11 regarding their qualifications and abilities and shall place the name
12 of the person selected in nomination. The nomination is effective if
13 approved by an affirmative roll call vote of two-thirds of the members
14 of the legislature in joint session. The appointment is effective if
15 the nomination is approved by the governor. However, the governor may
16 veto the appointment and return it, with a statement of objections, to
17 the legislature. Upon receipt of a veto message the legislature shall
18 meet immediately in joint session and reconsider approval of the
19 vetoed appointment. Upon reconsideration, the appointment is effec-
20 tive if approved by an affirmative vote of two-thirds of the members
21 of the legislature in joint session. The vote on the appointment and
22 on reconsideration of a vetoed appointment shall be entered in the
23 journals of both houses. If the legislature is in session and if the
24 governor neither approves nor vetoes the appointment within 15 days,
25 Sundays excepted, after its delivery to the governor, the appointment
26 becomes effective. If the legislature is not in session and the
27 governor neither approves nor vetoes the appointment within 20 days,
28 Sundays excepted, after its delivery to the governor, the appointment
29 becomes effective.

1 SECTION 19. VACANCY. If the term of the state auditor expires
2 without the appointment of a successor, the incumbent state auditor
3 may continue in office until a successor is appointed. In case of a
vacancy in the office of state auditor for any reason, the deputy
state auditor becomes the acting state auditor until a new state
auditor is appointed for a new term under the procedures set out in
Section 18 of this article.

8 SECTION 20. COMPENSATION. The compensation of the state auditor
9 shall be equal to the compensation of the lieutenant governor and
10 shall not be diminished during the term of office, unless by general
11 law applying to all salaried officers of the State.

12 SECTION 21. OTHER OFFICES. A person who has served as state
13 auditor may not hold the office of governor or lieutenant governor
14 until four years after the last day on which the person was state
15 auditor.

16 Sec. 5. Article XV, Constitution of the State of Alaska, is amended
17 by adding a new section to read:

18 SECTION 29. BUDGET FOR THE OFFICE OF STATE AUDITOR. The yearly
19 amount appropriated for the office of the state auditor for the sec-
20 ond, third, and fourth years of operation may not be less than the
21 amount appropriated for the first year of operation except that the
22 budget may be reduced by a percent no greater than the percent that
23 the state operating budget for a subsequent year is reduced from the
24 state operating budget for the first year of operation for the office.

25 * Sec. 6. Section 14, Article IX, Constitution of the State of Alaska,
26 is repealed.

27 * Sec. 7. The amendments proposed by this resolution shall be placed
28 before the voters of the state at the next general election in conformity
29 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-

1 tion laws of the state.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

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

REQUEST: _____

Bill Version : SJR 6
Publish Date : 1/19/87

Revision Date: _____
Title Constitutional amndmt.--create
office of state auditor.
Sponsor : KETTY, /Abood/Sturgulewski/Falks/
Requestor : Kerttula

Agency Affected: Legislative Audit, DCRA, DEC,
BRU: DOTPF, DOI, DHSS, DOA, DOE
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						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Fiscal Note is zero based upon the attached assumptions.

Prepared by: Senator Kerttula Phone: 465-3717
Division: Senate Judiciary Committee Date: 1/30/87
based on fiscal note for SB 65
Approved by Commissioner: _____ Date: _____
Agency: _____

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

ASSUMPTIONS

1. Audit fees currently being paid by school boards, municipalities, independent State authorities, banks or quasi-corporations for mandated financial or compliance audits would not be significantly changed.
2. Due to the overlapping audit coverage, the budgets of the respective executive branch internal audit groups, and personnel monitoring grants and performing program compliance reviews, estimated at \$2,200,000 and assumed adequate to meet their respective review mandates, would be transferred to the State Auditor organization.
3. The 1987 Legislative Audit Division budget of approximately \$2,400,000 combined with the budgets in item (2) would be adequate to cover the costs of performing, financial compliance audits and performance audits of operations in the Legislative, Executive, and Judicial branches of State government, and to fund the administrative and oversight functions of school district and local government audits.

SJR

10

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

M E M O R A N D U M

31 March 1987

TO: Senate Judiciary Committee

FROM: Senator Arliss Sturgulewski *AS*

Attached is a redraft of the proposed committee substitute for Senate Joint Resolution 10. The change is to page three, lines 2 and 3, and lines 7 and 8.

The previous draft allowed the use of the budget reserve fund when revenues were less than 92% of the dollars subject to the appropriation limit, which meant the amount appropriated in the previous fiscal year plus 10% and inflation would be the dollar amount used to calculate whether or not the budget reserve fund could be used.

The change permits use of the budget reserve fund only when revenues are less than 92% of the amount appropriated in the previous fiscal year.

This ensures that the budget will have to be reduced by eight percent before the use of the reserve fund is allowed.

Original sponsor: Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE JOINT RESOLUTION NO. 10 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 use and expenditure of state money.

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

9 * Section 1. Article IX, sec. 7, Constitution of the State of Alaska,
10 is amended to read:

11 SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or
12 license shall not be dedicated to any special purpose, except as
13 provided in Sections [SECTION] 15 and 17 of this article or when
14 required by the federal government for state participation in federal
15 programs. This provision shall not prohibit the continuance of any
16 dedication for special purposes existing upon the date of ratification
17 of this section by the people of Alaska.

18 * Sec. 2. Article IX, sec. 16, Constitution of the State of Alaska, is
19 amended to read:

20 SECTION 16. APPROPRIATION LIMIT. Except for appropriations to
21 the permanent fund or for Alaska permanent fund dividends, appropri-
22 tions to the budget reserve fund, appropriations of revenue bond
23 proceeds, appropriations required to pay the principal and interest on
24 general obligation bonds, and appropriations of money received from a
25 non-State source in trust for a specific purpose, including revenues
26 of a public enterprise or public corporation of the state that issues
27 revenue bonds, appropriations from the treasury made for a fiscal year
28 shall not exceed appropriations made for the preceding fiscal year
29 [\$2,500,000,000] by more than ten percent plus the [CUMULATIVE]

1 change, derived from federal indices as prescribed by law, in [POPU-
2 LATION AND] inflation since the beginning of the preceding fiscal year
3 [JULY 1, 1981. WITHIN THIS LIMIT, AT LEAST ONE-THIRD SHALL BE RE-
4 SERVED FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS. THE LEGISLATURE
5 MAY EXCEED THIS LIMIT IN BILLS FOR APPROPRIATIONS TO THE ALASKA PERMA-
6 NENT FUND AND IN BILLS FOR APPROPRIATIONS FOR CAPITAL PROJECTS, WHETH-
7 ER OF BOND PROCEEDS OR OTHERWISE, IF EACH BILL IS APPROVED BY THE
8 GOVERNOR, OR PASSED BY AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEM-
9 BERSHIP OF THE LEGISLATURE OVER A VETO OR ITEM VETO, OR BECOMES LAW
10 WITHOUT SIGNATURE, AND IS ALSO APPROVED BY THE VOTERS AS PRESCRIBED BY
11 LAW. EACH BILL FOR APPROPRIATIONS FOR CAPITAL PROJECTS IN EXCESS OF
12 THE LIMIT SHALL BE CONFINED TO CAPITAL PROJECTS OF THE SAME TYPE, AND
13 THE VOTERS SHALL, AS PROVIDED BY LAW, BE INFORMED OF THE COST OF
14 OPERATIONS AND MAINTENANCE OF THE CAPITAL PROJECTS. NO OTHER APPRO-
15 PRIATION IN EXCESS OF THIS LIMIT MAY BE MADE EXCEPT TO MEET A STATE OF
16 DISASTER DECLARED BY THE GOVERNOR AS PRESCRIBED BY LAW. THE GOVERNOR
17 SHALL CAUSE ANY UNEXPENDED AND UNAPPROPRIATED BALANCE TO BE INVESTED
18 SO AS TO YIELD COMPETITIVE MARKET RATES TO THE TREASURY].

19 * Sec. 3. Article IX, Constitution of the State of Alaska, is amended
20 by adding a new section to read:

21 SECTION 17. BUDGET RESERVE FUND. (a) Money received by the
22 State that is subject to the appropriation limit under Section 16 of
23 this article and that exceeds that appropriation limit, shall be
24 deposited in the budget reserve fund. Additional appropriations may
25 be made to the budget reserve fund.

26 (b) Money in the budget reserve fund shall be invested so as to
27 yield competitive market rates to the fund. Income from investment of
28 the fund shall be retained in the fund.

29 (c) If the legislature determines that the money subject to the

1 appropriation limit received by the State in a fiscal year is less
2 than ninety-two percent of the amount that was appropriated under
3 Section 16 of this article in the previous fiscal year, up to two-
4 thirds of the budget reserve fund balance may be appropriated to the
5 general fund. However, the amount appropriated from the budget re-
6 serve fund when added to the money subject to the appropriation limit
7 during the current fiscal year may not exceed ninety-two percent of
8 the amount that was appropriated under Section 16 of this article in
9 the previous fiscal year.

10 (d) Notwithstanding the appropriation limit in this section and
11 in Section 16 of this article, additional amounts may be appropriated
12 from the budget reserve fund to meet a state disaster declared by the
13 governor as prescribed by law.

14 * Sec. 4. The amendments proposed by this resolution shall be placed
15 before the voters of the state at the next general election in conformity
16 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
17 tion laws of the state.
18
19
20
21
22
23
24
25
26
27
28
29

1 appropriation limit received by the State in a fiscal year is less
2 than ninety-two percent of the amount that ^{was} [may be] appropriated under
3 Section 16 of this article ^{in the previous year,} up to two-thirds of the budget reserve
4 fund balance may be appropriated to the general fund. However, the
5 amount appropriated from the budget reserve fund when added to the
6 money subject to the appropriation limit that fiscal year may not
7 exceed ninety-two percent of the amount that [may be] appropriated under
8 Section 16 of this article. ^{was} ~~in the previous year.~~ in the previous yr.

