

## Daniel George

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**From:** Barbara Hood <middlerockraven@gmail.com>  
**Sent:** Wednesday, February 18, 2015 10:01 PM  
**To:** Sen. Bill Stoltze  
**Subject:** Please Oppose SJR 3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sen. Stoltze,

As an Anchorage small business owner for over 20 years and a retired attorney, I'm strongly opposed to SJR 3, the effort to amend Alaska's constitution to change the composition of the Alaska Judicial Council. As an attorney, I understand that insulating the judicial branch from increased political influence is essential if we are to protect fair and impartial courts. As a business owner, I appreciate the need for courts to be balanced and independent, and to ensure consistent decision making in accordance with the rule of law. Both interests are poorly served by the proposed changes, and would in fact be seriously undermined. Our judicial selection and retention system has worked well for half a century and is not broken.

Please vote against this ill-advised proposal.

Thank you,

Barbara Hood  
10161 Middlerock Road  
Anchorage, AK 99507

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## Daniel George

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**From:** Tom <tom082009@gmail.com>  
**Sent:** Friday, February 20, 2015 11:05 AM  
**To:** Sen. Pete Kelly; Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Bill.Wielechowski@akleg.gov  
**Cc:** Rep. David Guttenberg  
**Subject:** SJR 3

Dear Senator Kelly and members of the Senate State Affairs Committee:

Please Do Not Pass SJR 3. My personal experience argues that they produce well qualified candidates.

When I worked for Tony Knowles, I participated in interviews of judicial nominees with the Governor whenever they were from Fairbanks and we saw well qualified candidates of all supposed ideologies.

For example, for a Superior Court opening, among the three names forwarded by the Council, one was a known 'conservative' District Court judge. The Governor did not choose him, nor did he choose him for a second opening later on. Time passed and his name was forwarded for a third opening. This time, the Governor and the judge were on casual speaking terms during the interview and the candidate said in effect, 'I guess you will never appoint me, I'm too conservative.'

However, the Governor told the judge he was selecting him because he was the most qualified among the three, explaining that on the two previous occasions, there were simply better qualified candidates and that his supposed ideology had nothing to do with it.

The arguments for SJR 3 ignore the fact that the council has consistently done precisely what it is asked to do: produce high caliber nominees. The evidence is the public's voice of inarguably high judicial retention vote rates.

I have great confidence they will continue to do so.

Thank you for your consideration.

Tom Moyer, Fairbanks

Governor's Office 1995-2002



## Daniel George

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**From:** Nicole Borromeo <nborromeo@nativefederation.org>  
**Sent:** Tuesday, February 24, 2015 3:48 PM  
**Cc:** Julie Kitka  
**Subject:** SJR 3, Alaska Judicial Council  
**Attachments:** AFN Judicial Council Letter.docx; AFN Reso. 14-37[1].pdf

Dear Alaska State Legislator,

Please find attached a letter from Alaska Federation of Natives President Julie Kitka urging you to oppose Senate Joint Resolution 3, Alaska Judicial Council, along with a resolution from our 2014 Annual Convention requesting the same.

As you may know, AFN is the largest statewide Native organization in Alaska, and our annual convention is the largest representative gathering of Native peoples in the United States. Each October more than 3,500 voting delegates gather in Anchorage or Fairbanks to adopt policy guidelines and advocacy statements for AFN for the coming year through our resolution process. At our 2014 Convention, the delegates unanimously passed attached Resolution 14-37, 'A Resolution Supporting Alaska's Current System of Selection and Retention of State Court Judges.'

If you have any questions about the content of the letter or require clarification on the resolution, please contact Ms. Kitka or me directly. AFN looks forward to providing public testimony on SJR 3 as the resolution moves through your respective committees.

