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Knowles Urged to Defend State Sovereignty **Council of State Governments-WEST Votes Support of Appeals**

(PALMER) - The Council of State Governments-WEST has called on Alaska Gov. Tony Knowles and all governors to appeal legal issues such as the Katie John subsistence lawsuit to the U.S. Supreme Court to defend against improper federal infringement on state sovereignty.

At the CSG-WEST's annual conference last week in British Columbia, CSG delegates unanimously passed a resolution objecting to the Ninth U.S. Circuit Court of Appeals' adverse ruling against Alaska in *John v. United States of America*, and calling on the "... governors of all states to fully uphold their sworn duty to defend their states sovereignty by vigorously defending to the United States Supreme Court, if necessary, their rights to manage navigable waters."

"The unanimous passage of this resolution reflects the level of concern felt by other Western states over the far-reaching effects of the *John v. U.S.* ruling," said Rep. Scott Ogan (R-Palmer). "This is a critical national issue. If allowed to stand, this federal court case law will affect all other states' rights to manage their submerged lands and state waters."

Ogan's assessment is supported by a letter recently sent to Gov. Knowles by Idaho Gov. Dirk Kempthorne, who is national president of the Council of State Governments and chairman of the Western States Governors Association. In his letter, Kempthorne said, "Idaho is concerned that the decision in *John v. U. S.* could open the door for further erosion of state sovereignty. The Ninth Circuit's failure to apply the clear statement doctrine to its preemption analysis threatens the sovereign authority of our states to determine the destiny of our waters."

Fourteen other states from the Atlantic to the Pacific filed *amicus* briefs in the *John v. U.S.* case supporting Alaska's case, underscoring their concerns over the threat to their sovereign authority, Ogan said. Those states are Idaho, Alabama, California, Delaware, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Utah, Washington, Wyoming and West Virginia.

Ogan, a member of the Legislature for seven years, and a member of Legislative Council for five years, began to question Knowles' resolve on the matter last session when Knowles' attorney general briefed the Legislative Council on the *John v. U. S. case*.

"Although Gov. Knowles has since 1994 promised to appeal to the U. S. Supreme Court, the attorney general suddenly indicated the governor had not yet firmly decided to do so, sending up big red flags for me," Ogan said. "The governor claims he has remained consistent in his stand on *John v. U.S.* But the only way his actions can match his words is for him to fulfill his promise to defend Alaska's sovereignty, and appeal the case to the U.S. Supreme Court. I look forward to an announcement that he will do so."

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ATTACHMENT: Text of CSG-WEST resolution