9 (d) Notwithstanding the appropriation limit in this section and
10 in Section 16 of this article, additional amounts may be appropriated
11 from the budget reserve fund to meet a state disaster declared by the
12 governor as prescribed by law.

13 * Sec. 4. The amendments proposed by this resolution shall be placed
14 before the voters of the state at the next general election in conformity
15 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
16 tion laws of the state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

MEMORANDUM

Senate

17 February 1987

TO: Senate Judiciary Committee
FROM: Senator Arliss Sturgulewski

In the fall of 1986, the voters ratified the current constitutional spending limit by a vote of 119,775 to 48,909. There clearly is public support for a spending limit.

The current spending limit doesn't work. Therefore I have introduced Senate Joint Resolution 10. This legislation is made up of two elements: a spending limitation and a budget reserve fund.

SPENDING LIMIT:

- amends previous constitutional spending limitation language
- includes appropriations to permanent fund in exceptions to limit
- changes the base dollar amount of the spending limit from \$2.5 billion to preceding fiscal year + 10% + inflation.
- deletes limitation language regarding capital projects.

BUDGET RESERVE FUND;

Dollars received by the state (after appropriations for exceptions) that exceed the spending limitation are put in the fund. Additional dollars may be appropriated to the fund.

Interest earned by the fund shall be retained in the fund.

Legislature may use up to 2/3rds of the fund if dollars ~~received by the state in a fiscal year~~ are less than 92% of the spending limit.

The language in SJR 10 allows the use of the fund when dollars received are less than 92% of the amount that may be appropriated under the spending limit.

Because Section 17(c) did not state clearly that the budget must be cut by 8% before the budget reserve fund could be used, I have ordered a draft from legal services that changes that section. The first change is on page 3, line one

...appropriation limit received by the State in a fiscal year [does not exceed] is less than ...

The second change adds a sentence on page three, line 4:

However, the amount appropriated from the budget reserve fund when added to the money subject to the appropriation limit that fiscal year may not exceed ninety-two percent of the amount that may be appropriated under Section 16 of this article.

Some of the major policy questions will revolve around:

1. Do we want to limit, to the extent this bill will require, the size of state government and the power of the legislature to appropriate?

2. Are the numbers in the bill appropriate, i.e., should the appropriation limit be a base figure plus 10%?

Should the budget be allowed to be cut 8% in any one year before the budget reserve fund can be used?

3. Do we want to encourage the use of bonding for capital projects?

4. Should language be put into this legislation that encourages the deposit of windfalls into the permanent fund? $\frac{1}{2}$?

FALL 88
BASE YR =
FY 89

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2937 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

M E M O R A N D U M

Senate

17 February 1987

TO: Senate Judiciary Committee
FROM: Senator Arliss Sturgulewski

In the fall of 1986, the voters ratified the current constitutional spending limit by a vote of 119,775 to 48,909. There clearly is public support for a spending limit.

The current spending limit doesn't work. Therefore I have introduced Senate Joint Resolution 10. This legislation is made up of two elements: a spending limitation and a budget reserve fund.

SPENDING LIMIT:

- amends previous constitutional spending limitation language
- includes appropriations to permanent fund in exceptions to limit
- changes the base dollar amount of the spending limit from \$2.5 billion to preceeding fiscal year + 10% + inflation
- deletes limitation language regarding capital projects.

BUDGET RESERVE FUND;

Dollars received by the state (after appropriations for exceptions) that exceed the spending limitation are put in the fund. Additional dollars may be appropriated to the fund.

Interest earned by the fund shall be retained in the fund.

Legislature may use up to 2/3rds of the fund if dollars received by the state in a fiscal year are less than 92% of the spending limit.

The language in SJR 10 allows the use of the fund when dollars received are less than 92% of the amount that may be appropriated under the spending limit.

Because Section 17(c) did not state clearly that the budget must be cut by 8% before the budget reserve fund could be used, I have ordered a draft from legal services that changes that section. The first change is on page 3, line one

...appropriation limit received by the State in a fiscal year [does not exceed] is less than ...

The second change adds a sentence on page three, line 4:

However, the amount appropriated from the budget reserve fund when added to the money subject to the appropriation limit that fiscal year may not exceed ninety-two percent of the amount that may be appropriated under Section 16 of this article.

Some of the major policy questions will revolve around:

1. Do we want to limit, to the extent this bill will require, the size of state government and the power of the legislature to appropriate?

2. Are the numbers in the bill appropriate, i.e., should the appropriation limit be a base figure plus 10%?

Should the budget be allowed to be cut 8% in any one year before the budget reserve fund can be used?

3. Do we want to encourage the use of bonding for capital projects?

4. Should language be put into this legislation that encourages the deposit of windfalls into the permanent fund?

Original sponsor: Sturgulewski

1 IN THE SENATE

2 CS FOR SENATE JOINT RESOLUTION NO. 10 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 use and expenditure of state money.

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

9 * Section 1. Article IX, sec. 7, Constitution of the State of Alaska,
10 is amended to read:

11 SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or
12 license shall not be dedicated to any special purpose, except as
13 provided in Sections [SECTION] 15 and 17 of this article or when
14 required by the federal government for state participation in federal
15 programs. This provision shall not prohibit the continuance of any
16 dedication for special purposes existing upon the date of ratification
17 of this section by the people of Alaska.

18 * Sec. 2. Article IX, sec. 16, Constitution of the State of Alaska, is
19 amended to read:

20 SECTION 16. APPROPRIATION LIMIT. Except for appropriations to
21 the permanent fund or for Alaska permanent fund dividends, appropria-
22 tions to the budget reserve fund, appropriations of revenue bond
23 proceeds, appropriations required to pay the principal and interest on
24 general obligation bonds, and appropriations of money received from a
25 non-State source in trust for a specific purpose, including revenues
26 of a public enterprise or public corporation of the state that issues
27 revenue bonds, appropriations from the treasury made for a fiscal year
28 shall not exceed appropriations made for the preceding fiscal year
29 [\$2,500,000,000] by more than ten percent plus the [CUMULATIVE]

1 change, derived from federal indices as prescribed by law, in [POPU-
2 LATION AND] inflation since the beginning of the preceding fiscal year
3 [JULY 1, 1981. WITHIN THIS LIMIT, AT LEAST ONE-THIRD SHALL BE RE-
4 SERVED FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS. THE LEGISLATURE
5 MAY EXCEED THIS LIMIT IN BILLS FOR APPROPRIATIONS TO THE ALASKA PERMA-
6 NENT FUND AND IN BILLS FOR APPROPRIATIONS FOR CAPITAL PROJECTS, WHETH-
7 ER OF BOND PROCEEDS OR OTHERWISE, IF EACH BILL IS APPROVED BY THE
8 GOVERNOR, OR PASSED BY AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEM-
9 BERSHIP OF THE LEGISLATURE OVER A VETO OR ITEM VETO, OR BECOMES LAW
10 WITHOUT SIGNATURE, AND IS ALSO APPROVED BY THE VOTERS AS PRESCRIBED BY
11 LAW. EACH BILL FOR APPROPRIATIONS FOR CAPITAL PROJECTS IN EXCESS OF
12 THE LIMIT SHALL BE CONFINED TO CAPITAL PROJECTS OF THE SAME TYPE, AND
13 THE VOTERS SHALL, AS PROVIDED BY LAW, BE INFORMED OF THE COST OF
14 OPERATIONS AND MAINTENANCE OF THE CAPITAL PROJECTS. NO OTHER APPRO-
15 PRIATION IN EXCESS OF THIS LIMIT MAY BE MADE EXCEPT TO MEET A STATE OF
16 DISASTER DECLARED BY THE GOVERNOR AS PRESCRIBED BY LAW. THE GOVERNOR
17 SHALL CAUSE ANY UNEXPENDED AND UNAPPROPRIATED BALANCE TO BE INVESTED
18 SO AS TO YIELD COMPETITIVE MARKET RATES TO THE TREASURY].

19 * Sec. 3. Article IX, Constitution of the State of Alaska, is amended
20 by adding a new section to read:

21 SECTION 17. BUDGET RESERVE FUND. (a) Money received by the
22 State that is subject to the appropriation limit under Section 16 of
23 this article and that exceeds that appropriation limit, shall be
24 deposited in the budget reserve fund. Additional appropriations may
25 be made to the budget reserve fund.

26 (b) Money in the budget reserve fund shall be invested so as to
27 yield competitive market rates to the fund. Income from investment of
28 the fund shall be retained in the fund.

29 (c) If the legislature determines that the money subject to the

1 appropriation limit received by the State in a fiscal year is less
2 than ninety-two percent of the amount that may be appropriated under
3 Section 16 of this article, up to two-thirds of the budget reserve
4 fund balance may be appropriated to the general fund. However, the
5 amount appropriated from the budget reserve fund when added to the
6 money subject to the appropriation limit that fiscal year may not
7 exceed ninety-two percent of the amount that may be appropriated under
8 Section 16 of this article.

9 (d) Notwithstanding the appropriation limit in this section and
10 in Section 16 of this article, additional amounts may be appropriated
11 from the budget reserve fund to meet a state disaster declared by the
12 governor as prescribed by law.

13 * Sec. 4. The amendments proposed by this resolution shall be placed
14 before the voters of the state at the next general election in conformity
15 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
16 tion laws of the state.

transferred, nor shall the public credit be used, except for a public purpose.

Exceptio

Dedicated
Funds

A

SECTION 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

(The amendment to this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977. This amendment inserted "as provided in section 15 of this article or" in the first sentence.)

Budget

State Debt

SECTION 8. No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective. [Amendment approved November 2, 1982]

Effect of amendments. - The amendment approved November 2, 1982, inserted "or unless authorized by law for housing loans for veterans" in the first sentence.

Expendit

Local Debts

SECTION 9. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

Legislati
Post-Au

Interim
Borrowing

SECTION 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

Alaska
Permane
Fund

income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

(The addition of this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977.)

