

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
6994 HOUSE JUDICIARY

that the Alaska State Legislature urges the and pass either S. 1803 or H.R. 3518, there- tion of a student loan made by this state rgiveness to be excludable from gross income al income taxation; and be it

that the Internal Revenue Service is urged erse its decision that Alaska student loans e forgiveness program are taxable income.

resolution shall be sent to the Honorable t of the United States; the Honorable Dan t of the United States and President of the rable Thomas S. Foley, Speaker of the U.S. ves; to the Honorable Ted Stevens and the waki, U.S. Senators, and the Honorable Don ative, members of the Alaska delegation in rable Fred T. Goldberg, Jr., Commissioner of Service; and to the Honorable William G. of the Alaska Department of Education.

STATE OF ALASKA

THE LEGISLATURE

1990

Source

Legislative
Resolve No.

HJR 68

96



Urging the permanent appointment of an Alaskan to the U.S. Court of Appeals for the Ninth Circuit.

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

WHEREAS the appellate jurisdiction of the United States Court of Appeals for the Ninth Circuit includes Alaska and often involves the interpretation of Alaska law and a knowledge of Alaska; and

WHEREAS in 1986, 2.27 percent of the appeals filed with the court came from Alaska; and

WHEREAS there are twenty-eight judges on the court and, therefore, proportionally, at least one judge should be an Alaskan; and

WHEREAS in 1980, for the first time in the twenty-one years since statehood, an Alaskan, Robert Boochever, was appointed to the United States Court of Appeals for the Ninth Circuit after serving for eight years as a justice on the Alaska Supreme Court; and

WHEREAS in 1986, after serving with distinction on the court for six years, Judge Boochever reached the age of retirement and assumed duties as a senior judge, a change that resulted in a vacancy on the court; and

WHEREAS Judge Boochever has moved outside of the state and no other Alaskan has been appointed to the court; and

WHEREAS it is important both to the State of Alaska and to the court that there always be at least one judge on the court from Alaska;

BE IT RESOLVED by the Alaska State Legislature that the

President of the United States is respectfully requested to fill the next vacancy occurring on the court by appointing an Alaskan to serve on the United States Court of Appeals for the Ninth Circuit; and be it

FURTHER RESOLVED by the Alaska State Legislature that there should be at all times at least one Alaskan actively sitting on the United States Court of Appeals for the Ninth Circuit.

COPIES of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Richard Thornburgh, Attorney General of the United States; the Honorable Joseph Biden, U.S. Senator and Chair of the Senate Judiciary Committee; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

ent to the Constitu-
f Alaska relating to
fund, depositing into
fund, except for
o the permanent fund,
by the state after
result of the ter-
ettlement or other-
trative proceeding or
ate or federal court
ease bonuses, ren-
yalty sale proceeds,
enue sharing payments
living taxes imposed
production, or prop-
ppropriation from the
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r or upon the affir-
e-fourths of the
slature in joint

COMMITTEE

H) STATUS DATE: 05/07/90

ACTION

(H) READ THE FIRST TIME - REFERRAL(S)

(H) FINANCE

(H) JUD REFERRAL ADDED, PRECEDING FINANCE

(H) JUD RPT CS(JUD) NEW TITLE 5NR

(H) -FISCAL NOTE (ELECT) 3/28/90

(H) -ZERO FISCAL NOTE (GOV) 3/28/90

(H) PUBLIC HEARING NOTICE WAIVED, RULE 23(A)

(H) Y24 N13 X1 A2

(H) FIN RPT CS(FIN) NEW TITLE 5DP 2NR

(H) -PREVIOUS FN (ELECT) 3/28/90

(H) RULES TO CALENDAR 5/5/90

(H) MOVED TO BOTTOM OF CALENDAR

(H) READ THE SECOND TIME

(H) FIN CS FAILED Y12 N28

(H) JUD CS FAILED Y11 N29

(H) BOTTOM OF CALENDAR

(H) AMENDMENT NO 1 BY PHILLIPS OBJECTED TO

(H) RESCIND FAILURE TO ADOPT CS(FIN) UNAN

(H) FIN CS ADOPTED UNAN CONSENT

(H) ADVANCED TO THIRD READING UNAN CONSENT

(H) HELD IN THIRD READING TO 5/6/90

(H) MOVED TO BOTTOM OF CALENDAR

(H) READ THE THIRD TIME CSHJR 66(FIN)

(H) PASSED Y38 N2

(H) NAVARRE NOTICE OF RECONSIDERATION

(H) RECON TAKEN UP - IN THIRD READING

(H) MOTION; RETURN TO SECOND FOR AM 1

(H) RETURN MOTION ADOPTED UNAN CONSENT

(H) AMENDMENT NO 1 BY ULMER

(H) AM NO 1 ADOPTED Y20 N17 X3

(H) ...CHANGES TITLE OF LEGISLATION

(H) MOTION; RETURN TO SECOND FOR AM 2

(H) RETURN MOTION ADOPTED UNAN CONSENT

05/07/90	4168	(H)	AMENDMENT NO 2 BY BROWN
05/07/90	4169	(H)	AM NO 2 ADOPTED UNAN CONSENT
05/07/90	4169	(H)	...CHANGES TITLE OF LEGISLATION
05/07/90	4169	(H)	MOTION; RETURN TO SECOND FOR AM 3
05/07/90	4169	(H)	RETURN MOTION ADOPTED UNAN CONSENT
05/07/90	4169	(H)	AMENDMENT NO 3 BY PHILLIPS
05/07/90	4170	(H)	AM 1 TO AM 3 BY BARNES
05/07/90	4171	(H)	AM 1 TO AM 3 ADP Y23 N14 X3
05/07/90	4172	(H)	AM 2 TO AM 3 BY BOYER
05/07/90	4172	(H)	AM 2 TO AM 3 ADP Y23 N14 X3
05/07/90	4173	(H)	RESOLUTION TABLED UNAN CONSENT

HJR 67

Encouraging the United States Congress
to override President Bush's veto of HR
2712, the Emergency Chinese Adjustment
of Status Facilitation Act.

