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April 29, 2026

Senator Matt Claman, Chair
Alaska State Senate Judiciary Committee
Alaska State Capitol
Juneau, Alaska 99801

Senator Scott Kawasaki, Chair
Alaska State Senate State Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801

Representative Andrew Gray, Chair
Alaska State House Judiciary Committee
Alaska State Capitol
Juneau, Alaska 99801

Dear Chairmen Claman, Kawasaki and Gray:

I submit this letter as written testimony to oppose the confirmation of Stephen J. Cox for the office of Attorney General.

I began my career as an attorney in the Alaska Department of Law and served under six attorneys general of both parties before having the honor to serve in that capacity under Governors Hickel and Knowles. I have also worked with several of my successors, some of whose politics and policies did not align with my own, but whose commitment to serving Alaska was never in doubt. In no case did I feel compelled to speak against the confirmation of any cabinet officer, attorney general or otherwise. Sadly, I do so today in opposition to the confirmation of Attorney General Cox.

The Attorney General of Alaska must be the state's chief legal officer, not its chief culture warrior. The position demands sound judgment, independence from partisan and private interests, respect for Alaska's constitutional framework, and a disciplined sense of when the power of the office should – and should not – be used. I do not know Mr. Cox personally, but because of my propriety interest in the activities of the Department of Law, I have followed his performance closely. Mr. Cox's conduct falls short of what the public should expect and what the office itself demands.

I begin with Mr. Cox's decision to challenge the *Katie John* line of cases once again. In *U.S. v. Alaska* (the Kuskokwim subsistence litigation), the Supreme Court denied Alaska's petition for certiorari on January 12, 2026. In the courts below, the district court and then the Ninth Circuit

upheld federal authority under ANILCA to enforce a rural subsistence priority on the Kuskokwim River, explicitly reaffirming the *Katie John* decisions and enjoining the State from actions that interfere with federal implementation of that priority. Nevertheless, General Cox petitioned the Supreme Court in September 2025 to reverse the Kuskokwim rulings and to dismantle the *Katie John* framework. The Supreme Court's denial of cert without explanation, thereby ending the case and leaving *Katie John* not only intact but freshly vindicated by a final rebuff from the only court that could have altered it. It is a disservice to all Alaskans to raise expectations that yet another run at the federal appellate courts would somehow result in a different outcome. The only beneficiaries of this case were the outside lawyers who represented the state.

It is customary for attorneys general around the country to seek amicus support from their colleagues in cases that raise issues of common concern. Traditionally, that support has been in the fields of consumer protection and anti-trust. In each case, the joining attorney general affixes his name and the credit of his state onto the cause. During my tenure, I personally reviewed each request and signed on to no more than 3 or 4 a year. In his first seven months in office, Mr. Cox has participated in over 110 cases, some before the Supreme Court and others in federal courts around the country.

In each case, the signature and imprimatur of the State is an expression of the state's official policy, though I suspect that many of his expressions do not represent either the views of the executive, the legislature or the people of Alaska.

Over his signature, the State of Alaska is now on record as:

- Opposing birthright citizenship
- Opposing mandatory immunization for communicable diseases
- Opposing judicial review of the Secretary of Homeland Security's termination of Temporary Protected Status for immigrants
- Supporting the US Secretary of Education's denial of funding to NYCity's magnet schools because of the latter's DEI policies
- Supporting nursing home arbitration agreements despite federal rules that condition federal funds on facilities not requiring arbitration agreements as a condition of admission.
- Supporting the State of Texas' mid-decennial redistricting efforts
- Supporting the President's removal of Lisa Cook as a governor of the Federal Reserve

I feel compelled to comment particularly on his decision to oppose birthright citizenship. Whatever one's view of national immigration policy, this position has profound implications for Alaskans and their families, including those in military service, on temporary work visas, or in mixed-status households. It invites the creation of a hereditary underclass of U.S.-born children whose status is perpetually uncertain, in direct tension with the inclusive, forward-looking values embodied in Alaska's own constitution. There was no Alaska-specific legal necessity that compelled our Attorney General to weigh in on this national controversy in this way.

That case stands in contrast to one in which Alaska had a specific and compelling reason to participate: *Watson v. Republican National Committee*, No. 24-1260. Here the Republican

Party challenged Mississippi's law that allowed absentee ballots received shortly after election day to count so long as they were postmarked by election day. Alaska's law has similar provisions deeply ingrained in our election system and especially critical to voter participation, particularly in remote areas of the state. But rather than align in support of Mississippi's position and champion Alaska's absentee ballot procedures, the attorney general merely sought "clarity" on the rules, concluding specifically: "While it is clear when a ballot is "cast" in Alaska (meaning that the vote cannot be changed), when certain ballots are actually "received" is open to different interpretations, especially given the connectivity challenges for Alaska's far-flung boroughs." His failure to forcefully defend Alaska's election system was a gaping abdication of responsibility.

