

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**  
ANCHORAGE ALASKA  
September 26, 2008  
10:28 a.m.

[10:28:15 AM](#)

Matters Pertaining to Legislative Council Investigation

Senator Hollis French recognized that Senator Bill Wielechowski, Senator Gene Therriault, and Representative Jay Ramras were present. He read a letter and provided an update on some legal developments as follows:

On September 12, 2008, the Senate Judiciary Committee authorized the issuance of fourteen subpoenas; thirteen were for witnesses and the last was for Mr. Frank Bailey's cell phone records. Senate President Lyda Green concurred in that action, thus satisfying the statutory requirements of AS 24.25.010(b). The purpose of the subpoenas was to assist Mr. Stephen Branchflower in his investigation into the events and circumstances surrounding the termination of former Public Safety Commissioner Walt Monegan.

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Last week I reported to you on the status of these subpoenas. At that time six of the witness subpoenas had been served and seven had not been served. Last week's report covered the six subpoenas that were served and the document subpoena for Frank Bailey's cell phone records. Today I'm reporting on the seven subpoenas that were not served.

The subpoenas that had not been served as of last Friday, September 19, 2008, were for Ms. Dianne Kiesel, Ms. Annette Kreitzer, Ms. Nicki Neal, Mr. Brad Thompson, Mr. Michael Nizich, Ms. Kris Perry and Ms. Janice Mason. Taking them in the order listed, Ms. Dianne Kiesel was served with her subpoena on September 23, 2008 in Dutch Harbor, Alaska; Ms. Annette Kreitzer was served with her subpoena on September 21, 2008 in Juneau, Alaska; Ms. Nicki Neal was served with her subpoena on September 21, 2008 in

Juneau, Alaska; Mr. Brad Thompson was served with his subpoena on September 21, 2008 in Juneau, Alaska; Mr. Michael Nizich was served with his subpoena on September 21, 2008 in Juneau, Alaska; Ms. Kris Perry was served with his subpoena on September 23, 2008 in Wasilla, Alaska; Ms. Janice Mason was served with his subpoena on September 21, 2008 in Juneau, Alaska.

All of the subpoenas listed above commanded the witness to appear here today, September 26, 2008, at 10:00 am to give testimony to the judiciary committee. None of the witnesses have appeared. Alaska Statute 24.25.030 sets out our procedure in this particular situation. The statute reads as follows: "If a witness neglects or refuses to obey a subpoena ... the senate or the house of representatives may by resolution entered on its journal commit the witness for contempt. If contempt is committed before a committee, the committee shall report the contempt to the senate or house of representatives, as the case may be, for such action as may be considered necessary." A copy of this letter will be delivered to the president of the senate in order to satisfy the statute's requirements.

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Regarding some recent legal developments

These subpoenas, I'll remind you and the public were issued two weeks ago. Late yesterday afternoon the Department of Law filed a lawsuit asking that the subpoenas be declared invalid. That lawsuit was not filed on an emergency basis meaning that the Department of Law did not formally request a quick decision from the court. By not filing for injunctive relief on an emergency basis, the department has put its lawsuit on a slow track.

The lawsuit was followed by a letter to the judiciary committee this morning asking that our committee stop its work and wait for a decision from the court. Let me remind the department and the public that this investigation began nearly two months ago. The administration and the Department of Law have repeatedly promised cooperation with this inquiry, both orally and in writing. Indeed we are here today because of Attorney General Colberg's abrupt and complete change in position.

On July 29, 2008 the Legislative Council gave me a job to do. That committee and the judiciary committees of both bodies are engaged in a simple search for the truth. We intend to keep pursuing that goal. Thank you. [10:32:28 AM](#)