**Appropriation
Limit**

SECTION 16. Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed \$2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury. [Amendment approved November 2, 1982]

Pur
Con

Loc
Gov
Pow

Bor

Asse

Servi
Area

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SJR 10
PUBLISH DATE: 2/3/87

REQUEST:

FISCAL NOTE

Revision Date: 1/22/88
Title: Constitutional amendments relating to the use and expenditure of state money.
Sponsor: STURGULEWSKI
Requestor: Senate Judiciary

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						
TOTAL OPERATING	0	2.2*	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

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.)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Elections Date: 1/22/88

Approved by Commissioner: [Signature] Date: 2/1/88
Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 2/1/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 10

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

SJR

12

MAR 8 1988

5-0542B

Bannister
3/7/88

Original sponsor: Uehling

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 12 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Relating to the determination of the
6 state's boundaries with the Soviet Union
7 and Canada.

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

9 WHEREAS the boundaries of the state are a vital concern of the govern-
10 ment of the state; and

11 WHEREAS the sovereignty of a state within the federal system of the
12 United States requires that a state government have complete and unambigu-
13 ous jurisdiction over an area determined by well-defined geographical
14 boundary lines; and

15 WHEREAS, whenever the boundaries of a state are to be altered, the
16 state has an essential and overriding interest in the determination of the
17 boundary; and

18 WHEREAS Alaska is unique among the 50 states because it is the only
19 state with the potential for having boundaries with more than one foreign
20 country; and

21 WHEREAS boundaries between a foreign country and a state are, and
22 should be, coterminous with the national boundaries of the United States
23 and the foreign country; and

24 WHEREAS negotiations are underway between the U.S. Department of State
25 and the government of the Soviet Union over setting the boundaries between
26 the United States and the Soviet Union; and

27 WHEREAS at least seven rounds of boundary negotiations between the
28 United States and the Soviet Union have occurred since 1981; and

29 WHEREAS although the U.S. negotiation delegations have included

1 representatives of various federal agencies, the Department of State has
2 never allowed or offered to invite a representative of the state to join
3 the U.S. delegation to the boundary negotiations or formally solicited the
4 input or advice of the state about the content or strategy of the nego-
5 tiations; and

6 WHEREAS the negotiations involve important economic issues dealing
7 with the petroleum, fishery, and other resources of the state and affecting
8 the welfare and prosperity of the people of the state;

9 BE IT RESOLVED that the Alaska State Legislature petitions the U.S.
10 Department of State to include a representative of the state, appointed by
11 the governor, on all delegations that negotiate the boundaries between the
12 state and the Soviet Union or Canada, including delegations that conduct
13 preparatory deliberations and studies; and be it

14 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
15 quests that the Alaska delegation in Congress intercede on behalf of the
16 state to secure a representative of the state on all boundary delegations
17 that negotiate the boundaries of the state.

18 COPIES of this resolution shall be sent to the Honorable Ronald
19 Reagan, President of the United States; to the Honorable George Bush,
20 Vice-President of the United States and President of the U.S. Senate; to
21 the Honorable Jim Wright, Speaker of the U.S. House of Representatives; to
22 the Honorable George P. Shultz, Secretary of the U.S. Department of State;
23 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
24 Senators, and the Honorable Don Young, U.S. Representative, members of the
25 Alaska delegation in Congress.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Copy to Beth ←

February 23, 1988

The Honorable Jalmar M. "Jay" Kerttula
Chairman, Senate Judiciary Committee
Fifteenth Alaska Legislature
P.O. Box V
Juneau, Alaska 99811

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

Re: Senate Joint Resolution 12

Dear Senator Kerttula:

Senate Joint Resolution ("SJR") 12 calls on the United States Department of State to include a State of Alaska representative on all delegations negotiating boundaries between the state and the Soviet Union or Canada. Following consideration by the Senate State Affairs Committee, it was referred to the Senate Judiciary Committee.

During my testimony on SJR 12 before the Senate State Affairs Committee, I neglected to point out one minor legal problem with the resolution. As currently written, SJR 12 would ask the State Department to include a representative of the state, "appointed by the governor with the consent of the legislature," on all boundary negotiating delegations. (Page 2, lines 10 and 11.) Under Bradner v. Hammond, 555 P.2d 1 (Alaska 1976), only the heads of principal departments appointed by the governor under article III, section 25 of the Alaska Constitution, and the members of boards and commissions established under article III, section 26 of the Alaska Constitution, are subject to legislative confirmation or "consent."

I bring this matter to your attention in the event the Senate Judiciary Committee may wish to remedy this minor problem.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: *G. Thomas Koester*
G. Thomas Koester
Assistant Attorney General

GTK:dln
cc: The Honorable Rick Uehling

Bob Evans
Office of the Governor



CO-SPONSOR
SEN. RES. 279 (1986)
BY SEN. JESSE HELMS
AND HOUSE BILL H.R. 341
BY CONG. WM. DANNEMEYER

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65998
Washington, D.C. 20035
703-379-1070

Public Films

From Page 10

It as it was experienced in Alaska, from war preparedness to the occupation of Kiska and Attu by Japanese forces, and their eventual expulsion from Attu); "Predators" (stunning photography of predators and prey, shown as vital parts of a balanced wilderness ecosystem).

The Alaska Public Lands Information Center is located at the corner of Cushman and Third Avenue. The main entrance is on Third Avenue and handicapped access is via the Turner Street entrance. Movie admission is free.

The Center is open Tuesday-Saturday 10 a.m.-6 p.m. The Center will be open Sunday, March 20 for Ice Festival and Open North American Sled Dog Race events, 10 a.m.-6 p.m.

Look!

...small

WATCH STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65398
Washington, D.C. 20035
703-379-1070

WEST COAST OFFICE
Post Office Box 7981
Northridge, California 91327
818-886-5710

26 February 1988

1988 2 23 12:00

Reply to: Northridge, California 91327
818-886-5710

ted ??

Dear Alaskan State Legislator:

This is an urgent request that you take action with respect to the battle the State of Alaska has with the U.S. State Department over the giveaway of five Alaskan Arctic islands and vast oil-rich seabeds to the Soviet Union.

According to the State Department, it intends to carry out this giveaway "early this year" (see article from the Washington, D.C., Times).

You are earnestly requested to support the following measures as quickly as possible:

***SJR 61(Fischer), which has already passed the Senate on a vote of 10-0. This re-iterates Alaska's sovereignty over the five islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette.

***SJR 12(Uehling) and HJR 59(Furnace). These companion resolutions make the constitutional complaint over the State of Alaska being excluded from the boundary negotiations which the U.S. State Department has had with the Soviet Union.

Please contact the sponsors for further information. If you would like a complete historical background packet of materials, we would be more than happy to supply you with these maps, articles, Congressional reports, and so forth.

You might be interested to know that there is a bill in the U.S. Congress to assist you. HR341 (Dannemeyer) would require a treaty in the event of any transfer of territory to a foreign country or the setting of a boundary with a foreign country. I am sure that Congressman William Dannemeyer would be interested in your sentiments on this bill.

Sincerely,



Carl Olson
Chairman
State Department Watch

CLO:moi
Enclosures

Administration's Detente Mentality

The threat of the State Department to give away five strategic Alaskan islands and vast oil-rich seabeds to the Soviet Union has generated growing opposition around the country (page one, Dec. 7). The proposed giveaway reflects the unfortunate "detente" mentality which grievously undermines the Reagan Doctrine.

The vehicle for abandoning the islands is the State Department's negotiations over a boundary line between the U.S. and the Soviet Union. Currently no treaty has even been adopted establishing such a boundary between Alaska and the Soviets, even though they are less than three miles apart in the Bering Straits.

The State Department is fighting to create a boundary line which puts the Alaskan Arctic islands of Wrangell, Herald, Bennett, Henrietta and Jeannette on the Soviet side. It has held eight super-secret rounds of negotiations with the Soviets so far on the exact location of the line, with the last round held in October. So sensitive is this potential giveaway that State has systematically excluded all representatives of the state government of Alaska from the negotiations, and has completely stonewalled the U.S. Congress.

Congressional members have rightly become upset and have introduced measures to bring this constitutional issue to a head. The principle of congressional approval being required for the transfer of territory to a foreign country and the setting of boundaries is at stake.

The Alaskan legislature has also been adamant. In 1986 it overwhelmingly passed a resolution sponsored by Rep. Roger Jenkins and signed by Gov. Bill Sheffield demanding that the State Department not give in to the Soviet demands in the boundary negotiations regarding the resource-rich Bering Sea. Also in 1986 the Alaska Senate passed on a 16-4 vote a resolution restating Alaska's sovereignty over the five islands. Currently pending is a resolu-

tion by Sen. Rich Uehling complaining bitterly that the State of Alaska has been totally excluded from the setting of its own boundaries.

In support of the State of Alaska, the state legislature of California passed a joint resolution in September urging that any boundary agreement be in the form of a treaty and that the State of Alaska be completely involved in the terms of the treaty.

Yet the giveaway of these five islands and immense outercontinental shelf, which would make the Panama Canal giveaway pale in comparison, remains shrouded in the recesses of Foggy Bottom.

CARL OLSON

Chairman, State Department Watch
Washington

THE WALL STREET JOURNAL MONDAY, DECEMBER 28, 1987

Reprinted by:

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65393
Washington, D.C. 20035
703-379-1070

THIS IS
FRONT PAGE NEWS
IN THE
WALL STREET
JOURNAL.

IT SHOULD BE IN
EVERY NEWSPAPER
ACROSS THE
COUNTRY.

THE WALL STREET JOURNAL

MONDAY, DECEMBER 7, 1987

Crusade to Reclaim Arctic Island for U.S. May End at Summit

* * *

Bureaucrat Has Devoted Life To Cause Despite Odds; Site of Soviet Foul Deeds?

By ROBERT S. GREENBERGER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg believes that Aug. 20, 1924, was a day of infamy for the United States.

