

# STATE OF ALASKA

**SARAH PALIN, GOVERNOR**

## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

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October 23, 2008

Nadine Lefebvre, President - Juneau NOW  
Patricia Macklin, Board President - NOW  
PO Box 23036  
Juneau, AK 99802

Joan Cahill, Board - NCADD of Juneau  
211 4<sup>th</sup> Street, Suite 102  
Juneau AK 99801

Dear Ms. Lefebvre, Ms. Macklin and Ms. Cahill:

This is in response to a petition which was delivered to my office on October 20, 2008, urging the department to expel the "Men's Crisis Center" from the state's Adopt-A-Highway litter control program, remove the group's sign currently located on North Douglas Highway within the City and Borough of Juneau and ensure that groups such as the "Men's Crisis Center" never again be allowed to participate in the program.

After reviewing your petition, I have determined that the group's sign cannot be removed based solely upon your claim.

My decision in part, is based on an actual March 5, 2001 U.S. Supreme Court case in which a decision was handed down in favor of the Ku Klux Klan following a suit brought against the State of Missouri Department of Transportation, which tried to forbid the group from the same program in that state. The issue at hand in the case referred primarily to First Amendment rights.

However, your petition did bring to the surface a need for my regional program administrators to immediately review the litter pick-up history of program participants to ensure they are meeting their current obligations under the program. One commonly overlooked program requirement is the obligation participants accept to clean their adopted section of highway a minimum of three times per year.

I am having those administrators review all participating group's sign in logs to ensure that terms of the participation agreement have been met this calendar year. Those groups not in compliance will be sent letters indicating that continued nonconformity will result in expulsion from the program and sign removal.

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I am sorry that the department cannot act on your request. However, please understand that we are bound by the prior court decision that does not allow us to discriminate participation in the plan based on the ideology of the requesting group, regardless of how offensive the group may be to others. I understand and appreciate your concerns, but please realize that we have little or no choice in this matter because of the prior legal precedent.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leo von Scheben', written in a cursive style.

Leo von Scheben, P.E., L.S., M.B.A.  
Commissioner

cc: Saralyn Tabachnick, M.Ed  
AWARE, Inc.  
P.O. Box 20809  
Juneau, AK 99802