

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 10, 2009

1:07 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Carl Gatto
Representative Bob Lynn
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Linda Menard

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Attorney General

Wayne Anthony Ross - Anchorage

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No Previous Action to Report

WITNESS REGISTER

WAYNE ANTHONY ROSS, Appointee
Attorney General
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the position of attorney general.

REPRESENTATIVE BOB HERRON
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided comments and posed questions during the confirmation hearing regarding the appointment of Wayne Anthony Ross for the position of attorney general.

BRADLEY FLUETSCH, Grand President
Alaska Native Brotherhood (ANB) Grand Camp
Alaska Native Sisterhood (ANS) Grand Camp
ANB/ANS Camp 70
Juneau, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

BRITTENY CIONI
Juneau, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

BARBARA BACHMEIER
Juneau, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

PAUL EAGLIN, Attorney
Fairbanks, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

SHAYLE HUTCHISON
Fairbanks, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

SCOTT TRAFORD CALDER
Fairbanks, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

BOB BIRD, Board Member
Past President
Alaska Right to Life
Nikiski, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

JOSEPH LAPP
Alaskans Together for Equality

Homer, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

DONNA BERAN

Homer, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

JAMES JACOBSON

Kodiak, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

TOM BAIRD

Wasilla, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

PETER PROBASCO

Palmer, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

BYRON CHARLES

Ketchikan, Alaska

POSITION STATEMENT: Posed the question that the issue is people's due process.

LARRY FISCHER

Ketchikan, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

GARRY HORTON

Anchorage, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

DEBBIE JOSLIN, President

Eagle Forum Alaska

Delta Junction, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

CLAIRE STEFFENS, Attorney

Anchorage, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

KATE FITZGERALD
Wasilla, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

STEVEN JAQUIER

Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

TOM LOKESH

Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

STEPHEN GINGRICH

Eagle River, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

CAROL ANNE HOGINS-WOLFE

Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

NELSON ANGAPAK, Vice President

Alaska Federation of Natives (AFN)

Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

PAMALA SIEGFRIED

Anchorage, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

BRIAN JUDY, Alaska State Liaison

National Rifle Association (NRA)

Anchorage, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

LEAH BURTON

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

BILL BURTON
Kodiak, Alaska

POSITION STATEMENT: Spoke in support of the confirmation of Mr. Ross for attorney general.

LYNNETTE MORENO-HINZ
Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to the confirmation of Wayne Anthony Ross as attorney general.

ACTION NARRATIVE

[1:07:25 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Ramras, Holmes, Dahlstrom, Coghill, Gatto, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress. Senator Menard was also in attendance.

CONFIRMATION HEARING(S)
Attorney General

[1:07:47 PM](#)

CHAIR RAMRAS announced that the only order of business would be the consideration of the appointment of Wayne Anthony Ross to the position of Attorney General.

[1:09:04 PM](#)

WAYNE ANTHONY ROSS, Appointee, Attorney General, relayed that he looks forward to representing all Alaskans and working with each member of the Legislature and the Department of Law (DOL).

[1:09:57 PM](#)

REPRESENTATIVE LYNN asked Mr. Ross if there would be a difference between his role as a private attorney and as attorney general.

MR. ROSS explained that a private attorney advocates the position of his clients, whereas the Attorney General represents

all the people of Alaska. He surmised it is more difficult for the Attorney General to get proper direction as there were many viewpoints, in contrast to a private attorney who is able to sit down one on one with a client.

[1:11:39 PM](#)

REPRESENTATIVE BOB HERRON, Alaska State Legislature, noting that Mr. Ross was poised to become the twenty-first Alaska Attorney General, asked him who, of the previous Attorney Generals, he most admired and was most disappointed.

MR. ROSS shared stories of when he'd first come to Alaska and began working as an attorney. In conclusion, he offered his hope that the legislature would confirm his appointment.

REPRESENTATIVE HERRON expressed concern that Mr. Ross runs his practice in a fashion that capitalizes on shock value. He asked Mr. Ross whether he would be asking both potentially new and current employees of the DOL for their political positions on certain issues, such as the Alaska National Interest Lands Conservation Act (ANILCA).