On that day, the Soviet warship Red October steamed into Doubtful Harbor on Wrangell Island in the Arctic Ocean. Armed with a six-pound cannon and a company of soldiers, the Red October captured 14 Americans who worked for Lomen Reindeer & Trading Corp. and shipped them off to nearby Siberia.

Carl Lomen, a U.S. businessman, had just bought the island. He sued the Soviets to regain 167 fox skins and 40 polar-bear skins, and complained to the U.S. State Department. The U.S. was miffed but said that it couldn't do much because it didn't officially recognize the new Soviet government. The Americans were freed after the Red Cross paid \$1,600 to transport them to Seattle, but Mr. Lomen fought the rest of his life to regain Wrangell, passing the torch to Mr. Seidenberg before he died.

Daunting Odds

Mr. Seidenberg, a 40-year-old Agriculture Department bureaucrat, is obsessed with reclaiming the island and uncovering alleged Soviet foul deeds there. He has enlisted such conservative stalwarts as Sen.

Jesse Helms in his cause, but he faces daunting odds. The State Department maintains that the U.S. has never claimed ownership of Wrangell, even though its assertion is flatly contradicted in official U.S. publications.

Right now, Mr. Seidenberg worries that the U.S. may quietly deal the island away, perhaps during this week's U.S.-Soviet summit. "I have great respect for the president," he says. "It's some of his advisers at the State Department who are causing the difficulty. Whatever they can do to shove this under the table, they'll do."

The latest wrangle over Wrangell involves secret negotiations between Washington and Moscow, under way since 1981, over establishing a border between the two nations; right now, there is only a "con-



vention line" drawn when the U.S. bought Alaska in 1867. The State Department insists that Wrangell isn't part of the talks. Conservatives contend that ownership of Wrangell—and four other nearby islands—could affect where and how the borderline is drawn. And, they say, that, in turn, may determine who owns what may be billions of barrels of oil beneath the sea.

"If we surrender these islands, we will be surrendering an area that amounts to almost half our entire outer continental shelf," warns Sen. Helms. The North Carolina Republican, who complains that the State Department won't even tell him who the U.S. negotiators are, has introduced a bill requiring the State Department to negotiate a treaty, which would make review

and approval by the Senate necessary. Otherwise, he fears, the department will make a deal under executive authority.

Mr. Seidenberg is convinced not only that the Soviets are illegally occupying Wrangell Island but also that it is the site of a huge Soviet gulag that once held Raoul Wallenberg. The Swedish diplomat, who helped thousands of Danish Jews escape from the Nazis during World War II, disappeared in 1945 after being arrested by the Soviets in Hungary.

Mr. Seidenberg has spent countless hours researching Wrangell at the National Archives. At his own expense, he traveled to Israel to interview Efrim Moshinsky, a former Soviet citizen who claims that he communicated with Mr. Wallenberg while they were both imprisoned at Wrangell in 1958. Mr. Seidenberg also found an obscure reference on page 10,065 of the March 16, 1984, Federal Register that indicated to him that the State Department was about to make a border deal with Moscow.

"I just want to do something to help Wallenberg. He helped so many people, but nobody wants to help him," says Mr. Seidenberg, his voice cracking with emotion. "The State Department acts like they're totally disinterested. It's a non-important issue to them."

Once, he sent a letter to Moscow praising a Russian geography article and asking whether its publishers could send him any material on Wrangell Island. They did. "I've gotten more information out of the Soviets than I have from the State Department," Mr. Seidenberg complains.

State Department officials sent him "denials—always denials," Mr. Seidenberg says. "They even wrote me a letter once denying that the island existed."

But Mr. Seidenberg isn't easily deterred. In 1976, to help get the department's attention, he took title to the 93,000 acres on Wrangell Island where he thinks the prisons are. Mr. Lomen, then 89 years old and dying, had wanted to give Mr. Seidenberg the land to carry on the fight, but Mr. Lomen's accountant warned of the tax consequences of such a gift. So they entered into a swap: Mr. Seidenberg got part of Wrangell, and he gave Mr. Lomen one square foot of Alaskan land that he had received as a promotional gift in 1967 when he opened a bank account.

But owning a piece of the 3,400-square-mile island didn't increase Mr. Seiden-

berg's influence with the State Department. Once, in 1986, he and a colleague attended a public State Department social function in order to accost Secretary of State George Shultz. When Mr. Shultz came by to shake hands, Mr. Seidenberg held on and asked him about the negotiations. A startled Mr. Shultz, in what was apparently an imitation of the late comedian Jimmy Durante, responded, "Everybody wants to get into the act," and quickly moved on.

A State Department official familiar with the negotiations says that all the talk about a giveaway is inaccurate. "There's a great misperception that somehow these islands have been claimed by the U.S. We've looked very carefully at the history of this. . . . There was never any claim made to them by the U.S. government."

Mr. Seidenberg, too, has looked very carefully, but he has reached a different conclusion. It all started when an American, Capt. Calvin Hooper, planted an American flag on Wrangell on Aug. 12, 1881, claiming it for the U.S. His ship, the U.S. Reserve Vessel Thomas Corwin, was part of a mission authorized by Congress to find the Jennette, a ship that had been crushed by ice during a North Pole expedition financed by the New York Herald the year before.

During the search, Capt. Hooper and a party that included John Muir, the naturalist who later founded the Sierra Club, landed on Wrangell. The island was named for Baron Ferdinand Petrovich von Wrangell, even though the Russian arctic explorer never set foot there.

A 1973 printing of the Digest of International Law, an official State Department publication, states that "the United States has not relinquished its claim to Wrangell Island." Five years later, with detente in full flower, a successor publication, the Digest of United States Practice in International Law, did an about-face, stating: "We have found little evidence that the United States has ever actively asserted a claim to Wrangell Island."

Mr. Seidenberg first stumbled on Wrangell in 1963, when he was a high-school senior writing a research paper on Russian exploration of the American Northwest. Textbooks at the time said that Wrangell was unoccupied. In 1973, Mr. Seidenberg learned that Wrangell had surfaced in a Senate Judiciary Committee hearing about

Soviet prison camps. That's when he first heard about Mr. Wallenberg's plight.

A year later, Mr. Seidenberg uncovered what he says was a quiet State Department effort to cede Wrangell to the Soviets. The two nations signed an environmental agreement under which some musk oxen from Alaska were to be shipped to a Soviet island. Moscow asked that the animals be shipped to Wrangell, and the State Department agreed, thereby conceding ownership, Mr. Seidenberg says. When the agreement was signed at Bethel Airport, in Bethel, Alaska, Mr. Seidenberg arranged to have the airport manager watch from a distance and give him a blow-by-blow report over the telephone.

Now, Mr. Seidenberg fears that Wrangell will be lost forever at the summit. Ironically, when Mr. Lomen wrote his memoirs, "Fifty Years in Alaska," he thought his efforts would preserve the U.S. claim on Wrangell for some future U.S.-Soviet negotiating session. He wrote: "We felt that at least we had provided our government with a strong case. If the day ever comes when representatives of the American and Soviet governments sit down at the council table for the settlement of claims, the matter of American sovereignty over Wrangell Island should prove of importance."

**Note: Mr. Mark Seidenberg
is the Vice Chairman of
State Department Watch.**

Reprinted by:

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65398
Washington, D.C. 20035
703-379-1070

The Washington Times

FRIDAY, JANUARY 1, 1988

WASHINGTON, D.C.

5 frozen islands stir a dispute with the Soviets

By John McCaslin
THE WASHINGTON TIMES

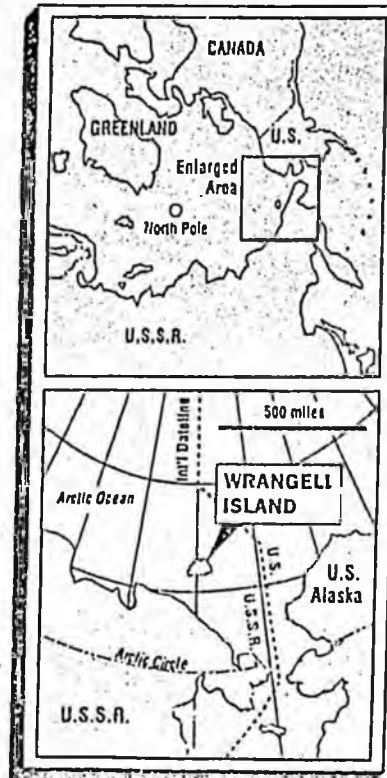
The State Department and a 40-year-old Agriculture Department bureaucrat are locked in a bitter dispute over whether the United States or the Soviet Union should control five frozen, wind-swept islands near a disputed section of the U.S.-Soviet border.

The Agriculture Department employee accuses the FBI of harassing him at the State Department's request.

Since 1981, a secret U.S. negotiating delegation has held eight meetings with Soviet counterparts to establish an exact boundary between Alaska and the Soviet Union, according to a State Department official who asked not to be named.

"Once a boundary line is agreed to by both nations, which could come early this year, it's a safe bet that the five-island chain will become official Soviet territory," the official said.

But Mark Seidenberg, an Agriculture Department employee, has refused to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee.



Map by Paul Woodward, The Washington Times

THIS FRONT-PAGE STORY BROKE THE NEWS THAT THE STATE DEPARTMENT INTENDS TO COMPLETE THE GIVEAWAY OF THE 5 ALASKAN ISLANDS AND VAST OIL-RICH SEABEDS "EARLY THIS YEAR."

ALASKA

From page A1

ture Department employee, has spent more than a decade battling to reassert what he claims is U.S. sovereignty over Wrangell Island, a patch of frozen tundra in the Arctic Ocean that has been suggested to be the site of a Soviet concentration camp.

Also in dispute are four smaller islands off the same Soviet coastline — Herald, Bennett, Henrietta and Jeannette.

Carl Olson, chairman of State Department Watch, a group which has also fought for U.S. rights to the islands, said in a telephone interview from Los Angeles that he is "equally optimistic the United States will retain the islands."