PRIME SPONSOR: DAVIS, H.
CO-SPONSORS: KOPONEN, DONLEY, GRUENBERG, FINKELSTEIN, WALLIS, ULMER

CURRENT STATUS: (H) STA STATUS DATE: 01/16/90

JRN-DATE	JRN-PG		ACTION
01/16/90	2101	(H)	READ THE FIRST TIME - REFERRAL(S)
01/16/90	2101	(H)	STATE AFFAIRS
01/17/90	2120	(H)	CO-SPONSORS ADDED: KOPONEN, DONLEY,
01/17/90	2120	(H)	GRUENBERG, FINKELSTEIN
01/18/90	2136	(H)	CO-SPONSOR ADDED: WALLIS
01/22/90	2159	(H)	CO-SPONSOR ADDED: ULMER

HJR 68

Urging the permanent appointment of an
Alaskan to the U.S. Court of Appeals for
the Ninth Circuit.

PRIME SPONSOR: JUDICIARY COMMITTEE

CURRENT STATUS: LEGIS RESOLVE 96 STATUS DATE: 07/07/90

JRN-DATE	JRN-PG		ACTION
01/19/90	2142	(H)	READ THE FIRST TIME - REFERRAL(S)
01/19/90	2142	(H)	STATE AFFAIRS, JUDICIARY
02/02/90	2262	(H)	STA RPT 4DP
02/02/90	2262	(H)	-ZERO FISCAL NOTE (H.STA) 2/2/90
02/22/90	2503	(H)	JUD RPT 6DP
02/22/90	2503	(H)	-PREVIOUS ZERO FISCAL NOTE (H.STA) 2/2
02/23/90		(H)	RULES TO CALENDAR 2/23/90
02/23/90	2535	(H)	READ THE SECOND TIME
02/23/90	2536	(H)	ADVANCED TO THIRD READING UNAN CONSENT
02/23/90	2536	(H)	READ THE THIRD TIME HJR 68
02/23/90	2536	(H)	PASSED Y28 N- Y6 A6
02/23/90	2540	(H)	TRANSMITTED TO (S)
02/26/90	2584	(S)	READ THE FIRST TIME - REFERRAL(S)
02/26/90	2584	(S)	JUDICIARY
05/02/90	3806	(S)	JUD RPT 3DP
05/02/90	3806	(S)	PREVIOUS H ZERO FN (H STA)
05/05/90	3927	(S)	RULES TO CALENDAR 5/5/90
05/05/90	4001	(S)	READ THE SECOND TIME

05/05/90	4001	(S)	ADVANCED TO THIRD READING UNAN CONSENT
05/05/90	4001	(S)	READ THE THIRD TIME HJR 68
05/05/90	4001	(S)	PASSED Y20 N-
05/05/90	4002	(S)	RETURN TO (H), TRANSMIT TO GOVERNOR NEXT
06/22/90	4396	(H)	11:40AM--5/25/90 TRANSMITTED TO GOVERNOR
07/24/90	4587	(H)	SIGNED BY GOVERNOR 7/7 LEGIS RESOLVE 96

HJR 69
CSHJR 69(FT)

Encouraging the United States government to include Aleut people and their blood relatives under future Native visa free travel agreements with the U.S.S.R.

PRIME SPONSOR: SPECIAL COMMITTEE ON FOREIGN TRADE COMMITTEE

CURRENT STATUS: LEGIS RESOLVE 103 STATUS DATE: 07/07/90

JRN-DATE	JRN-PG		ACTION
01/22/90	2156	(H)	READ THE FIRST TIME - REFERRAL(S)
01/22/90	2156	(H)	FOREIGN TRADE, STATE AFFAIRS
02/12/90	2381	(H)	FOR RPT CS(FT) NEW TITLE SDP
02/12/90	2381	(H)	-ZERO FISCAL NOTE (CED) 2/12/90
02/23/90	2528	(H)	STA RPT CS(FT) 4DP 2NR
02/23/90	2529	(H)	-PREVIOUS ZERO FN (CED) 2/12/90
03/01/90		(H)	RULES TO CALENDAR 3/2/90
03/02/90	2614	(H)	READ THE SECOND TIME
03/02/90	2615	(H)	FOR CS ADOPTED UNAN CONSENT
03/02/90	2615	(H)	ADVANCED TO THIRD READING UNAN CONSENT
03/02/90	2615	(H)	READ THE THIRD TIME CSHJR 69(FT)
03/02/90	2615	(H)	PASSED Y32 N- X7 A1
03/02/90	2620	(H)	TRANSMITTED TO (S)
03/05/90	2708	(S)	READ THE FIRST TIME - REFERRAL(S)
03/05/90	2708	(S)	INTERNATIONAL TRADE & TOURISM
04/05/90	3239	(S)	ITT RPT 3DP
04/05/90	3239	(S)	PREVIOUS H ZERO FN (DCED)
05/06/90	4027	(S)	RULES TO CALENDAR 5/6/90
05/06/90	4049	(S)	READ THE SECOND TIME
05/06/90	4049	(S)	ADVANCED TO THIRD READING UNAN CONSENT
05/06/90	4049	(S)	READ THE THIRD TIME CSHJR 69(FT)
05/06/90	4049	(S)	PASSED Y20 N-
05/06/90	4049	(S)	RETURN TO (H), TRANSMIT TO GOVERNOR NEXT
06/22/90	4396	(H)	11:40AM 5/25/90 TRANSMITTED TO GOVERNOR
07/24/90	4588	(H)	SIGNED BY GOVERNOR 7/7 LEGIS RESOLVE 103

HJR 70
HJR 70 AM

Encouraging the President, of the United States to select Alaska as the site for a future summit meeting between the United States and the Union of Soviet Socialist Republics.

