

Independence should be an option

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COMMENT

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The union of Alaska with the United States is again safe, thanks to the vigilance of Lt. Gov. Sean Parnell and the Alaska Supreme Court. On Wednesday, Parnell refused to certify an initiative petition that would have asked Alaska voters whether the state should "seek changes in existing law and constitutional provisions to authorize ... independence from the United States."

Certification would have meant the group could try gathering the roughly 35,000 signatures needed to get their proposition on the ballot. I think they'd have about zero chance of that. According to Parnell, however, seeking changes in the U.S. and Alaska constitutions to allow independence is itself unconstitutional, and therefore something Alaskans can't be allowed to vote on, or even sign up for.

The petition Parnell trashed was submitted by Scott Kohlhass and 242 others, including Lynette Clark, chair of the Alaska Independence Party and a disciple of the late Alaska independence advocate Joe Vogler.

Most Alaskans would think the sponsors of such an outlandish idea must be some sort of wingnut. Wrong. According to those who know them, Kohlhass and Clark are nice people, and both were clearly rational when I talked with them last week. But in the last election, the Alaska Independence Party got 0.5 percent of the vote. The notion of Alaska independence is easily trivialized.

This is the second time the Kohlhass group has tried to get an initiative certified. In 2003, Parnell's predecessor, Loren Leman, threw out a similar petition. Kohlhass sued, taking his case to the Alaska Supreme Court.

The justices, after wrapping themselves in Old Glory, came down on Kohlhass like a Seward Highway avalanche. "When the forty-nine-star flag was first raised at Juneau, we Alaskans committed ourselves to that indestructible Union, for good or ill, in perpetuity. To suggest otherwise would disparage the republican character of the National Government."

So disparaging the character of the national government is now unconstitutional?

The logic of the court's opinion goes like this: Kohlhass wants Alaska independence; independence is the same as secession, which is unconstitutional; therefore the Kohlhass initiative is unconstitutional. The full opinion uses the words "secede" and "secession" 26 times; read it yourself at www.state.ak.us/courts/ops/sp-6087.pdf.

The hole in the court's logic is that the initiative does not seek secession; indeed, the proposition Kohlhass wants to gather signatures for never uses that word. Secession is a unilateral act, like South Carolina's 1860 withdrawal from the Union. What Kohlhass and his associates seek is a constitutional change, so Alaska -- with the consent of the people of Alaska and the U.S. -- can become independent.

A fanciful idea? Sure, but hardly dangerous, or an idea that Kohlhass and his crew shouldn't be allowed

to seek support for.

Ironically, it is an idea the people of Alaska voted to consider. In 1980, the Legislature put before voters a proposal for a commission to study and recommend "appropriate changes in the relationship of Alaska to the United States," including changes requiring "amendments to the constitutions of the United States and the State of Alaska." In the campaign, opponents and supporters agreed that independence would be among the options considered. Voters approved the proposition, and Gov. Jay Hammond convened the Alaska Statehood Commission a few months later. The commission elected Jack Coghill, a former delegate to Alaska's Constitutional Convention, as its chair.

Though it recommended against pursuing independence, the commission cautioned against unreasoning devotion to union: "We believe deeply that government exists only at the consent of the governed. If over a period of years Alaskans overwhelmingly endorsed independence, we feel that Americans could not deny Alaskans their liberty without losing touch with this, the most fundamental principle."

Kohlhass says his group plans to challenge Parnell's refusal to certify the petition. He thinks changes his group made after the courts struck down their first petition give them a stronger case. I wish him luck. I won't be signing his petition if he wins, but I should decide that, not five folks in black robes.

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