"The important thing is to get the State Department on our side, but so far they have shown zero initiative," Mr. Olson said.

"We have not been able to get anything out of State," he said. "They

refuse to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee."

A House bill introduced last Jan. 6 by Rep. William E. Dannemeyer, California Republican, would require that Congress approve any treaty for "transfer of territory or setting of a boundary line" between the United States and any foreign country. The bill has at least 30 co-sponsors.

On the Senate side, Sen. Jesse Helms, North Carolina Republican, has introduced similar legislation, complaining that surrendering the five islands would amount to handing over half of the entire outer continental shelf, which Mr. Olson said contains "vast oil-rich seabeds."

The State Department official said the United States "obviously hasn't sent any drilling ships to the area."

But he added: "The Department of Interior and other geologists haven't found any indication of any

[oil] up there."

"And as far as our maritime boundary agreement negotiations go, we are actively looking for natural resources — oil, fisheries, what have you — that might benefit us."

The official said that, contrary to complaints from both lawmakers and other individual parties, the State Department has and will continue to brief Congress and state officials in Alaska of its ongoing boundary negotiations with the Soviets.

The California state legislature passed a joint resolution in September that said the State Department should go a step further, and include Alaska in future U.S.-Soviet negotiations.

Mr. Seidenberg, charging harassment, said two FBI agents stopped by his Arlington apartment one night three weeks ago to ask why he was so obsessed for the past 14 years with seeing the island chain become U.S. territory.

"The FBI picked me up because the State Department asked them to," Mr. Seidenberg said in an inter-

view yesterday.

"The agents told me to keep silent, that anything I say can be used against me," he said. "It was an upsetting experience."

The agents, who carried no arrest warrant, asked Mr. Seidenberg to accompany them to their waiting car, where he was interrogated for an hour and a half.

"They wouldn't even let me call my attorney," he said. "They went so far as to tell the receptionist in my apartment building not to call my attorney when I asked her to. They told her, 'You don't want to do that,' and then proceeded to escort me out of my building."

Some officials conclude that Wrangell Island has been under Russian control since 1924, when the last 14 Americans occupying it — reindeer meat shippers — were captured and shipped to Siberia.

As far as U.S. officials know, little else other than snow has fallen on Wrangell since, although author Abraham Shifrin suggests in his book, "The Concentration Camps of the Soviet Union," that a Soviet

prison camp might be on the island.

The other four islands are believed uninhabited, and are ice-covered most of the time.

Perhaps this is why the State Department is so willing, as some critics have charged, to "give away" the five islands, which dot the ocean 300 to 900 miles off Alaska's northwest coast.

"Somehow the idea has crept out that we're going to give these islands away," said the State Department official.

"Wrangell Island was discovered in the 19th century, and there was some U.S. involvement in the discovery," the official said. "But lawyers from our government have searched out and tried to find what belonged to Alaska, but the U.S. never made a claim to the islands. The Russians, on the other hand, have claimed sovereignty to them."

Mr. Seidenberg, who is by no means alone in his endeavor to keep the island chain out of Soviet hands, is not so convinced.

His interest in Wrangell Island,

which began as a high school student in 1963, became greater when Ralph Loman, a U.S. businessman who claimed to have bought the island in the early 1920s, asked Mr. Seidenberg to continue working to get it returned to the proper owner. Mr. Loman made the request 14 years ago when he was on his death bed.

If the islands were not returned to him, the dying man at least wanted them returned to the United States, of which he was a citizen. Mr. Loman tried to sue the Russian government before his death over his rights to the land, but to no avail.

"I will not let this [or] the FBI's visit to my apartment stand in the way," said Mr. Seidenberg, who has pressured not only the State Department, but Moscow. "I will do everything I can to keep the islands in Alaska and in the United States."

In 1986, the Alaska Senate voted 16-4 on its own resolution that restated Alaska's sovereignty over the five islands, and the assembly is scheduled to take up the issue again when it convenes later this month.

**Note: Mr. Mark Seidenberg
is Vice Chairman of
State Department Watch.**

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65354
Washington, D.C. 20035
703-379-1070

WATCH STATE DEPARTMENT

WEST COAST OFFICE
Post Office Box 7981
Northridge, California 91327



Sen. Jalmar K^erttula
Pouch V
Juneau, AK. 99811

Senator Rick Uehling

Senate District H
Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee
Chair, International Trade Committee
Vice-Chair, State Affairs Committee
Labor & Commerce Committee

7EN 10 1988

M E M O R A N D U M

TO: Senator Jay Kerttula
Chair, Senate Judiciary Committee

FROM: Senator Rick Uehling *RUE*

SUBJECT: SJR 12 "Relating to the determination of the state's
boundaries with the Soviet Union and Canada."

DATE: February 9, 1988

I would appreciate it if you would schedule SJR 12 for hearing in the Senate Judiciary Affairs Committee as soon as possible.

Attached is background information and an analysis of SJR 12. Your prompt attention to this matter is appreciated.

Senator Rick Uehling

Senate District H
Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee
Chair, International Trade Committee
Vice-Chair, State Affairs Committee
Labor & Commerce Committee

February 9, 1988

M E M O R A N D U M

TO: Senator Jay Kerttula
Chair, Senate Judiciary Committee

FROM: Senator Rick Uehling *[Signature]*

RE: Senate Joint Resolution 12 "Relating to the
determination of the state's boundaries with the
Soviet Union and Canada."

I have asked staff to provide the following background and analysis of SJR 12, "Relating to the determination of the state's boundaries with the Soviet Union and Canada."

SJR 12 was heard in Senate State Affairs on February 8, 1988 and received much favorable testimony. Thomas Koester, Assistant Attorney General, testified before the Committee that the Governor strongly supports SJR 12. Mr. Koester emphasized the State's desire to set a precedent in the present negotiations and thus become an active participant in future Alaska boundary disputes.

The resolution is designed to petition the U.S. Department of State to include a representative of the State of Alaska, appointed by the Governor with the consent of the Legislature, on all delegations that negotiate the boundaries between Alaska and the Soviet Union or Canada.

BACKGROUND:

SJR 12 was designed to gain Alaskan involvement in the current negotiations between the U.S. State Department and the Soviet Union over the ownership of five islands located in the Arctic Ocean off the northern coast of the Soviet Union. The islands in question are the Wrangell and Herald Islands located 270 miles off Alaska's northwest coast in the Chukchi Sea; and the De Long Islands, Henrietta, Jeannetta, and Bennett which are located about 900 miles off Alaska's northwest coast in the East Siberian Sea.

The islands in question became a part of the United States by right of first confirmed discovery and first possession and later, on Wrangell Island, a permanent settlement. On August 20, 1924 an armed party from the Soviet gunboat Red October landed on Wrangell Island, took the 14 Alaskan residents by force, and shipped them to Siberia. This ended 57 years of peaceful use of these islands by American seamen, herders, and hunters.

The United States has never surrendered its claim of sovereignty over these islands and any decision over the islands must be ratified by the United State Senate. If the U.S. claim to the Islands is relinquished Alaskan's must receive satisfactory compensation and restitution for the loss of this territory. I feel that the only way to enforce Alaska's boundary interests is to have direct Alaska representation in the negotiating process.

In support of the State of Alaska, the California State Legislature passed a joint resolution in April 1987, urging that any boundary agreement in the form of a treaty be negotiated with Alaska's involvement. In Congress, House Resolution 341 was introduced requiring a treaty in case of any boundary line or territory transfer agreement and with Congressional approval.

There exists some private claims to mining rights and land rights of the Island, including a deed that states that Ralph Loman, a U.S. businessman in the early 1920's, bought Wrangell Island and has since then passed his claim of ownership to Mr. Mark Seidenberg.

Wrangell, Herald, De Long Islands and the outercontinental shelf, is an area larger than twice the size of the State California, potentially containing vast natural resources including, oil, fisheries and land based minerals.

The Senate Joint Resolution requests that a delegate from Alaska represent the state in the boundary negotiations, which have been ongoing between the United States and the Soviet Union since 1981. There have been a total of eight secret negotiating sessions between the two nations to date.

The State Department believes that by relinquishing our claim to the Islands the U.S. can gain beneficial concessions in the current Bering Strait boundary line negotiations. The Bering Strait area also includes important fishing grounds and potential commercial petroleum discoveries. The State Department claims the trade with the Soviets could happen "early this year", so speed in passing this resolution is of importance.



1 The Soviet Arctic

The Washington Times

FRIDAY, JANUARY 1, 1988

WASHINGTON, D.C.

5 frozen islands stir a dispute with the Soviets

By John McCaslin
THE WASHINGTON TIMES

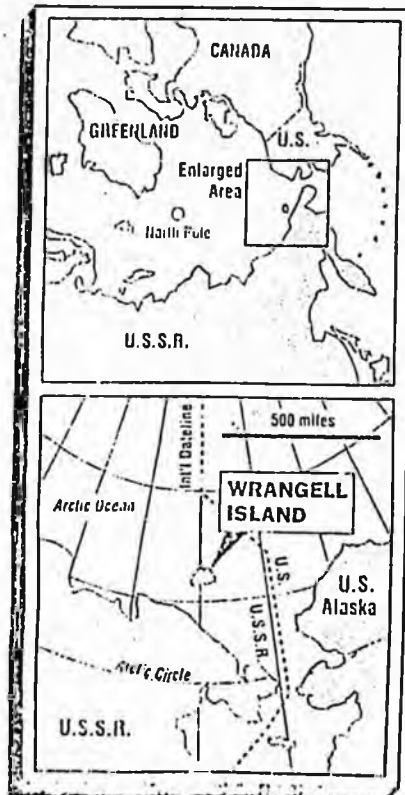
The State Department and a 40-year-old Agriculture Department bureaucrat are locked in a bitter dispute over whether the United States or the Soviet Union should control five frozen, wind-swept islands near a disputed section of the U.S.-Soviet border.

