

April 14, 2019

Dear Chair and Members
Senate Judiciary Committee

I am Victor Fischer. I was a delegate to Alaska's Constitutional Convention in 1955-56.

I am writing to clarify information that the SJR 3 sponsors provided to you at the Senate Judiciary Committee meeting on Friday April 12, 2019. In particular, I believe the false impression was given to observers that my 1975 book, *Alaska's Constitutional Convention*, supports the intent of SJR 3. That book and the Constitutional Convention Minutes certainly do not support legislative confirmation of attorney's appointment to the judicial council.

In the chapter on the Judiciary (see **SJR 3 - Vic Fisher Constitution book excerpts.pdf**), on page 116, my book quotes a consultants' suggestion for legislative confirmation of attorney members of the judicial council.

The paragraph that follows that suggestion, states: "However, the suggestions were not accepted by the meeting of committee chairmen and never reached the convention floor." The book also shows that this idea was brought up by only three of the convention's ten consultants, none of whom had worked with the Convention's Judiciary Committee or been involved with the floor discussions.

The fact is that political accountability was not overlooked by the Constitutional Convention. As adopted, the judiciary is not beyond control by the people. Each judge and justice must come before the voters for approval or rejection after three years of service.

Most importantly, I want to affirm that the issue of confirmation of attorney appointees to the judicial council was thoroughly discussed and voted on by the Constitutional Convention. (see **SJR 3 - Constitutional Convention Minutes about Judiciary_AJC.pdf**) Page 14 of that attachment shows the vote on the amendment to require legislative confirmation of attorney members to the judicial council was:

YEAS: 4

NAYS: 49

I was one of the 49 delegates who voted NO on legislative confirmation of attorney members to the judicial council. I believe this protects the non-political, merit-based selection process of judicial council attorneys as it exists in today's Constitution.

I did not support the legislative confirmation of attorney members to the judicial council in 1955. Nor have I changed my mind about that in the intervening 64 years.

For your information, 42 of the 55 convention delegates were not lawyers; only 13 were attorneys.

I formally request that you incorporate this correspondence into the record of the Senate Judiciary Committee on SJR 3.

If you would like me to address the committee or be available for questions on Monday April 15th, please call me at 907-351-6359. I have an appointment at 1pm, but will be available to speak with the committee by phone by 2pm.

[Please have someone correct the spelling of my name tn your record to Vic Fischer]

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Vic Fischer

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