ANCHORAGE YOUTH ADVISORY COMISSION
YAC-R No. 2021-1

A RESOLUTION OF THE ANCHORAGE MUNICIPAL YOUTH ADVISORY
COMMISSION TO AMEND OR REPEAL ANCHORAGE MUNICIPAL ASSEMBLY
ORDINANCE 2021-117 IN ORDER TO PROTECT THE RIGHTS OF THE CITIZENS
OF ANCHORAGE, YOUNG AND OLD, AND UPHOLD THE UNITED STATE
CONSTITUTION AND THE PRINCIPLES ESTABLISHED IN THE ANCHORAGE
CHARTER.

WHEREAS, the United States Constitution 1st Amendment states “Congress shall make
no law […] abridging the freedom of speech, […] or the right of the people peaceably to
assemble, and to petition the Government for a redress of grievances.”

WHEREAS, the Constitution of the State of Alaska Article I Section 5 states “Every
person may freely speak, write, and publish on all subjects, being responsible for the
abuse of that right.”

WHEREAS, the Supreme Court of the United States has established the following
amendment prevents government from punishing speech and expressive conduct
because it disapproves of the ideas expressed. Cohen v. California (1971): the emotive
and cognitive elements of freedom of speech are protected if not directed toward
anyone, even if provocative. United States v. O’Brian (1968): a governmental regulation
is sufficiently justified only (1) if it is within the constitutional powers of the government;
(2) if it furthers governmental interest, which is (3) unrelated to the suppression of free
expression and (4) if the government’s interest outweighs the suppression of speech.

WHEREAS, the Ninth Circuit has established the following precedent regarding
freedom of expression withing local governmental meetings. White v. City of Norwalk
(1990): city councils can regulate the time, place, and manner of speech as well as the
speech’s content in a limited public forum, so long as the restrictions are reasonable
and viewpoint neutral. As the removal of individuals from a meeting is exercising
executive power rather than legislative power, council members are not granted legal
imunity.
WHEREAS, the Constitution of the State of Alaska Article X Section 9 states “All charters, or parts or amendments of charters, shall be submitted to the qualified votes of the borough or city, and shall become effective if approved by the majority of those who vote of the specific question.” Additionally, Article X Section 11 states “A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.”

WHEREAS, by the Constitution of the State of Alaska Article XII Section 5 as well as Anchorage Municipal Code Chapter 1.35.010(A)(B) states that Anchorage Assembly members have taken and subscribed to the following oath of office: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska and the Charter of Anchorage, and that I will faithfully perform the duties of ___________ to the best of my ability."

WHEREAS, AO 2021-117 causes AMC 2.30.020(3)(4) and AMC 2.30.055(B) to be in violation of Supreme Court and Federal Court precedents on the freedom of expression as well as the freedom of symbolic speech.

WHEREAS, the Anchorage Charter Preamble states “We, the people of Anchorage, in order to eliminate waste and duplication in government, to achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum local control of local affairs, hereby establish this Charter.”

WHEREAS, any infringement of Anchorage’s founding principles within Anchorage Municipal Code is a violation of the Constitution of the State of Alaska Article X Sec. 9.

WHEREAS, AO 2021-117 causes AMC 2.30.065 (5) contradicts the vital democratic principle of preserving minority opinions, outline in Federalist 51, through preventing public hearings to be reopen without a majority vote.

WHEREAS, AO 2021-117 specifically deviates AMC2.30.020(8)(9) and AMC2.30.055(H) to contradict longstanding procedures within Robert’s Rules of Order to authorize executive power for the chair of a legislative body.

WHEREAS, the Youth Advisory Commission takes great concern in the suppression of public testimony and symbolic expression within the Anchorage Assembly chambers as this new policy will likely differ youth from attending and having their opinions heard verbally and/or nonverbally.

WHEREAS, the Youth Advisory Commission desires a local government which is responsive to all forms of expression no matter age, political attire, cultural traditional, religious beliefs, etc.

WHEREAS, the Youth Advisory Commission find the procedural alterations which reflect the practices of the Assembly according to Robert’s Rules of Order, Revised, serve as a benefit to the efficiency of government and should be maintained in AMC.
WHEREAS, the Youth Advisory Commission seeks to work in collaboration with the Anchorage Assembly to promote youth involvement in government through any form of participation to including attending Assembly Meetings, verbally testifying, and expressing beliefs symbolically.

Now, therefore by the Youth Advisory Commission, be it resolved:

1. The Assembly will amend AO 2021-117 with revisions considering the current legal fallacies which were highlighted within this resolution while maintaining the necessary procedural updates;

2. If unable to properly remedy the current violations of the United States Constitution, Alaskan State Constitution, and Anchorage Municipal Charter, the Anchorage Municipal Assembly will rescind AO 2021-117 to reestablish civil dialogue, debate, and testimony for the benefit of the Municipality of Anchorage.