

Essay Question No. 7

Answer this question in booklet #7

In response to several terrorist attacks on airports around the country, the Alaska legislature passed legislation requiring the governor to improve security at the state's airports. The legislation authorized the state to adopt the necessary regulations to implement the statute's goal. The governor instructed the Department of Transportation and Public Facilities, which oversees airports, to draft regulations providing for the use of security guards at the airports. The Department adopted the regulations following proper procedures.

One of the Department's new regulations established a temporary half-mile security zone around every airport in the state. The regulation prohibited the occupation of any building within the security zone unless the occupation was related to airport business.

Harbortown is a small remote town in the Aleutian Islands. It is accessible only by plane or boat. There is regular passenger air service but no passenger marine service. The airport is located several miles outside of town. Most of the residents live in town itself, but a few live in the vicinity of the airport.

John Smith is a resident of Harbortown. He makes his living as a guide for tourists who come to look at birds and seals during the short but lucrative summer season. His house is within the new half-mile security zone.

State security guards arrive in Harbortown just before the start of the tourist season to review the security and safety of the local airport. After reviewing the situation, the officer in charge orders Smith to move out of his house for six months. The officer will allow Smith time to pack his clothes and personal items, but he will not allow Smith to move some of the equipment that he uses during his guiding. Smith becomes agitated, and during the course of his ranting, he tells the officer that all good citizens should resist the state's outrageous actions. As a result, the officer becomes concerned that Smith might be a security threat. The officer tells Smith that he is no longer allowed on airport property at all. The next day, Smith makes a reservation to fly out of Harbortown, but the guards will not let him on airport property to board his flight.

Discuss any claims under the Alaska Constitution that Smith might have against the State of Alaska.