MR. ROSS said that he would not, noting that one of his partners had completely opposite political views from those he held. He explained that trust, integrity, a love of Alaska, and concern for representing the people of Alaska were more important hiring issues.

[1:20:29 PM](#)

CHAIR RAMRAS, noting that the DOL was tasked with the job of investigating gasoline pricing in Alaska compared to the Lower 48, relayed that during an informal conversation with Mr. Ross, Mr. Ross had indicated a willingness to have the DOL perform a similar investigation regarding gasoline pricing in rural Alaska.

MR. ROSS reminded the committee that it was necessary for the Alaska State Legislature to include funding for any special investigations. He promised to meet with the investigating attorney, and he commented on the outrageous prices for basic necessities.

CHAIR RAMRAS noted that the House Judiciary Standing Committee addresses policy and the House Finance Committee determines the funding. He offered his opinion that it was necessary to

address the difficulty of rural communities needing to choose between paying for food or paying for heating fuel.

[1:25:06 PM](#)

MR. ROSS opined that it is a total waste of time to do a report if nothing further is then done with the report findings. He requested the authority to address any problems revealed in a report.

CHAIR RAMRAS concurred, and said to Mr. Ross that he looks forward to those aggressive traits when it comes to look out for rural Alaska.

MR. ROSS relayed that he is fully cognizant of gasoline prices.

[1:26:28 PM](#)

REPRESENTATIVE GATTO noted that legislators have received e-mails regarding articles that Mr. Ross had authored. He referred to the Leah Burton statement regarding an overheard comment attributed to Mr. Ross that "it was okay for a man to rape his wife" and he asked if Mr. Ross had made this statement.

MR. ROSS relayed that he's sent legislators a letter in response to the concerns raised by such e-mails. He stated that the allegations aren't factual.

REPRESENTATIVE GATTO said that he did not place a lot of credibility in an overheard comment, especially when Mr. Ross was willing to deny that he said this. He noted that articles written by Mr. Ross during this time period did not reflect the attitudes of the alleged overheard comments.

MR. ROSS shared a story of a speech his father had made to him when he was a young man.

[1:31:22 PM](#)

REPRESENTATIVE GATTO surmised that all legislators had faced untrue accusations at some point in their lives.

CHAIR RAMRAS concurred with Representative Gatto.

[1:32:44 PM](#)

REPRESENTATIVE COGHILL noted that the application of the law can be difficult, and opined that misdemeanor crimes are not pursued to the necessary extent. He allowed that some of this was due to bargaining, which was troublesome to Legislators who wrote laws to be enforced, not to be used as bargaining tools. He asked Mr. Ross whether he, too, considers that misdemeanants are not handled as seriously as necessary.

[1:34:34 PM](#)

MR. ROSS noted that having a felony [conviction] on one's record is serious. He pointed out that the first step in the criminal justice program is the discretion of the law enforcement officer. Then, the district attorney has the discretion to pursue a case. He relayed that there was a backlog of trials in Anchorage. He cited examples and offered his opinion that district attorneys should be made aware of the impact by their decisions of who to prosecute.

MR. ROSS said he would visit district attorneys, judges, defense attorneys, and local leaders to determine key problems and possible resolutions.

REPRESENTATIVE COGHILL stated that the legislature would track that the attorney general worked for the Alaskan people, and not the governor. He also noted that the State needed to "stand up for victims" as the victims' rights issue seemed to get less and less attention. He asked Mr. Ross for his perspective on this.

MR. ROSS noted that rights for the unfairly prosecuted also needed to be protected.

[1:39:01 PM](#)

REPRESENTATIVE COGHILL asked Mr. Ross who he would be working for.

MR. ROSS said that he took an oath to uphold the constitutions of both Alaska and the United States, and that was his highest priority. He said he would give advice to the governor and the legislature, and he hoped it would be accepted. He would be working for the citizens of Alaska to uphold the state constitution.

REPRESENTATIVE COGHILL shared his lack of confidence in the ability for dispassionate prosecution, and he asked Mr. Ross for his vision of integrity.

1:40:42 PM

MR. ROSS relayed that the criminal justice system does make occasional mistakes. He allowed that the death penalty doesn't allow the chance to apologize for executing an innocent person, but he would uphold the law if a death penalty is reinstated.