The office of Attorney General should not be a platform for one person's ideological brand – whether on the right or on the left. When the State speaks in federal appellate courts and the United States Supreme Court, it should be because Alaska's people have something at stake, not because the Attorney General is eager to sign onto the latest amicus brief circulating in national partisan networks. Mr. Cox's pattern of engagement suggests that he views the job primarily through the lens of those national networks rather than through Alaska's distinct needs as a state.

To his credit, General Cox has used his consumer protection powers to go after six crowdfunding platforms for creating donation pages for charities without their knowledge or consent. On the other hand, he announced to the Federalist Society in October his intent to use his consumer protection powers as part of Alaska's "whole of government" counter-China initiative, aiming to coordinate criminal, civil, consumer, procurement, and infrastructure tools to address Chinese-linked risks he sees in efforts to surveil Americans, obtain sensitive data, and steal intellectual property. This is a remit that better belongs with federal authorities and not with the state of Alaska. It also stands in contrast to the first Trump Administration's and the state government's efforts to engage China in the financing of the trans-Alaska gas pipeline.

Mr. Cox has had a disturbing habit of trying to compel behavior through press releases and communications with enterprises that he simultaneously releases publicly. It is a strategy that appears intended to draw maximum attention to him, but undercuts confidence in both his judgment and the likelihood of favorable resolution.

In response to Chugach Electric's "Cents for Community" round-up program, in which customer bills are rounded up and the difference is donated to a community fund unless a customer opts out, he issued a high-profile consumer alert and denounced the program as a form of "compelled subsidy" raising "serious First Amendment concerns." He warned broadly against "automatic charitable billing programs" and suggested they risk channeling ratepayer funds into "special-interest slush funds," even though customers remained free to opt out.

Charitable giving by regulated utilities has long been part of community life in Alaska and is typically overseen through existing governance mechanisms. Mr. Cox chose not to work quietly with the utilities to refine disclosure and consent, but instead to escalate the issue publicly, cast it in constitutional culture-war terms, and threaten further scrutiny of charitable practices that many Alaskans support.

Mr. Cox has also trained the powers of his office on Alaska Airlines in a way that again prioritizes public confrontation over careful legal work. In a December 2025 letter to Alaska Airlines' CEO, he asserted that the company's internal policies "discourage employees from cooperating with law enforcement" and claimed that this posture is "undermining prosecutions," citing unnamed cases supposedly abandoned because prosecutors feared workplace retaliation against airline employees. He publicly framed the company's code of conduct as "inconsistent" and implied that Alaska Airlines was effectively shielding criminal activity related to drug interdiction.

Air carriers have legitimate obligations to protect passenger privacy, avoid discrimination, and comply with federal regulations. Rather than acknowledging those competing legal constraints and seeking a quiet, cooperative solution, he chose to issue a public letter and press release that cast Alaska's namesake carrier as an obstacle to public safety, again without providing transparent, verifiable case examples to support his assertions.

His handling of the Anchorage School District "non-endorsement sticker" incident illustrates the problem once again. He publicly suggested that members of the Anchorage School Board had violated their oaths of office because the district affixed a standard "non-endorsement" disclaimer on pamphlets containing the Declaration of Independence and the U.S. Constitution that were distributed through the Daughters of the American Revolution. He followed up with a sweeping, quasi-investigatory letter to the district, implying deliberate misconduct and asserting authority over local school operations that the Attorney General does not possess under Anchorage's home-rule structure.

A basic review of the facts would have shown that the disclaimer practice long predated this incident and was applied to outside materials to distinguish them from official district communications, not to repudiate the founding documents. The Anchorage School District, in its formal response, flatly rejected Mr. Cox's claim of authority and explained that the stickers were an application of existing policy, not a political statement.

In playing to a national audience through the *Washington Post*, General Cox attacked the State of Louisiana for supporting a lawsuit in state court against an oil industry giant, arguing that state courts lack the competence to deal with issues that could have national ramifications. While his view prevailed in the Supreme Court, his particular perspective was alarming. An individual who holds state courts in such low regard should not be leading the law firm that appears before those courts more than any other.

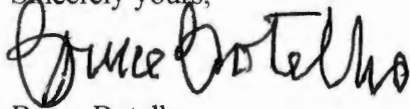
His actions and his very recent admission to the Alaska Bar raise legitimate concerns about whether he fully appreciates the state's distinct legal and political culture.

The Attorney General's power is largely a power of voice: what issues he chooses to elevate, how he characterizes them, and how he deploys the threat or promise of state legal action. When that voice is used to chase national headlines, repeat partisan talking points, or intimidate local officials without clear statutory authority, the result is to cheapen the office and erode public trust.

I have no basis to question Mr. Cox's sincerity in his beliefs. But the office he now holds on an acting basis requires more than sincerity; it requires discipline, humility before the facts, scrupulous avoidance of conflicts, and unwavering devotion to Alaska's own constitution and people. On the record before you, he has not met that standard.

For these reasons, I respectfully urge the Legislature to reject the confirmation of Stephen J. Cox as Attorney General of Alaska.

Sincerely yours,

A handwritten signature in black ink that reads "Bruce Botelho". The signature is written in a cursive, flowing style.

Bruce Botelho