PRIME SPONSOR: SPECIAL COMMITTEE ON FOREIGN TRADE COMMITTEE

CURRENT STATUS: LEGIS RESOLVE 102 STATUS DATE: 07/07/90

Alfred T. Goodwill	Oregon
Richard H. Chambers	Arizona
Stanley N. Barnes	California
Charles Merton Merrill	Nevada
Montgomery Oliver Koelsch	Idaho
Eugene Allen Wright	Washington
John F. Kilkenny	Oregon
Herbert Young Cho Choy	Hawaii
Robert Boochever	Alaska
Otto R. Skopil, Jr.	Oregon
James Robert Browning	Washington, D.C.
J. Clifford Wallace	California
Joseph Tyree Sneed	unclear
Proctor Ralph Hug, Jr.	Nevada
Thomas Tang	Arizona
Mary Murphy Schroeder	Arizona
Betty B. Fletcher	Washington
J. Jerome Farris	Washington
Harry Pregerson	California
Arthur L. Alarcon	unclear - California?
Cecil F. Poole	California
Warren J. Ferguson	California
Dorothy Wright Nelson	California
William C. Canby, Jr.	Arizona
William A. Norris	California
Stephen R. Reinhardt	California

Robert R. Beezer	Washington
Cynthia Halcomb Hall	California
Charles E. Wiggins	Washington, D. C.
Melvin Brunetti	Nevada
Alex Kozinski	Unclear - White House staff
John T. Noonan	Unclear
David R. Thompson	California
Diarmuid F. OScannlain	Oregon
Edward Leavy	Oregon
Stephen S. Trott	California
Pamela Ann Rymer	California

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BARCLAYS UNITED STATES NINTH CIRCUIT SERVICE

JUDICIAL BIOGRAPHIES

The following judicial biographies include all active and senior judges of the Ninth Circuit as of November 30, 1989.

Judicial Role in the Bar-Press Dialogue," *Trial Judges' Journal* (April, 1967); and "Code Pleading in Oregon in the Twenty-First Century?" 2 *Envtl. L.* 145 (1971). He was also twice the coauthor of a chapter on witnesses in the *Trial Book of the Oregon State Bar*.

He served in 1976-79 as Chairman of the American Bar Association Advisory Committee on Fair Trial and Free Press and on the ABA Task Force on Fair Trial and Free Press of the Standing Committee on Association standards for Criminal Justice.

Judge Goodwin is married to Mary Ellin Handelin and has four children.

Judge Goodwin was also a member of the Planned Parenthood Association of Portland from 1967 to 1969; The Eugene YMCA Board of Directors from 1955 to 1960; and the Salem Human Relations Commission from 1964-1969.

He is a former member of the House of Delegates of the American Bar Association, the American Law Institute and the American Judicature Society. In 1985 and 1986 he served as chairman of the ABA Section on Legal Education and Admissions to the Bar.

Judge Goodwin's chambers are in Pasadena, California.

Judge Barnes was active in California Republican politics, including the Los Angeles Republican Assembly, from 1932 to 1946.

Judge Barnes was named to the National Collegiate Football Hall of Fame in 1954, to the Helms Football Hall of Fame in 1960, and to the San Diego Hall of Champions in 1970. In 1971 he received the National Football Hall of Fame Distinguished Citizen Award. In 1975 he received the Berkeley Breakfast Club's Walter Gordon Award.

He is a member of the American Bar Association, the California Bar Association, the Los Angeles, San Francisco, the New York Bar Associations, and the Guam Bar Association. He was national president of the Federal Bar Association from 1954 to 1955 and chairman of the section of Judicial Administration of the American Bar Association 1966-67 and a member of the Judges' Adversary Committee to the A.B.A. Committee on Professional Ethics from 1957 to 1963.

As an attorney, he was a trustee of the Los Angeles Bar Association, and in 1971 was awarded the Price-Shattuck Award from that Association—its highest award. In 1973 he received the St. Thomas More Medallion from Loyola Law School in Los Angeles.

He was a member of the National Advisory Committee on Appellate Rules, from 1956 to 1966; and co-chairman of the Attorney General's National Committee to Study the Anti-trust Laws, from 1953 to 1955.

He is a member of the American Judicature Society, the Institute of Judicial Administration, the National Advisory Council Practicing Law Institute and the American College of Trial Lawyers.

Judge Barnes had three daughters with his first wife, the eldest of whom passed away. He married Elizabeth MacDonald on November 6, 1987. He enjoys anthropology and collecting masks.

from 1965 to 1966, and has been an occasional lecturer in professional responsibility at the University's Law School since 1950.

He was a member of the advisory board of editors of *Judicature* magazine from 1971 to 1974; and was coauthor of *State Trial Judge's Book*, published by West Publishing in 1966. He also wrote: "Courtroom Decorum and the Trial Process," *New York Law Journal*, July 31, 1968; and "Are Courts Restricting Freedom of the Press?" in *The Washington Newspaper*, February, 1965.

He is a member of Order of the Coif, Phi Delta Phi and Delta Upsilon. The Washington State Bar Association honored him in 1983 with its highest honor, the Award of Honor and Merit. In 1984, Judge Wright was honored by the Seattle-King County Bar Association with its Special Award for Distinguished Service. Also in 1984, he was honored by the Federal Bar Association of Western Washington, receiving its Memorial of Distinguished Judicial Service.

Wright married Esther Ruth Ladley and has two children.

He is a member of the American Bar Association, the Washington State Bar Association and the Seattle-King County Bar Association.

member of the Honorary Council of the Oregon Historical Society.

He received the Distinguished Service Award of the Oregon State Bar in 1981. In 1982, a fellowship in his name was established by the University of Notre Dame in its Law School. He was the subject of an Act of Congress renaming the Post Office in Pendleton, Oregon, as the "John F. Kilkenny United States Post Office and Courthouse." He also received the Distinguished Alumnus Award from the University of Notre Dame on December 21, 1984.