REPRESENTATIVE COGHILL expressed his concern about life sentences as these did not receive the scrutiny of death penalties. He opined that the integrity of the current justice system is in question.

MR. ROSS said that this is the best system in the world. He said he doesn't think that reinstating the death penalty would improve the system.

CHAIR RAMRAS asked if he would hire openly gay or lesbian staff to the DOL.

1:43:51 PM

MR. ROSS replied that he would, if they were good attorneys.

REPRESENTATIVE HOLMES referred to an article written by Mr. Ross in which he referred to homosexuality as immoral, degenerate, and perverse.

MR. ROSS responded that his personal opinion had nothing to do with the job as Attorney General, and that he would uphold the laws of the state. He offered several analogies.

1:46:46 PM

CHAIR RAMRAS referred to the judge applicant ratings for the Alaska Court of Appeals and the Alaska Supreme Court. He asked why Mr. Ross did not have good scores relative to his peer group.

MR. ROSS explained that a private practice attorney was in constant battle on behalf of the client. He stated that he never hesitated to express his opinions, even if they were not popular. He offered his belief that the attorney general did not go to court and argue cases, but needed to hire and manage honest, hard working, intelligent staff.

1:49:42 PM

CHAIR RAMRAS relayed that Mr. Ross had stated he would take an aggressive posture for Alaska against the federal government. Noting that this was the third year of the current administration and that the attorney general tenure might not carry into the next administration, he asked about "starting fights that he can't finish." He asked for clarification of the difference between defending the rights of the state of Alaska and fighting to regain presumed lost rights, and how this would be managed on a possibly shortened time table.

[1:50:43 PM](#)

MR. ROSS said he wouldn't be starting any fights; instead, that would be the prerogative of the governor and the legislature. He explained that his job was to win the fights initiated by these other parties.

CHAIR RAMRAS referred to an article describing that the use of cruise ship taxes might violate federal laws and could result in litigation. He asked Mr. Ross what position the DOL would take in defense.

MR. ROSS indicated that he has not yet had an opportunity to study the issue and formulate an opinion.

REPRESENTATIVE LYNN offered his perception that attorneys as a group lean toward the politically liberal. He asked whether Mr. Ross's political views might have accounted for his rating.

MR. ROSS relayed that he tends to be politically to the right. He referenced a bar association statement that he had received more positive and more negative comments than any other candidate.

[1:54:22 PM](#)

REPRESENTATIVE HERRON noted that Mr. Ross's leadership would be a role model for DOL. He referred to a comment by Mr. Ross that stated "we have too many enemies of Alaska." He asked Mr. Ross to list those enemies.

MR. ROSS listed predator control groups, groups who prevent resource development, and groups who would dictate management of polar bears, whales in Cook Inlet, and Arctic seals. He opined that Alaska, more than any other state, has more micromanagement and pressure from outside. He acknowledged that [his] use of

the term "enemy" is too harsh, and that perhaps a better term would be "opponents." He commented that it would be necessary to keep these groups "at bay" in order to properly develop Alaska.

REPRESENTATIVE HERRON asked if Mr. Ross perceived the federal government as an enemy of Alaska.

MR. ROSS pointed out that he had taken an oath to uphold the U.S. Constitution and the State of Alaska constitution. He offered an analogy to working with the federal government.

REPRESENTATIVE HERRON asked Mr. Ross what "his Attorney General opinion" was for the relationship of Alaska with the federal government and Native Alaskans, and he asked how this relationship could be improved.

MR. ROSS said it was important to remember that "We are all Alaskans," and opined that Alaskans could not afford to allow ourselves to be divided into sub-groups. He offered his belief that Alaskans of good will could sit down and work out the problems. He characterized the legislators he's spoken with as just such people who want to work toward a solution. He expounded that solutions needed to come from the viewpoint of being Alaskans.

[2:01:27 PM](#)

REPRESENTATIVE HERRON asked if rural Alaskans should sacrifice their rights for the benefit of urban Alaskans.

MR. ROSS replied that he was not saying or implying that.

