



Alaska Federation of Natives
2014 Legislative & Litigation Committee
Resolution 14-1

- TITLE:** Opposition to SJR 21: Constitutional Amendment to Judicial Council Membership
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally-recognized tribes, 134 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 (Council) is an independent citizens' commission created by the Alaska Constitution to screen applicants for judicial vacancies, nominate the most qualified applicants for appointment to the bench by the governor, evaluate the performance of sitting judges, recommend to voters whether certain judges should be retained for another term, and conduct research to improve the administration of justice in Alaska; and
- WHEREAS:** The Alaska Constitution provides that the Council 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 supreme court, who serves as the Council's chairperson; and
- WHEREAS:** Alaska's Constitution is widely acknowledged as one of the best state constitutions; and, thus, there should be clearly demonstrated reasons to amend the Constitution before undertaking such a process; and
- WHEREAS:** There is no evidence to suggest that the Council has failed to function effectively or efficiently in performing its duties — in fact, Alaska's judiciary has been free of corruption, scandal, and other ills that have plagued other non-merit based systems; and
- WHEREAS:** SJR 21: Constitutional Amendment to the Judicial Council (SJR 21), seeks to triple the Council's membership to five attorneys, ten non-attorneys, and Alaska's Chief Justice, in an effort to purportedly increase regional representation, and guard against attorney dominance; and

WHEREAS: Nothing in SJR 21 addresses regional representation, let alone Alaska Native representation on the Council, and no evidence exists to support the proposition that attorneys out-will non-attorneys in the selection of Alaska judges; and

WHEREAS: SJR 21 would create numerous problems for the Council, including, without limitation, a politicized non-attorney membership that is philosophically and politically aligned with the governor — which will, in turn, tilt the balance in favor of the non-attorneys appointed by the governor, and likely result in the more conservative judges on Alaska’s bench; and

WHEREAS: Historically, conservative judges have been less sympathetic to Alaska Native Tribes, tribal organizations, and individual Alaska Natives subjected to Alaska’s criminal or civil judicial system; and

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Alaska Federation of Natives, Inc. that SJR 21 conflicts with our mission to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

BE IT FURTHER RESOLVED that Alaska Federation of Natives strongly opposes SJR 21.