The Agriculture Department employee accuses the FBI of harassing him at the State Department's request.

Since 1981, a secret U.S. negotiating delegation has held eight meetings with Soviet counterparts to establish an exact boundary between Alaska and the Soviet Union, according to a State Department official who asked not to be named.

"Once a boundary line is agreed to by both nations, which could come early this year, it's a safe bet that the five-island chain will become official Soviet territory," the official said.

But Mark Seidenberg, an Agriculture Department employee, has refused to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee.



ALASKA

From page A1

ture Department employee, has spent more than a decade battling to reassert what he claims is U.S. sovereignty over Wrangell Island, a patch of frozen tundra in the Arctic Ocean that has been suggested to be the site of a Soviet concentration camp.

Also in dispute are four smaller islands off the same Soviet coastline — Herald, Bennett, Henrietta and Jeannette.

Carl Olson, chairman of State Department Watch, a group which has also fought for U.S. rights to the islands, said in a telephone interview from Los Angeles that he is "equally optimistic the United States will retain the islands."

"The important thing is to get the State Department on our side, but so far they have shown zero initiative," Mr. Olson said.

"We have not been able to get anything out of State," he said. "They

refuse to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee."

A House bill introduced last Jan. 6 by Rep. William E. Dannemeyer, California Republican, would require that Congress approve any treaty for "transfer of territory or setting of a boundary line" between the United States and any foreign country. The bill has at least 30 co-sponsors.

On the Senate side, Sen. Jesse Helms, North Carolina Republican, has introduced similar legislation, complaining that surrendering the five islands would amount to handing over half of the entire outer continental shelf, which Mr. Olson said contains "vast oil-rich seabeds."

The State Department official said the United States "obviously hasn't sent any drilling ships to the area."

But he added: "The Department of Interior and other geologists haven't found any indication of any

Reprinted by:

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65398
Washington, D.C. 20035
703-379-1070

Crusader for Island In Soviet Union Says The FBI Paid a Visit

* * *
Seidenberg Says Two Agents
Freed Him After Seeing
Journal Story About Him

By ROBERT S. GREENBERGER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg, who has been badgering the U.S. for years to tell him about secret border negotiations with the Soviet Union, finally got some attention. Earlier this week, he says, he was briefly taken into custody by the Federal Bureau of Investigation.

Mr. Seidenberg's crusade—to get the U.S. to reclaim from the Soviets Wrangell Island, which is north of Siberia—was the subject of a front-page story in The Wall Street Journal Monday. Wednesday night, Mr. Seidenberg says, he was visited at his suburban apartment near Washington by two FBI agents, Robert Osgood and Keith Bolcar, who questioned him about a recent letter he had written to the State Department concerning the negotiations.

In the letter, the 40-year-old Agriculture Department bureaucrat said he had information about a meeting last month between State Department officials and Alaskan officials. He wrote that he would publicize the information, which he implied was on a tape, unless the State Department told him it was classified.

An FBI spokeswoman, Barbara Wallace, said the agency won't discuss the activities of its agents or whether an investigation is under way. However, Mr. Seidenberg's attorney, David Nolan, said he spoke to Mr. Osgood's supervisor, who confirmed that the two agents visited Mr. Seidenberg.

At his apartment, says Mr. Seidenberg, he wouldn't answer questions and refused to grant permission for a search because

the agents didn't have a warrant. According to Mr. Seidenberg, the agents then told him they were taking him into custody. They refused Mr. Seidenberg's request to call his attorney; indeed, he says they even refused to let him bring along a Treasury bond that he wanted to use to post bail.

Escorted to the lobby of his building, Mr. Seidenberg gave his attorney's name and telephone number to a receptionist, and asked her to call. But the FBI agents warned her not to. The receptionist, Jeanne Shaukias, confirmed the incident in an interview yesterday.

Standing outside the building near the agents' automobile, Mr. Seidenberg was again questioned, and again refused to respond. After about 10 minutes, Mr. Seidenberg asked if he could put his hands in his pockets because he was cold. Not until his pockets were searched, the agents said. Mr. Seidenberg says the cautious G-men asked if he had any hypodermic needles in his pockets, and when he said he didn't, each agent put one hand in each of Mr. Seidenberg's pockets.

Mr. Seidenberg says the agents made further efforts to question him while he sat in their car. Finally, after one agent had returned from making a telephone call, Mr. Seidenberg was asked why someone from suburban Virginia had such interest in Alaska. "You can read it all in The Wall Street Journal," he says he replied. The agents asked for a copy of the story and, about 90 minutes after they had first arrived, the two accompanied Mr. Seidenberg back to his apartment, obtained a copy of the article and left. Mr. Seidenberg says he asked them if they would be returning with a search warrant and they said they would not.

Mr. Seidenberg believes he is being harassed by the State Department because of his persistent questions about the U.S.-Soviet border talks. However, a U.S. official who didn't want to be named asserts it was Mr. Seidenberg's letter, raising the possibility that the briefing session may have been illegally taped, that prompted the investigation.

Mr. Seidenberg says this isn't the first

time the FBI has contacted him. About a year ago, he claims, the agency called and asked if he would cooperate with a surveillance operation of his neighbors, a Slavic couple the FBI suspected of being Soviet spies. Mr. Seidenberg, who considers himself a staunch anti-communist, agreed to help, but the couple soon moved. Mr. Seidenberg says the FBI official who contacted him at that time identified himself as special agent Tracy.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

The Washington Times

FRIDAY, JANUARY 1, 1988

WASHINGTON, D.C.

5 frozen islands stir a dispute with the Soviets

By John McCaslin
THE WASHINGTON TIMES

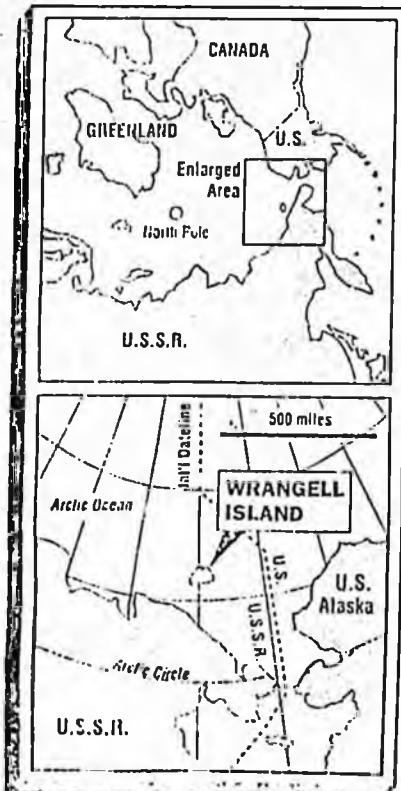
The State Department and a 40-year-old Agriculture Department bureaucrat are locked in a bitter dispute over whether the United States or the Soviet Union should control five frozen, wind-swept islands near a disputed section of the U.S.-Soviet border.

The Agriculture Department employee accuses the FBI of harassing him at the State Department's request.

Since 1981, a secret U.S. negotiating delegation has held eight meetings with Soviet counterparts to establish an exact boundary between Alaska and the Soviet Union, according to a State Department official who asked not to be named.

"Once a boundary line is agreed to by both nations, which could come early this year, it's a safe bet that the five-island chain will become official Soviet territory," the official said.

But Mark Seidenberg, an Agriculture ALASKA, page A8



ALASKA

From page A1

ture Department employee, has spent more than a decade battling to reassert what he claims is U.S. sovereignty over Wrangell Island, a patch of frozen tundra in the Arctic Ocean that has been suggested to be the site of a Soviet concentration camp.

Also in dispute are four smaller islands off the same Soviet coastline — Herald, Bennett, Henrietta and Jeannette.

Carl Olson, chairman of State Department Watch, a group which has also fought for U.S. rights to the islands, said in a telephone interview from Los Angeles that he is "equally optimistic the United States will retain the islands."

"The important thing is to get the State Department on our side, but so far they have shown zero initiative," Mr. Olson said.

"We have not been able to get anything out of State," he said. "They

refuse to talk about it — point blank. And they've stonewalled the House Foreign Affairs Committee and the Senate Foreign Relations Committee."

A House bill introduced last Jan. 6 by Rep. William E. Dannemeyer, California Republican, would require that Congress approve any treaty for "transfer of territory or setting of a boundary line" between the United States and any foreign country. The bill has at least 30 co-sponsors.

On the Senate side, Sen. Jesse Helms, North Carolina Republican, has introduced similar legislation, complaining that surrendering the five islands would amount to handing over half of the entire outer continental shelf, which Mr. Olson said contains "vast oil-rich seabeds."

The State Department official said the United States "obviously hasn't sent any drilling ships to the area."

But he added: "The Department of Interior and other geologists haven't found any indication of any

Reprinted by:

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 65398
Washington, D.C. 20035
703-379-1070

[oil] up there."

"And as far as our maritime boundary agreement negotiations go, we are actively looking for natural resources — oil, fisheries, what have you — that might benefit us."

The official said that, contrary to complaints from both lawmakers and other individual parties, the State Department has and will continue to brief Congress and state officials in Alaska of its ongoing boundary negotiations with the Soviets.

The California state legislature passed a joint resolution in September that said the State Department should go a step further, and include Alaska in future U.S.-Soviet negotiations.

Mr. Seidenberg, charging harassment, said two FBI agents stopped by his Arlington apartment one night three weeks ago to ask why he was so obsessed for the past 14 years with seeing the island chain become U.S. territory.

"The FBI picked me up because the State Department asked them to," Mr. Seidenberg said in an inter-

view yesterday.

"The agents told me to keep silent, that anything I say can be used against me," he said. "It was an upsetting experience."

The agents, who carried no arrest warrant, asked Mr. Seidenberg to accompany them to their waiting car, where he was interrogated for an hour and a half.

"They wouldn't even let me call my attorney," he said. "They went so far as to tell the receptionist in my apartment building not to call my attorney when I asked her to. They told her, 'You don't want to do that,' and then proceeded to escort me out of my building."