CHAIR RAMRAS asked Mr. Ross if his personality was too big for the job, and how he intends to manage the size of his personality with the agility that the attorney general position required.

MR. ROSS replied that he would be himself. He commented on the use of his initials to promote his law practice, and he shared tales from his youth and his schooling. He said he believes in the concept of "service" and said he wants to serve his state.

[2:07:56 PM](#)

CHAIR RAMRAS reflected that Mr. Ross has indicated that he supports jury nullification, whereas the DOL has gone on record

as not supporting it. Using this as an example, he explained to Mr. Ross that his earlier question reflected his concern for the reconciliation between Mr. Ross as a private attorney and Mr. Ross as attorney general to the corresponding larger legal positions.

MR. ROSS proudly stated that he practices law, and his defense arguments reflect this.

CHAIR RAMRAS asked Mr. Ross whether he would approach this case in the same way whether in Kotzebue or in Anchorage.

MR. ROSS explained that he would, if he felt this was his client's only defense.

CHAIR RAMRAS questioned whether the alleged offense was the same in Kotzebue as in an urban area.

MR. ROSS replied that's where prosecutorial discretion comes into play. He indicated his desire that, in such cases, the State should consider whether it wants to prosecute, as it has limited prosecutorial resources.

MR. ROSS said he doesn't think that every crime should be prosecuted, and that a warning can often have the same desired outcome.

[2:14:10 PM](#)

CHAIR RAMRAS expressed concern with the number of young people becoming felons. He asked how DOL would determine which crimes to prosecute, and how aggressively to prosecute young people with possible felonies.

MR. ROSS replied that the most important crimes to prosecute are those when a person has hurt another person - "murder, rape, assault;" and the next most important are property crimes. He noted that consideration should be given for what punishment is sufficient or appropriate.

[2:16:36 PM](#)

REPRESENTATIVE GATTO asked Mr. Ross whether he would be in favor of expunging a person's record, if the person was later found to be innocent.

MR. ROSS said he believes that there should be a law to allow the courts to expunge a record for both conviction and arrest under appropriate circumstances.

REPRESENTATIVE GATTO opined that it would not be considered lying if a record was expunged.

MR. ROSS surmised that the law could be tailored to provide that.

[2:19:07 PM](#)

REPRESENTATIVE COGHILL noted that Alaska has high rates of sexual assault, physical abuse, and suicide. He shared that Department of Health and Social Services (DHSS) has struggled with ways to deal with this. He noted that alcohol has almost always been a factor. He spoke of laws that offered local options, and ways to increase the penalties. He asked if Mr. Ross, as Attorney General, has any better means of holding individuals accountable and stopping alcohol distribution in dry areas.

[2:20:48 PM](#)

MR. ROSS characterized rape and sexual abuse as serious crimes, and he opined for a need to educate about the effects to the victims. He acknowledged that victims of rape and sexual abuse carry this memory for a long time. He noted the costs to both the victim and to the society. He also noted the need for similar education on the effects of alcohol abuse.

REPRESENTATIVE COGHILL spoke to the difficulty of prosecuting child pornography criminals, especially occurring via the internet, and asked Mr. Ross if there were tools to catch these predators without invasion to individual privacy.

MR. ROSS said he did not know what tools were currently available in Alaska.

REPRESENTATIVE COGHILL pointed out that DOL would need to be involved in this prosecution. He requested better clarity for prosecution without privacy invasion.

[2:25:39 PM](#)

CHAIR RAMRAS asked Mr. Ross about his relationship with Governor Palin, noting that Mr. Ross was not the governor's first choice

for attorney general. He asked Mr. Ross to elaborate on his earlier comments, which were in contrast to those of the governor, regarding the resignations of Representative Kohring and Senator Stevens. Finally, he asked Mr. Ross if he felt he was now the best qualified candidate, and why he believed he was selected by the governor.

MR. ROSS briefed the committee on the background of his association with Governor Palin. He affirmed his respect for Governor Palin when she resigned in protest to the apparent cover-up of the ethics complaint filed against Randy Ruedrich.

[2:30:45 PM](#)

CHAIR RAMRAS asked Mr. Ross which misjudgments he believed Governor Palin had shown, and how he would have advised her differently.