Kind Regards,

Nicole

**Nicole Borromeo**

General Counsel

Alaska Federation of Natives

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February 24, 2015

Sent Via Electronic Mail

Members of the 29th Alaska State Legislators

Re: Senate Joint Resolution 3, Alaska Judicial Council

Dear Legislator:

The Alaska Federation of Natives' membership – which includes 165 federally recognized tribes, 146 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs – stands in strong opposition to Senate Joint Resolution 3, which proposes amending Alaska's Constitution to double the number of gubernatorial appointees on the Alaska Judicial Council and requiring all Council members to be confirmed by the Alaska State Legislature.

The founders of the Alaska Constitution structured the Council to insure the impartiality and independent nature of the Judiciary, a co-equal form of government with the Governor and the Legislature. The Council includes three members chosen by the Governor, three attorney members selected by the Board of Governors of the Alaska Bar Association, and the Chief Justice of the Alaska Supreme Court, who votes only to break ties. The Council conducts an exhaustive review of candidates for judgeships, receives public comment through a variety of venues and nominates the most highly qualified applicants to the Governor, who makes the final appointment.

This system has served Alaska well for over 50 years and has provided a state judiciary where Alaskans can feel confident that only the most qualified and most impartial individuals will ascend to a judgeship. Alaska has one of the least politicized state judicial selection and retention systems in the nation, one where judges are not beholden to political influence, but have a sole commitment to supporting the rule of law.

The changes proposed by SJR 3 would allow a Governor to appoint a majority of Council members and would allow the Legislature to approve all members; thus giving the Executive and Legislative branches undue influence over the Judicial branch and undermining the checks and balances that form the foundation of our democracy.

The system is not broken. It has served Alaskans well. It is for these reasons that the voting delegates to the 2014 Annual AFN Convention approved the enclosed Resolution 14-37, 'A Resolution Supporting Alaska's Current System of Selection and Retention of State Court Judges.' On behalf of AFN, I strongly urge you to oppose SJR 3.

Sincerely,  
ALASKA FEDERATION OF NATIVES

Julie Kitka  
President



Alaska Federation of Natives  
2014 Annual Convention  
Resolution 14 - 37

- TITLE:** A RESOLUTION SUPPORTING ALASKA'S CURRENT SYSTEM OF SELECTION AND RETENTION OF STATE COURT JUDGES
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 165 federally-recognized tribes, 146 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The Alaska Judicial Council (AJC) is an independent citizens' commission established by the Alaska Constitution to screen applicants for judicial vacancies, nominate the most qualified applicants for appointment by the governor, evaluate the performance of sitting judges, recommend to voters whether judges should be retained, and conduct research related to the administration of justice in Alaska; and
- WHEREAS:** The Alaska Constitution provides that the AJC shall have seven members, including three attorneys appointed by the Alaska Bar Association, three non-attorneys appointed by the governor and confirmed by the legislature, and the Chief Justice of the Alaska Supreme Court, who acts as the chairperson; and
- WHEREAS:** Through the AJC process the Alaska Constitution created a merit-based system for appointing judges while retaining accountability to the voters, and this Alaska system is widely considered to be one of the best state judicial selection processes in the United States; and
- WHEREAS:** AFN does not support any amendments that would change Alaska's merit-based system for selecting judges into a partisan political process controlled by the governor and in the long term would inevitably diminish the quality and fairness of the state judiciary; and
- WHEREAS:** Alaska Native Tribes, tribal organizations, and individual Alaska Natives subjected to Alaska's civil or criminal judicial system are best served by an independent state judiciary, selected on merit.
- NOW THEREFORE BE IT RESOLVED** that the delegates of the 2014 Annual Convention of the Alaska Federation of Natives support Alaska's current system of selection and retention of state court judges; and
- BE IT FURTHER RESOLVED** that the Alaska Federation of Natives opposes any attempt to amend the Alaska Constitution to alter the composition of the Alaska Judicial Council to politicize the judicial selection process; and

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: Bristol Bay Native Corporation, Bristol Bay Native Association, Aleut Corporation, CIRI  
COMMITTEE ACTION: DO PASS  
CONVENTION ACTION: ADOPT