Judge Kilkenny is a former trustee of the University of Portland, the Oregon State Library and the Umatilla County Library. He was a member of the Oregon Board of Bar Examiners in 1951 and 1952.

Judge Kilkenny married Virginia Brannock and has two children. His chambers are located in Portland, Oregon.

man of the Juneau Planning Commission from 1964 to 1969; a member of Alaskans United from 1963 to 1966 (chairman, 1962); a member of the advisory board of the National Bank of Alaska, Juneau Branch, from 1963 to 1971; and the board of directors of the First National Bank of Juneau from 1957 to 1962. He has also been on the board of directors of the following organizations: Salvation Army, St. Ann's Hospital Board, and the Juneau Chamber of Commerce; president of the Rotary Club and a Boy Scout leader and council member.

Judge Boochever is married to Lois Collen Maddox and has four daughters. His chambers are located in Pasadena, California.

United States and Canada in 1970; and a member of the Board of Visitors of Willamette University in 1980. He was Oregon Legal Citizen of the Year in 1986.

Judge Skopil is a member of the American Bar Association, the American Judicature Society, the Oregon State and Marion County Bar Associations, the Maritime Law Association, the International Society of Barristers, and a founder of the Oregon Chapter of the American Leadership Forum.

In 1958 he became Clerk of the U.S. Supreme Court, remaining with the Court until his appointment to the Ninth Circuit bench in 1961.

He has been a member of the Judicial Conference of the United States since 1976, a member of its Committee on Court Administration from 1969 to 1971, and served as the chairman of its Subcommittee on Judicial Statistics from 1969 to 1971.

Judge Browning was a lecturer on federal antitrust laws at the New York University School of Law in 1953 and at Georgetown University Law Center in 1957-1958.

He is a member of the American Bar Association, the American Law Institute, the American Judicature Society (a director in 1972), The American Journal of Legal History (a member of the advisory board in 1960), the Institute of Judicial Administration, the Montana Bar Association, and the Federal Bar Association.

Judge Browning's chambers are in the Ninth Circuit's San Francisco headquarters.

Judge Wallace is the author of numerous publications, including "The Influence of the United States Constitution on Pacific Nations," 16 *Korean Journal of Comparative Law* 14 (December 1988); "Man Does Not Live By Law Alone," Introduction to *Crime and Punishment in Modern America* (The Institute for Government and Politics of the Free Congress Research and Education Foundation 1986); "Whose Constitution? An Inquiry into the Limits of Constitutional Interpretation," printed in *Still the Law of the Land? Essays on Changing Interpretations of the Constitution* 1-13 (Hillsdale College Press 1987); "Before the State and Federal Courts Clash," *American Bar Association Judges' Journal* 36 (Fall 1985); and "Book Review," 62 *Texas Law Review* 191 (1983) (reviewing C. Wright, "The Law of Federal Courts," 4th ed., 1983).

Judge Wallace's chambers are in the U.S. Courthouse in San Diego.

Judge Sneed's chambers are in San Francisco,
California.

Judge Hug is married to Barbara Van Meter and has three children. He enjoys snow skiing, water skiing, sailing, and tennis.

Judge Hug's chambers are in Reno, Nevada.

She is a member of the American Bar Association, and served on the Appellate Judges Conference, Judicial Administrative Division, and is a member of the Section on Labor Law. She also served as a Consultant to the Task Force on Appellate Procedures in compiling a manual of procedures for appellate courts. She worked with the Committee on Improvement of Appellate Practice and was a discussion leader at the 1975 San Diego Conference of Advisory Council on Appellate Justice. She is a member of the American Bar Association's Standing Committee on Federal Judicial Improvements.

Judge Schroeder is married to Arizona State University law professor Milton R. Schroeder, and has two children. She lives in Paradise Valley, Arizona, and works out of the United States Courthouse in Phoenix.

She is a member of the Federal, Arizona, Illinois, and District of Columbia Bar Associations, and the American Law Institute, the American Judicature Society, and the National and Arizona Associations of Women Lawyers.

Her chambers are located in Phoenix, Arizona.

Judge Farris is also a member of the Advisory Board of the National Center for State Courts, Appellate Justice Project; the State-Federal Judicial Council of the State of Washington; the American Bar Association; and Order of the Coif. He is a Fellow of the American Bar Foundation, where he also serves on the Executive Committee of the Board of Directors. He is currently serving as Vice-President of the Board of Regents of the University of Washington.

He served on the Board of Trustees of the Seattle-King County Bar Association in 1969 and was president of the Washington State Chamber of Commerce from 1965 to 1966. He is a former member of the board of directors of the Seattle Urban League.

Judge Farris is married to the former Jean Shy, and has two daughters. His chambers are located in the U.S. Courthouse in Seattle.

books by Fricke & Alarcon, titled *California Criminal Law* (10th edition), *California Criminal Evidence* (7th edition), and *California Criminal Proceedings* (7th edition).

Judge Alarcon has been an adjunct professor in criminal law at Loyola University Law School and a lecturer at the University of Southern California Law Center. He was also a faculty member of the California College of Trial Judges from 1967 to 1972, and for what is now the California Judicial College, from 1973 to 1981.

Judge Alarcon's chambers are in the United States Courthouse in Los Angeles.

Judge Alarcon married Sandra D. Paterson in 1979. They have three children.

Judge Alarcon was founder and first president of the Mexican-American Scholarship Foundation Assisting Careers in Law, and a founder and former board member of the Council on Mexican-American Affairs.

He is also a member of the Bar Association of San Francisco, and was a member of its Board of Directors from 1973 to 1975.

He is married to Charlotte Crump and has two children. His chambers are located in San Francisco.

lished by West Publishing in 1975. She delivered her paper titled "Maintaining an Independent Judiciary," *54 Cal. St. B.J.* 78 (1979), to the annual meeting of Judicial Attorneys of California at the 1978 State Bar Convention.

