

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

MY NAME IS ROY MADSEN FROM KODIAK. MY FATHER WAS A DANISH IMMIGRANT AND MY MOTHER WAS OF RUSSIAN AND SUGPIAQ ALUTIIQ HERITAGE. I WAS BORN IN 1923 IN KANATAK, A VILLAGE THAT NO LONGER EXISTS ON THE ALASKA PENINSULA.

I GRADUATED FROM LAW SCHOOL IN OREGON IN 1953 AND WAS ADMITTED TO PRACTICE THERE 61 YEARS AGO. . IN 1961 I RETURNED TO ALASKA AND WAS ADMITTED TO THE ALASKA BAR IN 1962, OPENING A PRIVATE PRACTICE IN KODIAK.

THIRTEEN YEARS LATER IN 1975 I WAS APPOINTED BY GOVERNOR JAY HAMMOND TO THE ALASKA SUPERIOR COURT BENCH IN KODIAK AND SERVED 15 YEARS BEFORE RETIRING. TO DATE, I AM THE ONLY PERSON OF ALASKA NATIVE HERITAGE TO HAVE SERVED ON OUR STATE'S SUPERIOR COURT BENCH.

OVER TIME UNTIL BEING APPOINTED TO THE KODIAK SUPERIOR COURT SEAT, IN ALL I APPLIED FOR FOUR DIFFERENT ALASKA JUDICIAL POSITIONS, THOSE BEING A SUPERIOR COURT SEAT, THE COURT OF APPEALS, THE SUPREME COURT, AND THE KODIAK COURT POSITION WHEN IT WAS CREATED BY THE LEGISLATURE. FOR ALL THESE I APPEARED BEFORE AND WAS INTERVIEWED BY MEMBERS OF THE ALASKA JUDICIAL COUNCIL. I KNEW NONE OF THEM, NEITHER THE LAWYER NOR CITIZEN MEMBERS OF THE COUNCIL. MY NAME WAS FORWARDED TO THE GOVERNORS EACH OF THESE FOUR TIMES.

AS A CASE IN POINT ON THE ISSUE BEFORE THIS COMMITTEE OF ENSURING A FAIR REPRESENTATION OF ALASKA CITIZENRY ALONG WITH MEMBERS OF THE ALASKA BAR ON THE JUDICIAL COUNCIL, I RELATE AN EXPERIENCE OF MY OWN REGARDING JUDICIAL SELECTIONS.

WHEN I APPLIED FOR THE NEW KODIAK POSITION, MY NAME WAS FORWARDED ALONG WITH OTHERS TO THEN GOVERNOR KEITH MILLER, WHO WAS RUNNING FOR THE GOVERNOR POSITION, AS GOVERNOR WALTER HICKEL HAD RESIGNED TO BECOME UNITED STATES SECRETARY OF THE INTERIOR. GOVERNOR MILLER'S OPPONENT IN RUNNING FOR GOVERNOR WAS WILLIAM EGAN.

ONE DAY A REPRESENTATIVE OF THE GOVERNOR CALLED ME UP AND TOLD ME GOVERNOR MILLER WAS COMING TO KODIAK AND WAS GOING TO ANNOUNCE AT A LUNCHEON THAT HE WAS APPOINTING ME TO THE KODIAK BENCH. THIS PERSON THEN STATED TO ME I SHOULD UNDERSTAND THAT MR. MILLER NEEDED ALL THE HELP HE COULD GET TO BECOME ELECTED. I REPLIED THAT "I'M SORRY I COULD NOT BE OF ANY HELP" TO HIM BUT THAT I WOULD BE WILLING TO SIT AT THE HEAD TABLE WITH HIM WHEN HE MADE THE ANNOUNCEMENT AND THAT'S ALL I WOULD BE ABLE TO DO.

CONSEQUENTLY, I WAS NOT INVITED TO THE LUNCHEON, IF THERE WAS ONE, AND GOVERNOR MILLER ANNOUNCED THE APPOINTMENT OF ONE OF THE OTHER CANDIDATES FOR THE KODIAK POSITION. IT WAS LATER I WAS APPOINTED BY GOVERNOR HAMMOND TO THE KODIAK BENCH.

TO ME, THIS POINTS OUT THAT IF THERE ARE ANY POLITICS INVOLVED IN FILLING SEATS ON THE BENCH, IT COMES FROM A GOVERNOR MAKING THE APPOINTMENT, NOT THE JUDICIAL COUNCIL AS PRESENTLY COMPRISED.

WHEN I RETURNED TO ALASKA IN 1961, I WAS VERY PROUD THAT OURS WAS ONE OF THE FEW STATES THAT HAD A PRIMARILY NON-POLITICAL WAY OF SELECTING JUDGES, AND I STILL AM. THIS IS COMPARED TO STATES LIKE OREGON AND WASHINGTON WHERE JUDGES HAVE TO RUN FOR ELECTION WHICH MEANS THEY HAVE TO HAVE A CAMPAIGN MANAGER AND SOLICIT CAMPAIGN CONTRIBUTIONS FROM MEMBERS OF THE PUBLIC AND THE BAR, WHICH RESULTS IN A CONFLICT OF INTEREST.

I FELT THAT MEMBERS OF THE JUDICIAL COUNCIL TREATED ME FAIRLY AND POLITELY ON ALL FOUR OCCASIONS THAT I CAME BEFORE THEM. NO ONE CAN QUESTION THE DIVERSITY OF OUR ALASKA COURT SYSTEM, WE HAVE HAD MANY WOMEN JUDGES, AN AFRICAN AMERICAN, AN HISPANIC, AN ASIAN, AND MYSELF, OF ALASKA NATIVE HERITAGE.

THE FRAMERS OF OUR STATE CONSTITUTION GAVE US A PROCESS FOR JUDICIAL SELECTIONS WHICH STANDS OUT, IT HAS RESULTED IN DIVERSITY ON OUR COURTS, IT HAS WORKED FOR FIFTY-FIVE YEARS AND I DON'T BELIEVE WE CAN IMPROVE ON IT. WHY CHANGE SOMETHING THAT IS NOT BROKEN?

THANK YOU.


ROY MADSEN

MARCH 31, 2014