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Senator Robin Taylor

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Media Advisory

Sen. Taylor Questions Governor's Silence on Katie John

Sen. Robin Taylor (R-Wrangell) released the following statement today:

The U.S. 9th Circuit Court of Appeals recently affirmed the lower court decision in the matter of Katie John v. United States, allowing federal control of some of the state's navigable waters. The State of Alaska now has 90 days from the date of the decision on May 7, 2001, to appeal the decision to the U.S. Supreme Court, and if it fails to do so within the allowed time, the decision will stand.

Our state is currently in crisis. Our State Supreme Court has made a decision exactly opposed to the 9th Circuit Court's. We are bound by the State Supreme Court's decision, and the only way to resolve the legal limbo we are in is to appeal this decision to the U.S. Supreme Court.

In an article he wrote last March, Gov. Knowles said,

"No governor of any state would – or should – ever voluntarily relinquish this authority back to federal government. As Alaska's governor, I believe it is my clear responsibility, even in the face of a difficult political battle, to vigorously defend this important aspect of state sovereignty. And it remains my firm stand today as I appeal the same case to the 9th Circuit Court of Appeals, and to the Supreme Court if necessary."

Yet he has remained uncharacteristically silent on whether he intends to appeal this case to the U.S. Supreme Court.

When members of the Legislature have asked the governor and the attorney general directly if they plan to appeal this case, we have not received an answer. The time line within which to appeal will run out before the Legislature can meet again, so it is essential that we address this issue now, during special session.

Had the governor or the attorney general been willing to reconfirm the governor's specific commitment to appeal Katie John to the U.S. Supreme Court, no hearing would have been needed. Had the governor, the attorney general or one of their representatives merely walked down the hall and said to the committee that the appeal would be timely filed the whole process would have taken only a few minutes.

But neither the governor, who was in the building, nor the attorney general, who was not in the building, were available to meet with the Senate Judiciary Committee, and they did not authorize anyone in their offices to speak to us on their behalf.

The governor felt that passing HB 260 was so important that it couldn't wait until regular session, but required a special session. And he is the one who decided the date on which to hold this special session. Why would the governor and the attorney general not be present in the Capitol during this special session?

The members of the committee are disappointed that neither the governor nor the attorney general attended the hearing to give us some indication of what action the governor intends to take. We sincerely hope that the governor will keep his word and his commitment to Alaska and file this appeal.

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