Judge Nelson has been a member of the boards of directors of the following organizations or businesses: the Federal Reserve Bank of San Francisco, from 1977 to 1980; Farmers Insurance Group, from 1974 to 1980; Southern California Edison Company, from 1977 to 1980; and the California Council for the Humanities in Public Policy, 1975.

She was a member of the Board of Visitors of the U.S. Air Force Academy, from 1976 to 1978; a delegate to the International Women's Conference in Mexico City, 1974; National Vice President of the Order of the Coif, from 1974 to 1976; member of the President's Commission on Pension Policy, 1979; member of Los Angeles Mayor Tom Bradley's Ad Hoc Committee on City Finances, Subcommittee on City Expenditures, from 1975 to 1976; and a member of the Committee to Consider Standards for Admission to Practice in the Federal Courts of the Judicial Conference of the United States, from 1976 to 1979.

Judge Nelson is married to Los Angeles Municipal Court Judge James F. Nelson and has two children. She enjoys swimming, tennis, gardening, camping, sailing, and fishing. Judge Nelson's chambers are located in Pasadena, California.

from 1976 to 1980. He was also a member of the American Association of University Professors.

He is a member of the the State Bar of Arizona and the Maricopa County Bar Association in Arizona.

His chambers are located in Phoenix, Arizona.

THE UNITED STATES NINTH CIRCUIT SERVICE

JUDICIAL BIOGRAPHY

Stephen R. Reinhardt
Circuit Judge
United States Court of Appeals
for the Ninth Circuit
Los Angeles, California



Judge Reinhardt was appointed to the Ninth Circuit of the United States Court of Appeals by President Jimmy Carter, and entered duty September 11, 1980.

He was born March 31, 1931, in New York City. Judge Reinhardt graduated *cum laude* from Pomona College in Claremont, California in 1951, and received his law degree from Yale University in 1954, Order of the Coif.

He served as First Lieutenant in the U.S. Air Force, from 1954 until 1956, in the Office of the General Counsel of the Department of the Air Force in Washington, D.C., and clerked for U.S. District Court Judge Luther Youngdahl in Washington, D.C. in 1956.

After admission to the California Bar in 1958, Judge Reinhardt became an associate with the Los Angeles firm of O'Melveny & Myers. In 1959 he joined and became a partner in a firm which became Fogel, Julber, Reinhardt, Rothschild & Feldman.

Judge Reinhardt was a member of the Los Angeles Police Commission from 1975 to 1980, and president of that body from 1978 to 1980. He was president of the Los Angeles Recreation and Parks Commission from 1974 to 1975.

Judge Reinhardt was a member of the California Advisory Committee of the United States Commission on Civil Rights from 1962 to 1973. He served as its Vice Chairman from 1965 to 1973.

He is a member of the American Bar Association, the State Bar of California, and the Los Angeles County Bar Association. From 1968 to 1972, Judge Reinhardt served as Democratic National Committeeman for California.

Judge Reinhardt has three children. His chambers are located in the U.S. Courthouse in Los Angeles.

JUDICIAL BIOGRAPHY

Robert R. Beezer
Circuit Judge
United States Court of Appeals
for the Ninth Circuit
Seattle, Washington



Judge Beezer was appointed to the Ninth Circuit of the United States Court of Appeals by President Ronald Reagan in 1984, and sworn in May 4 of the same year.

He was born July 21, 1928 in Seattle, Washington. He received a B.A. from the University of Virginia in 1951 and a LL.B. degree in 1956. He was a member of Phi Delta Phi.

After admission to the Washington Bar in 1956, Judge Beezer practiced law in Seattle, becoming a partner in the firm Schweppe, Krug, Tausend & Beezer.

He is a member of the American Bar Association, the Washington State Bar Association, the Seattle-King County Bar Association (President, 1975 to 1976), and a Fellow of both the American College of Probate Counsel and of the American Bar Foundation.

Judge Beezer has also served as an Alternate Member, Washington State Judicial Qualifications Commission, 1981-1984

Judge Beezer's chambers are in Seattle.

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THE UNITED STATES NINTH CIRCUIT SERVICE

JUDICIAL BIOGRAPHY

Alex Kozinski
Circuit Judge
United States Court of Appeals
for the Ninth Circuit
Pasadena, California



Judge Kozinski was appointed to the Ninth Circuit of the United States Court of Appeals on November 7, 1985 by President Ronald Reagan and entered duty on December 10, 1985.

Born July 23, 1950 in Bucharest, Rumania, Judge Kozinski immigrated to the United States at age twelve. He attended the University of California at Los Angeles, graduating *cum laude* in Economics in 1972. At UCLA Law School, he served as associate editor (1973-1974) and as managing editor (1974-1975) of the *UCLA Law Review*. He placed first in his law school graduating class in 1975 and graduated Order of the Coif.

Judge Kozinski began his legal career clerking for Judge Anthony Kennedy of the Ninth Circuit (1975-1976) and then for Chief Justice Warren Burger of the United States Supreme Court (1976-1977).

Judge Kozinski practiced law in Los Angeles with Forry, Golbert, Singer & Gelles, working in a corporate practice emphasizing securities, trade and immigration matters, from 1977 to 1979. He next engaged in appellate and Supreme Court practice at Covington & Burling in Washington, D.C. until 1981. During this time he served as a volunteer attorney for the Reagan-Bush campaign and later served as deputy legal counsel for President Reagan's Office of the President-Elect. In 1981, Judge Kozinski moved to the White House as assistant counsel in the Office of the Counsel to the President.

He served as Special Counsel to the Merit Systems Protection Board from 1981 until 1982, when he was named chief judge of the U.S. Claims Court in Washington, D.C.

Judge Kozinski is the author of "It Is a Constitution We Are Expounding: A Debate," 1987 *Utah L. Rev.* 977; "Taking the Fifth Seriously," *Harvard Salient*, Oct. 1987, at 6; "Ten Rules for the New Federal Practice," 31 *Fed. Bar*

News & Journal 16 (1984); "That Can of Worms: The Speedy Trial Act," 62 *A.B.A.J.* 862 (July 1976); and "A Market Oriented Revision of the Patent System," 21 *UCLA L. Rev.* 1042 (1974) and 6 *Pat. L. Rev.* 111 (1974).