Some officials conclude that Wrangell Island has been under Russian control since 1924, when the last 14 Americans occupying it — reindeer meat shippers — were captured and shipped to Siberia.

As far as U.S. officials know, little else other than snow has fallen on Wrangell since, although author Abraham Shifrin suggests in his book, "The Concentration Camps of the Soviet Union," that a Soviet

prison camp might be on the island.

The other four islands are believed uninhabited, and are ice-covered most of the time.

Perhaps this is why the State Department is so willing, as some critics have charged, to "give away" the five islands, which dot the ocean 300 to 900 miles off Alaska's northwest coast.

"Somehow the idea has crept out that we're going to give these islands away," said the State Department official.

"Wrangell Island was discovered in the 19th century, and there was some U.S. involvement in the discovery," the official said. "But lawyers from our government have searched out and tried to find what belonged to Alaska, but the U.S. never made a claim to the islands. The Russians, on the other hand, have claimed sovereignty to them."

Mr. Seidenberg, who is by no means alone in his endeavor to keep the island chain out of Soviet hands, is not so convinced.

His interest in Wrangell Island,

which began as a high school student in 1963, became greater when Ralph Loman, a U.S. businessman who claimed to have bought the island in the early 1920s, asked Mr. Seidenberg to continue working to get it returned to the proper owner. Mr. Loman made the request 14 years ago when he was on his death bed.

If the islands were not returned to him, the dying man at least wanted them returned to the United States, of which he was a citizen. Mr. Loman tried to sue the Russian government before his death over his rights to the land, but to no avail.

"I will not let this [or] the FBI's visit to my apartment stand in the way," said Mr. Seidenberg, who has pressured not only the State Department, but Moscow. "I will do everything I can to keep the islands in Alaska and in the United States."

In 1986, the Alaska Senate voted 16-4 on its own resolution that restated Alaska's sovereignty over the five islands, and the assembly is scheduled to take up the issue again when it convenes later this month.

Crusader for Island In Soviet Union Says The FBI Paid a Visit

* * *
Seidenberg Says Two Agents
Freed Him After Seeing
Journal Story About Him

By ROBERT S. GREENBERGER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg, who has been badgering the U.S. for years to tell him about secret border negotiations with the Soviet Union, finally got some attention. Earlier this week, he says, he was briefly taken into custody by the Federal Bureau of Investigation.

Mr. Seidenberg's crusade—to get the U.S. to reclaim from the Soviets Wrangell Island, which is north of Siberia—was the subject of a front-page story in The Wall Street Journal Monday. Wednesday night, Mr. Seidenberg says, he was visited at his suburban apartment near Washington by two FBI agents, Robert Osgood and Keith Bolcar, who questioned him about a recent letter he had written to the State Department concerning the negotiations.

In the letter, the 40-year-old Agriculture Department bureaucrat said he had information about a meeting last month between State Department officials and Alaskan officials. He wrote that he would publicize the information, which he implied was on a tape, unless the State Department told him it was classified.

An FBI spokeswoman, Barbara Wallace, said the agency won't discuss the activities of its agents or whether an investigation is under way. However, Mr. Seidenberg's attorney, David Nolan, said he spoke to Mr. Osgood's supervisor, who confirmed that the two agents visited Mr. Seidenberg.

At his apartment, says Mr. Seidenberg, he wouldn't answer questions and refused to grant permission for a search because

the agents didn't have a warrant. According to Mr. Seidenberg, the agents then told him they were taking him into custody. They refused Mr. Seidenberg's request to call his attorney; indeed, he says they even refused to let him bring along a Treasury bond that he wanted to use to post bail.

Escorted to the lobby of his building, Mr. Seidenberg gave his attorney's name and telephone number to a receptionist, and asked her to call. But the FBI agents warned her not to. The receptionist, Jeanne Shauklas, confirmed the incident in an interview yesterday.

Standing outside the building near the agents' automobile, Mr. Seidenberg was again questioned, and again refused to respond. After about 10 minutes, Mr. Seidenberg asked if he could put his hands in his pockets because he was cold. Not until his pockets were searched, the agents said. Mr. Seidenberg says the cautious G-men asked if he had any hypodermic needles in his pockets, and when he said he didn't, each agent put one hand in each of Mr. Seidenberg's pockets.

Mr. Seidenberg says the agents made further efforts to question him while he sat in their car. Finally, after one agent had returned from making a telephone call, Mr. Seidenberg was asked why someone from suburban Virginia had such interest in Alaska. "You can read it all in The Wall Street Journal," he says he replied. The agents asked for a copy of the story and, about 90 minutes after they had first arrived, the two accompanied Mr. Seidenberg back to his apartment, obtained a copy of the article and left. Mr. Seidenberg says he asked them if they would be returning with a search warrant and they said they would not.

Mr. Seidenberg believes he is being harassed by the State Department because of his persistent questions about the U.S.-Soviet border talks. However, a U.S. official who didn't want to be named asserts it was Mr. Seidenberg's letter, raising the possibility that the briefing session may have been illegally taped, that prompted the investigation.

Mr. Seidenberg says this isn't the first

time the FBI has contacted him. About a year ago, he claims, the agency called and asked if he would cooperate with a surveillance operation of his neighbors, a Slavic couple the FBI suspected of being Soviet spies. Mr. Seidenberg, who considers himself a staunch anti-communist, agreed to help, but the couple soon moved. Mr. Seidenberg says the FBI official who contacted him at that time identified himself as special agent Tracy.

Administration's Detente Mentality

The threat of the State Department to give away five strategic Alaskan islands and vast oil-rich seabeds to the Soviet Union has generated growing opposition around the country (page one, Dec. 7). The proposed giveaway reflects the unfortunate "detente" mentality which grievously undermines the Reagan Doctrine.

The vehicle for abandoning the islands is the State Department's negotiations over a boundary line between the U.S. and the Soviet Union. Currently no treaty has even been adopted establishing such a boundary between Alaska and the Soviets, even though they are less than three miles apart in the Bering Straits.

The State Department is fighting to create a boundary line which puts the Alaskan Arctic islands of Wrangell, Herald, Bennett, Henric and Jeannette on the Soviet side. It has held eight super-secret rounds of negotiations with the Soviets so far on the exact location of the line, with the last round held in October. So sensitive is this potential giveaway that State has systematically excluded all representatives of the state government of Alaska from the negotiations, and has completely stonewalled the U.S. Congress.

Congressional members have rightly become upset and have introduced measures to bring this constitutional issue to a head. The principle of congressional approval being required for the transfer of territory to a foreign country and the setting of boundaries is at stake.

The Alaskan legislature has also been adamant. In 1986 it overwhelmingly passed a resolution sponsored by Rep. Roger Jenkins and signed by Gov. Bill Sheffield demanding that the State Department not give in to the Soviet demands in the boundary negotiations regarding the resource-rich Bering Sea. Also in 1986 the Alaska Senate passed on a 16-4 vote a resolution restating Alaska's sovereignty over the five islands. Currently pending is a resolu-

tion by Sen. Rich Uehling complaining bitterly that the State of Alaska has been totally excluded from the setting of its own boundaries.

In support of the State of Alaska, the state legislature of California passed a joint resolution in September urging that any boundary agreement be in the form of a treaty and that the State of Alaska be completely involved in the terms of the treaty.

Yet the giveaway of these five islands and immense outercontinental shelf, which would make the Panama Canal giveaway pale in comparison, remains shrouded in the recesses of Foggy Bottom.

CARL OLSON

Chairman, State Department Watch
Washington

Time to Sober Up

Let's hope President Reagan's pre-summit TV address tonight will sober up the Washington community, which is suffering from a terminal case of silliness over its hopes about what Mr. Reagan's sitdown with Mikhail Gorbachev is likely to accomplish.

Contributing to the air of unreality are tales of White House gnomes delivering tons of briefing papers to the Oval Office and setting up projectors to show the president the Gorbachev-Mitterrand game films. Newspaper Style sections this Sunday will describe in infinite detail what Nancy will wear when she has tea in Geneva with the lovely Raisa. Tip O'Neill is taking time out from the budgetary chaos he presides over on Capitol Hill to make the outrageous claim that Congress has given the president the support he needs for a summit "success."

On a more serious level, George Shultz has been treating with the Soviets since his meeting with Andrei Gromyko last January, laying the summit groundwork. Without knowing the game plan, it's impossible to assess how well Mr. Shultz is doing. But we mostly have been hearing about gifts the State Department might like to lay before Mr. Gorbachev. Surrender of the U.S. claim to Wrangle Island (discussed in this space yesterday) is one possibility. An offer to pool fusion energy research with the Russians is another. And the U.S. is prepared to go on pretending SALT II is a real agreement, however much abuse it gets from the Russian side.

In short, the Washington community, by merely following its own instincts, is once again setting the president up to have his pockets picked. Mr. Reagan's Strategic Defense Initiative is being negotiated and renegotiated on Mr. Gorbachev's behalf. The president is being urged to rush back, as Richard Nixon once did, to dramatically present some "breakthrough" to a joint session of Congress. Word is going around, as it always does, that the Soviet leader is in deep trouble and will be eager to make deals.

Mr. Reagan has tried to discourage such nonsense. He has wisely rejected the idea of a post-summit communique, for example, saying that you don't promise a communique when all you are doing is having a little get-acquainted session. He has discouraged the notion that there will be any "agreements." But even for a president with Mr. Reagan's keen understanding of what the U.S.-Soviet relationship is and must be, there are dangers of being trapped. Arms control is, as always, the biggest area of danger.

The policy of abiding by SALT II, which Mr. Shultz seems prepared to continue, hasn't made much sense. Consider the just-published "Military Balance" report of London's well-respected International Institute for Strategic Studies. It says the Soviets have increased their supply of long-range nuclear warheads by 37% in just three years. They now enjoy a 2.4-to-one advantage over the U.S. in land and submarine based megatonnage. That's mutual restraint?

