

STATE OF ALASKA
THE LEGISLATURE

1997

Source
SCS HJR 30(JUD)

Legislative
Resolve No.
27



Relating to the creation of a new United States Court of Appeals for the Twelfth Circuit.

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

WHEREAS the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

WHEREAS the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and the federal territories, possessions, and protectorates in the Pacific; and

WHEREAS United States Senators Stevens and Murkowski of Alaska, Senators Craig and Kempthorne of Idaho, Senator Smith of Oregon, Senator Burns of Montana, and Senator Gorton of Washington have introduced S. 431, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of Appeals Reorganization Act of 1997"; and

WHEREAS S. 431 proposes to remove the states of Alaska, Idaho, Montana, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon and Seattle, Washington; and

WHEREAS S. 431 would make each circuit judge of the Court of Appeals for the

Ninth Circuit whose duty station is in Alaska, Idaho, Montana, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

WHEREAS the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

WHEREAS the Court of Appeals for the Ninth Circuit's case filings in 1995 were greater than any other federal circuit and in 1996 were the second greatest; and

WHEREAS the Court of Appeals for the Ninth Circuit serves a population of more than 45,000,000 people, well over one-third more than any other federal circuit; and

WHEREAS members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

WHEREAS, in the so-called "Katie John" subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth Circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; and

WHEREAS Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

WHEREAS the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found previously that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth Circuit exist in regard to those states; and

WHEREAS the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington endorsed S. 965, introduced in the previous Congress to create a new Twelfth Circuit Court of Appeals and the forerunner to S. 431; and

WHEREAS the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Idaho, Montana, Oregon, and Washington by S. 431 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region;

BE IT RESOLVED that the Alaska State Legislature supports creation of a new Court

of Appeals for the Twelfth Circuit for the States of Alaska, Idaho, Montana, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner.

COPIES of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Dick Arney, Majority Leader of the U.S. House of Representatives; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orrin G. Hatch, Chair of the U.S. Senate Committee on the Judiciary; the Honorable Henry J. Hyde, Chair of the U.S. House Committee on the Judiciary; 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.