He is a member of the American Law Institute, the California and District of Columbia Bars and the Federal Bar Association.

Judge Kozinski is married to Marcy J. K. Tiffany. They have three sons. His chambers are located in Pasadena.

Brookline, Massachusetts. He also delivered the Holmes lectures at Harvard and later published them as *Persons and Masks of the Law*. This jurisprudential study is complemented by his *The Antelope*, a study in judicial administration and Black history. He is also the author of a casebook on the development of religious liberty.

He is a winner of nine awards, including the prestigious Laetare Medal from Notre Dame University, and has received seven honorary degrees from universities in the United States and abroad.

His chambers are located in San Francisco.

JUDICIAL BIOGRAPHY

David R. Thompson
Circuit Judge
United States Court of Appeals
for the Ninth Circuit
San Diego, California



Judge Thompson was appointed to the Ninth Circuit of the United States Court of Appeals by President Reagan in October of 1985 and was confirmed by the Senate on December 16, 1985.

A native Californian, Judge Thompson was born December 26, 1930, in San Diego. From the University of Southern California he received his B.A. degree in 1952 and his LL.B. degree from the university's law school in 1955. He was admitted to the California Bar in 1956.

Following graduation from law school, Judge Thompson served in the United States Navy from 1955 until 1957.

Beginning in 1957, he practiced law in San Diego specializing in business litigation. His firms included Colton and Thompson, 1957-1960; Colton, Thompson and Thompson, 1960-1965; Thompson and Thompson, 1965-1970; Thompson and Crawford, 1970-1972; and Thompson, Crawford and Kellers, 1972-1974. He practiced as a sole practitioner from 1974 to 1976 and with Thompson and Thompson from 1976 until his appointment to the Ninth Circuit.

Judge Thompson comes from a prominent legal family in San Diego. His late father was a superior court judge in San Diego County and his brother Gordon Thompson is the Chief Judge of the United States District Court for the Southern District of California, located in San Diego.

He has been a member of the American Arbitration Association since 1966, and is a former vice-president and director of the San Diego County Bar Association.

Judge Thompson and his wife Arna Loree Thompson have three children. His chambers are located in San Diego.

and the Pepperdine Law School Board of Visitors, and a member of the Board of Directors of the Constitutional Rights Foundation. In 1988, the Los Angeles County Bar Association awarded her the Outstanding Trial Jurist Award.

She is the author of "High Road, Low Road — Legal Profession at the Crossroads," *Trial*, October 1989; "Integrity First," *Los Angeles Lawyer*, Vol. 11, No. 10 (1989); "Forward to the Past — Or, When Do Predicate Acts a Pattern Make," 4 *Trial Lawyers Section Newsletter* (1986); "A Trial Lawyer's Problem in Antitrust," *Association of Business Trial Lawyers*, February 18, 1976; and "The Economist as an Expert Witness in Antitrust Litigation," 52 *Los Angeles Bar J.* 114 (1976).

Judge Rymer's Chambers are in the U.S. Courthouse in Los Angeles.

HJR

13

HOUSE COMMITTEE REPORT

(7)
 Date Referred: March 18, 1992 FURTHER REFERRALS: Finance

Date of Committee Action: 3/25/92

The JUDICIARY Committee considered: HJR 13

HOUSE JOINT RESOLUTION NO. 13 RUN-OFF ELECTION: GOV. & LT. GOV.

Proposing amendments to the Constitution of the State of Alaska requiring that candidates for governor and lieutenant governor receive 40 percent of the votes cast to be elected, and changing the term of office of the governor and the lieutenant governor.

RECOMMENDATIONS:
 be replaced with CSHJR 13 (JUD); the same title
 a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Dee Donley</i>	<input checked="" type="checkbox"/>	<i>Mike Miller</i>		<input checked="" type="checkbox"/>	
<i>John Egan</i>	<input checked="" type="checkbox"/>	<i>Mark Hanley</i>		<input checked="" type="checkbox"/>	
<i>Kevin Pat Parnell</i>	<input checked="" type="checkbox"/>				
<i>Terry Martin</i>	<input checked="" type="checkbox"/>				

Dee Donley
 CHAIRMAN'S SIGNATURE

Revision Date: _____
 Title: Amendment to the Constitution-Gov. and Lt. Gov. receive 40% of votes for Election/Change of term
 Sponsor: Representative Kubina
 Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
 BRU: Division of Elections
 Component: 11 - Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for Datavote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing of an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director
 Division: Elections

Phone: 465-4611
 Date: 01/10/92

Approved by Commissioner: *Charles E. Thruston*
 Agency: Office of the Governor

Date: 01/10/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 13

Revision Date: January 9, 1992 Department Affected: Department of Law
 Title: "...amendments...requiring that candidates...receive 40% of the votes..." BRU: Legal Services
 Component: Operations
 Sponsor: Representative Kubina
 Requestor: House State Affairs COMPONENT SERIAL NO.

		9	3
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 9, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 9, 1992

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 13

House Joint Resolution No. 13 proposes amendments to the constitution of the State of Alaska that would require that candidates for governor and lieutenant governor receive forty percent of the votes cast to be elected. The amendments would also change the term of office of the governor and lieutenant governor from noon on the first Monday in December following the governor's election to noon on the first Monday in January following the governor's election. Last, the amendment provides that if no candidate receives forty percent of votes cast for governor, a runoff election between the two candidates receiving the greatest number of votes cast shall be held within forty-five days of the first election. If the resolution is approved by a two-thirds vote of each house of the legislature, the proposed amendments would be placed before the voters at the next general election. The resolution, which asks the voters to consider requiring that future candidates for governor receive a minimum of forty percent of the votes to be elected, should not cause a fiscal impact for the Department of Law.