U.S. soft-liners want the president to promise that the U.S. will not over the next five years exercise its option to withdraw, on one year's notice, from the 1972 anti-ballistic missile treaty. That treaty also has not placed much restraint on the Soviets. The IISS says the Soviets are actively pursuing their own space-based nuclear defense research even while they attack the U.S. effort. A Pentagon report sent to the White House Tuesday cites a series of serious Soviet ABM treaty violations. So while Mr. Reagan temporizes and generously offers to make future U.S. defense technology available to all comers, the Russians are actually putting a defense in place. The danger in this is clearly outlined in the open letter to the president from Rep. Kemp and Sen. Wallop excerpted nearby.

People often ask why the Russians have invested so much in weapons of mass destruction while living standards in the Soviet Union are, on the whole, only slightly above Third World levels. The summit ballyhoo in the U.S. provides the obvious answer. They want to be feared. They surround themselves in mystery so that American congressmen, permitted an audience with the Great Gorbachev, will come away awed by having been spoken to in English or fixed with his steely gaze. Showmanship of this skill level wins concessions.

Richard Nixon, who has had some experience with summits, wrote in the latest Foreign Affairs some cautionary words: "This is a long struggle with no end in sight. Whatever their faults, the Soviets will be firm, patient and consistent in pursuing their foreign policy goals. We must match them in that respect."

A good way to match them will be for Mr. Reagan to go to the summit, complain as he intends about Soviet aggressions and abuses of human rights and make no promises. And tonight will not be too soon to start damping down the mindless euphoria that has overtaken pre-summit Washington.

STATE DEPARTMENT BOWS TO SOVIET DEMANDS AND FORCES HUNDREDS OF PRO-AMERICAN AND ANTI-SOVIET PROTESTERS AWAY FROM THE STATE DEPARTMENT'S PUBLIC BUILDING IN WASHINGTON.

A foreign mission

Reaction around town indicates this column was not taken overly seriously when we reported last week that during the visit of Soviet Foreign Minister Eduard Shevardnadze, the State Department designated its main building a foreign mission.

It's no joke. That astonishing move, reflecting what Sen. Jesse Helms and other conservative critics have been saying all along, enabled State to invoke a law to keep protesters 500 feet away from the building. At least for the duration of Mr. Shevardnadze's visit, our State Department was a foreign mission.

— John Elvin

The Washington Times

TUESDAY, SEPTEMBER 22, 1987

Border Dispute

Question: What country was the first to lose territory to Soviet aggression?

Answer: Not Finland, not even the unfortunate Baltic States, but the United States of America.

That happened on Aug. 20, 1924, when the crew of the Soviet gunboat Krasny Oktober (Red October) landed on Wrangell Island off the northeast coast of Siberia and took as prisoners the 14 American fur trappers encamped there. Twelve survivors were eventually released. Two men died in captivity. The Soviets claimed Wrangell and now operate a political prison camp on the island.

On "Face the Nation" last month, National Security Adviser Robert McFarlane indicated that the Wrangell "boundary dispute" will be on the table at the Geneva summit. Some members of Congress believe the State Department wants to finally resolve the island's status—in the Soviets' favor. Resolutions demanding that any agreement be subject to congressional approval have been drafted by Sen. Jesse Helms and Rep. Mark Siljander.

A U.S. irredentist claim to a chilly piece of Arctic real estate might sound like small potatoes. But the congressmen figure that it doesn't make much sense to complain to the Soviets about their expansionist tendencies—as President Reagan clearly intends to do—while at the same time politely forgetting that they once grabbed some land from the U.S. itself.

The U.S. claim to Wrangell and four small nearby islands dates from 1881. A U.S. Revenue Marine (Coast Guard) party that included John Muir, the famed naturalist and founder of the Sierra Club, visited the area that year. Mr. Muir later wrote that they "landed on Wrangell Land and took possession of it in the name of the United States." A czarist explorer, Lt. Ferdinand Wrangell, ad-

mitted in his memoirs that he never actually discovered the island that bears his name. Until the Krasny Oktober showed up, there was no official Russian presence.

Several U.S. oil companies are interested in searching for oil on the continental shelf between the U.S. and the Soviet Union. When last year the Interior Department announced it would begin leasing tracts in the Arctic Ocean, the State Department warned that anyone bidding on tracts to the west of the so-called 1867 Convention Line should be aware that the area might become Soviet territory.

As recently as 1973, the State Department maintained that the U.S. had never relinquished its claims to Wrangell and the other islands, and that the "convention lines" depicted on maps *did not* constitute an international boundary. But in December 1984, after some negotiations in Moscow, the department said it had not "found any evidence that the Government of the United States has ever formally asserted a claim to any of the islands." That seems to contradict the John Muir account. It also ignores a 1959 ruling of the Foreign Claims Settlement Board that the property of the fur trappers was illegally expropriated. *Russian* maps made early in this century show the islands as American.

We've had our own doubts about irredentist claims. The further back in history you go, the greater amount of disputed acreage there is. But the Soviets themselves are among history's most aggressive irredentists. Aside from their grab of the Baltic States and their expansion of the old czarist empire westward to the Elbe and southward to Kandahar, they have border disputes with Norway, Sweden, Japan and China. Whatever the prospects for satisfaction, the U.S. should hang tough over Wrangell Island just to demonstrate its resistance to Soviet imperialism.

SUMMIT MEETING IN GENEVA IN 1985 HAD THE GIVEAWAY OF ALASKAN ISLANDS TO THE SOVIET UNION ON THE AGENDA.

If you want the Wall Street Journal to publish a hard-hitting editorial on the Alaska giveaway, as it did just before the Summit Meeting in 1985, please write ASAP to:

Mr. John Fund
Editorial Page Asst. Editor
Wall Street Journal
200 Liberty Street
New York, NY 10281

THE WALL STREET JOURNAL.

WEDNESDAY, NOVEMBER 13, 1985

Q14. With respect to the negotiations between the United States and the Soviet Union concerning our boundary situation and the disposition of Wrangel, Herald, Bennett, Jeanette and Henrietta islands, what are your views? What is the policy of the Department of State with respect to these five islands? Does the Department of State consider these to be U.S. territory? Do you consider these islands to be U.S. territory? Do you consider the 1867 Convention Line between Tsarist Russia and the United States to be the current boundary between the two countries? What are your views with respect to this convention line? What is the policy of the Department of State with respect to this line and to our boundary with the Soviet Union?

A14. The United States is not involved in negotiations with the Soviet Union bearing directly upon the disposition of Wrangel, Herald, Bennett, Jeanette or Henrietta islands. The negotiations in which the United States Government is involved with the Soviet Union on our boundary are discussions concerning the interpretation and application of the line established by the 1867 U.S.-Russian Convention Ceding Alaska. The legal status of the five islands mentioned has not been the subject of negotiation in these discussions. The extent to which any final boundary settlement would have implications for the U.S. position regarding the islands would depend on a number of issues not yet resolved.

The U.S. regards the 1867 Convention Line as our maritime boundary with the U.S.S.R. for the purpose of dividing jurisdiction over maritime resources, including fisheries and continental shelf resources. Following the establishment in 1977 of 200-nautical-mile fisheries zones by the U.S. and the Soviet Union, it became apparent that we had technical differences in depiction of the 1867 Convention Line. The U.S. depicts the Line by arcs of great circles, the shortest distance between two points on the earth appearing as straight lines on a globe. The Soviet Union depicts the Line by rhumb lines, lines of constant direction used mainly by mariners. This difference results in areas in the Bering Sea which each country claims are under its maritime resource jurisdiction.

As for the islands you mentioned, the Department of State has informed me that each was formally claimed by the Russian government in 1916 and by the U.S.S.R. in 1924 and 1926. Wrangel, the largest of the five, has been occupied by the Soviet Union since 1924. Although American citizens were involved in the discovery and early exploration of several of the islands, the Department of State has found no evidence that the Government of the United States has ever formally asserted a claim to any of these islands or protested the Russian or Soviet claims.

(Source: Questions and Answers posed to nominee for Ambassador to Soviet Union by Senate Foreign Relations Committee, March 1987)

Q15. Exactly how many sessions have been held between the United States and the Soviet Union with respect to this issue? Exactly what were the dates and where the meetings? Exactly who was present on the Soviet side during each of these meetings? What issues were discussed and what decisions were reached?

A15. As authorized by the President, we have had seven rounds of discussions with the Soviets since 1981, the latest in October 1986, for the purpose of resolving differences in the interpretation and application of the Convention Line. The meeting sites have alternated between Washington and Moscow. The most recent U.S. delegations were led by Assistant Secretary John Negroponte and were composed of representatives from the Departments of State, Defense, Interior, Energy and Transportation. The Soviet delegations have been composed of representatives from similar Soviet governmental entities.

As I noted above, the issue in these discussions is the interpretation and application of the 1867 Convention Line. No decisions have been reached and we anticipate further discussions. In connection with the October 1986 talks, however, the U.S. and the Soviet Union reached an informal understanding that pending resolution of the boundary each would not take enforcement action against the fishing vessels of the other in areas of the Bering Sea which both claim as part of their fisheries zones.

Q16. What is the exact status of Wrangel, Herald, Bennett, Jeanette and Henrietta island? Are these today legal possessions of the United States? Precisely who in the Department of State has been assigned to work on this issue?

A16. As I noted in reply to question 14, above, these islands were claimed by the Russian government in 1916 and the Soviet Union in 1924 and 1926, and the Soviets have occupied Wrangel since 1924. The United States has never formally recognized Soviet sovereignty over these islands, and has from time to time indicated that it has not formally relinquished any claims to these islands. Extensive research has not produced evidence of any formal United States assertion of claims or of United States protest of the Soviet claims or their occupation of Wrangel.

Several State Department bureaus have been involved in this issue, including: the Bureau of International Oceanic, Environmental and Scientific Affairs; The Office of the Legal Adviser; the Bureau of Intelligence and Research; and the Bureau of European and Canadian Affairs.