Alaska State Legislature

Chairman
State Affairs
Committee

Legislative Council

Transportation
Committee



Representative Eugene Kubina

During Session:
State Capitol
P.O. Box V
Juneau, Alaska 99801
(907) 465-4859

During Interim:
P.O. Box 2463
Valdez, Alaska 99686
(907) 835-2111

HJR 13: Relating to Run-Off Election: Governor and Lt. Governor

Sponsor Statement

The Constitution of the State of Alaska has given the office of Governor tremendous strength and power. It is extremely important that the person chosen for this weighty position be selected and approved by a significant number of eligible voters. Our electoral system should provide the public with some assurance that their elected governor and lieutenant governor represent something close to a majority of the voters.

Due to the importance of this issue, I introduced a Constitutional Amendment, HJR 13, which would amend our Constitution by requiring candidates for governor and lieutenant governor to receive at least 45 percent of the vote to be elected. At this time, the candidate in the general election who receives the highest number of votes, regardless of percentage, is elected.

Only twice since Statehood has a governor been elected with over 50 percent of the vote. Since the time of Governor Egan, percentages have been declining and two governors have been elected with less than 39 percent of the vote. However, the average percentage in all of the gubernatorial elections has been 47.9 percent and therefore I feel that a 45 percent plurality is a reasonable and realistic electoral requirement.

With the continuing emergence of third parties in Alaska, there exists the possibility that under current law, a governor and Lt. governor could be elected by less than one third of the electorate. Considering the fact that our Constitution greatly empowers those offices, it would be a tremendous disservice to the citizens of Alaska to allow persons to govern them who do not have a clear mandate. Our most powerful government officials should be elected with broad public support and a 45 percent requirement is a means to that end.

— DISTRICT SIX —

• Chenega Bay • Chitina • Cooper Landing • Cordova • Hope • Moose Pass • Seward • Tatitlek • Valdez • Whittier •

(7)
Date Referred: January 25, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/16/92

The STATE AFFAIRS Committee considered:

HJR 13

HOUSE JOINT RESOLUTION NO. 13

RUN-OFF ELECTION: GOV. & LT. GOV.

Proposing amendments to the Constitution of the State of Alaska requiring that candidates for governor and lieutenant governor receive 40 percent of the votes cast to be elected, and changing the term of office of the governor and the lieutenant governor.

RECOMMENDATIONS:
be replaced with CS HJR 13 (STA) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) Div of Elections

APPROVES PREVIOUS: (Dept/Date) fiscal note(s) _____

zero fiscal note Dept. of LAW

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Eugene A. Kukena</i>				
<i>T. Onnora</i>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>				
<i>[Signature]</i>				

Eugene A. Kukena
Chairman's Signature

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

September 17, 1991

SUBJECT: Sectional analysis of HJR 13

TO: Representative Gene Kubina
Attn: Annie

FROM: John B. Gaguine *JBG*
Legislative Counsel

You have requested a sectional analysis of the above described resolution.

As a preliminary matter, note that a sectional analysis or summary of a resolution should not be considered an authoritative interpretation of the resolution, and the resolution itself is the best statement of its contents. If you would like an interpretation of the resolution as it may apply to a particular set of circumstances, please advise.

Section 1 amends article III, section 3 of the Alaska constitution to provide that the candidate for governor receiving the greatest number of votes must get at least 40% of the vote to be elected, or there is a runoff between the top two votegetters. Currently the candidate receiving the most votes is elected, regardless of the percentage of the vote that candidate has received.

Section 2 makes the governor's term of office begin on the first Monday in January following the gubernatorial election, rather than the first Monday in December. This change is necessary to accommodate a possible runoff election; if one were required, there would be no candidate elected by the first Monday in December.

Section 3 provides that the constitutional amendments proposed by the resolution be placed on the ballot, if approved by the legislature.

JBG:lmb
91-254.lmb

SECTIONAL ANALYSIS

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

DATE: October 29, 1991
TO: Representative Kubina
House Affairs Committee
FROM: Division of Elections
Office of the Governor
SUBJECT: Voting Statistics: 1958 - 1990

DATE/ GOVERNOR	VOTES CAST IN FAVOR	VOTES CAST	PERCENT CAST IN FAVOR
November 25, 1958 Egan	29,189	50,343	57.98025%
November 6, 1962 Egan	29,627	60,084	49.3093%
November 8, 1966 Hickel	33,145	67,361	49.20502%
November 3, 1970 Egan	42,309	82,405	51.34275%
November 5, 1974 Hammond	45,602	98,557	46.26967%
-- Recount	45,840	98,557	46.51115%
November 7, 1978 Hammond	49,580	129,705	38.2252 %
November 2, 1982 Sheffield	89,918	199,358	45.10378%
November 4, 1986 Cowper	84,943	179,555	47.30751%
November 6, 1990 Hickle	75,721	194,750	38.88112%

47.9 percent average

REPRESENTATIVE TOM MOYER

DISTRICT 19 • 119 N. CUSHMAN ST., SUITE 203 • FAIRBANKS, AK 99701 • (907) 456-8161
International Trade & Tourism, Chair • State Affairs, Vice Chair • Resources, Member

Averages of previous gubernatorial elections:

Previous 9	(1958 thru 1990)...	47.096%
8	(1962 thru 1990)...	45.735%
7	(1966 thru 1990)...	45.225%
6	(1970 thru 1990)...	44.561%
5	(1974 thru 1990)...	43.205%
4	(1978 thru 1990)...	42.379%
3	(1982 thru 1990)...	43.764%
2	(1986 thru 1990)...	43.094%
1	(1990)...	38.881%

ALASKA STATE LEGISLATURE • P.O. Box V • JUNEAU, AK 99811 • (907) 465-4930

Steele Creek/Gilmore • Steese East • Steese West • Goldstream • Ester • Ft. Wainwright • Two Rivers • Fox • Central • Livengood • Circle • Chotaniika

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 185-3991
Fax: (907) 103-3351

February 5, 1991

MEMORANDUM

TO: Representative Fran Ulmer
FROM: Gordon S. Harrison, Director *(GSH)*
RE: Majority Vote Requirement for State Elections
Research Request 91.083

You requested information about an electoral system which would require winning candidates for state office to receive a majority of the votes cast, rather than a plurality, as is now the case under state law. You asked several specific questions about a majority vote system.

Your specific questions are addressed in the second section of this memorandum. The first section provides general background information about plurality and majority electoral systems. This background information is intended to provide a measure of overall perspective on the subject of majority vote requirements, as well as details that supplement the otherwise brief responses to your questions.

BACKGROUND INFORMATION ON PLURALITY AND MAJORITY ELECTION RULES

With a few exceptions, most elections in the United States today are decided by a plurality of the votes cast at the polls--that is, the candidate receiving the highest number of votes is the winner, whether or not that number of votes is more or less than 50 percent. However, some elections (a few primaries in southern states, some municipal elections, and the election of some state officers in Georgia and Arizona) are conducted under a majority vote rule--a winning candidate must garner at least one more than half of the votes cast.¹ These majority rule elections require a runoff to determine the winner when no candidate receives a majority of the votes in the first round.

¹In the literature on this subject, a plurality is occasionally referred to as a simple majority. However, a simple majority is 50 percent plus one. A special majority (also called a supermajority) is a larger, specified percentage of the vote, usually two-thirds or three-fourths of the ballots cast.

Leg. Research

Plurality Election Systems

Despite the political ethos in the United States of "majority rule," we elect by a plurality system most of our public officials (and virtually all of our state officials). This voting system is typically used in combination with the single-member district method of representation, and the term "plurality system" is commonly understood to mean a plurality/single-member district system.

When only two candidates stand for election to an office, the plurality rule has the same result as a majority rule. But when more than two candidates vie for office, the plurality rule may result in the election of a candidate who does not receive a majority of the popular vote. The greater the number of candidates, the more likely that this will be the outcome. In a crowded election (as in many primaries, for example), the winner may receive less than 30 percent of the vote.

Furthermore, under the plurality rule in multicandidate elections, candidates with extreme positions occasionally prevail. This may occur if several candidates split the vote of the preponderance of the electorate which occupies the middle of the political spectrum. While this outcome is not necessarily the tendency in multicandidate elections conducted under the plurality rule,² its periodic occurrence usually attracts widespread attention and commentary.

Theorists analyze the democratic characteristics of electoral systems in terms of their relative probability of producing a winner who could defeat all of the other candidates in "pairwise" contests. This winner--called the "Condorcet" winner in the theoretical literature--is the candidate who is acceptable to the greatest number of people. The plurality rule is less likely than a majority vote system to produce the Condorcet winner in a multicandidate contest, and the more candidates in the contest, the less likely is the plurality voting method to produce the Condorcet winner.³

In view of its defects in multicandidate elections, why is the plurality rule used so extensively in the United States? The answer to this question may have many facets, but probably the most important one is to be found in the correlation that has long been recognized to exist between the plurality rule

²One such outcome to attract wide attention was the victory of conservative Democrat Mario Proccacino in the 1969 New York City primary. Proccacino won by a 33 percent plurality, and the remainder of the vote was split among four more liberal candidates. (In the general election, Proccacino was defeated by John Lindsay, who ran as a third-party candidate.)

³See P.C. Fishburn and W. Gehrlein, "An Analysis of Simple Two-stage Voting Systems," *Behavioral Science*, Vol. 21 (1976), and S. Merrill, "A Comparison of Efficiency of Multicandidate Electoral Systems," *American Journal of Political Science*, Vol. 28 (1984).

and a stable, two-party government. The plurality rule (together with single-member districts) has its origin in English political history, and it spread to this country in colonial days. In contrast to this Anglo-American system, the majority voting rule developed on the continent (notably in France), where it was widely adopted along with the system of proportional representation.

Proportional representation is the allocation of legislative seats among parties in direct proportion to the electoral strength of each party. Under this system, a minor party with, say, 15 percent of the popular vote, will acquire approximately 15 percent of the legislative seats. Proportional representation contrasts dramatically with the single-member district system, which is biased in favor of the majority party in the allocation of seats. While the strength of the bias depends on the geographical distribution of partisan voters, the single-member district ("winner take all") system usually results in a substantial over representation of the majority party in the legislative body. This bias of the system works to the detriment of the second strongest party, however it is devastating to third, fourth, fifth and whatever other minority parties may aspire to power.

Also, the plurality rule is thought to bolster the two-party system by encouraging voters to gravitate toward the two candidates most likely to prevail. Because the candidate who attracts the most votes takes the seat, votes are "wasted" if they are cast for a minority party. The plurality rule encourages bargaining among factions and various interests before the election in order to advance a candidate with the broadest possible electoral appeal; hence the tendency of the plurality rule to deter entry by third candidates (and third parties), and to limit contests to two serious candidates.

Political scientists and practical people of politics have long noted the relative stability of the political systems in America and Great Britain compared with those of major continental countries such as France and Italy. A dominant feature of the former is a competitive two-party system that accommodates the vast majority of voters; and a dominant feature of the latter is a highly fractured electorate organized in numerous small parties that coalesce into unstable ruling coalitions. The different electoral methods--the plurality/single-member district system on the one hand and the majority/proportional-representation system on the other hand--came to be regarded as largely responsible for the different party systems. Indeed, so convincing has the correlation been between the plurality/single-member election method and two-party systems that the relationship enjoys the status of a "law" of political science.⁴

Thus, the popularity and longevity of the plurality rule in the United States, despite its undemocratic idiosyncrasies, has to do in large part with its

⁴William H. Riker, "The Two-party System and Duverger's Law: An Essay on the History of Political Science." *American Political Science Review*, Vol, 76 (1982).