MR. ROSS suggested a need for better communication between the legislature and the office of the governor.

CHAIR RAMRAS asked for specific policy missteps by the governor.

MR. ROSS replied that didn't like her statements for the resignation of legislators before the justice system had been completed. He offered his belief that there were not any policy missteps of the administration.

[2:34:17 PM](#)

REPRESENTATIVE HERRON relayed that there is some concern that the governor picked Mr. Ross for his shock value.

MR. ROSS indicated that he's never considered himself to have shock value.

[2:35:41 PM](#)

REPRESENTATIVE HERRON referred to child welfare cases, and asked Mr. Ross what role tribes should have with the Office of Children's Services (OCS).

MR. ROSS offered his belief that tribal courts could be included in the Alaska court system, as he believed that local control of problems was positive. However, he listed the Point Lay caribou herd slaughter as a notorious instance where he believed local

justice "really screwed up." He allowed that this missed opportunity to render justice at the local level damaged the argument for tribal courts. He added that as attorney general, he's not taken a position on this case.

MR. ROSS further stated that Alaska's native corporations have made substantial progress compared to Indian reservations in the southwest United States.

REPRESENTATIVE HERRON offered his belief that, in the Yukon Kuskokwim region, OCS did a very poor job with the interface of the Indian Child Welfare Act (ICWA). He asked Mr. Ross how DOL can take advantage of tribal sovereignty to deal with these children issues.

MR. ROSS said that he doesn't like the term "tribal sovereignty" and prefers to speak of use of "tribal control." He agreed with Representative Herron about problems with the OCS office in Wasilla. He offered his impression that OCS funding was directly related to the number of children who were removed from homes.

[2:41:56 PM](#)

REPRESENTATIVE HERRON noted that former Attorney General Renkes had written an opinion regarding OCS, which stated that the state had exclusive jurisdiction unless the tribes had petitioned for a transfer of jurisdiction. He asked Mr. Ross whether he would oppose that opinion.

MR. ROSS pointed out that he's not yet had a chance to review that opinion and that he believes in the rule of law. He expressed reluctance to overturn a position without first determining past positions. In response to a question, he agreed to further research the issue.

[2:43:12 PM](#)

REPRESENTATIVE COGHILL emphasized the need to work together to align the different standards of ICWA and the state Child in Need of Aid (CINA) Rules. He expressed the need for an authority framework.

MR. ROSS opined that some tribes handle these cases well, but other tribes don't. He suggested a system could be developed - given sufficient resources - to ensure more efficient response.

REPRESENTATIVE COGHILL said that if Mr. Ross is confirmed, he would like Mr. Ross to meet with DOL, key legislators, and DHSS to discuss CINA and ICWA within the court and community systems.

MR. ROSS indicated that he would.

REPRESENTATIVE COGHILL surmised that legal guidelines were needed to navigate the disparate laws.

[2:49:03 PM](#)

CHAIR RAMRAS characterized [some of the governor's actions] as provocative and offered examples. He noted the legislature's desire to have the governor physically present during the legislative session. He asked Mr. Ross how he would advise the governor with regard to book tours and other lucrative personal offers.

MR. ROSS said he doesn't know how he would advise her because he doesn't yet know all the facts. He offered his belief that the national exposure of Governor Palin has been great for Alaska.

[2:52:39 PM](#)

REPRESENTATIVE LYNN pointed out that this is a confirmation hearing on the position of attorney general, not on the governor.

CHAIR RAMRAS asked Mr. Ross to provide an opinion on whether DOL would endorse the governor writing a book and travelling on a multi city book tour, while the chief executive of Alaska.

MR. ROSS surmised that he probably has more important things to do, but relayed that when he finds himself with some spare time he would devote it to such an issue.

[2:54:12 PM](#)

REPRESENTATIVE GRUENBERG referred to earlier comments regarding employees in same-sex relationships, and Mr. Ross's repeated response that his personal views did not make a difference, as he had a duty to uphold the constitution. Representative Gruenberg noted that he and Mr. Ross have been personal friends for quite some time. He asked how Mr. Ross, as the chief prosecutor, would use his discretion and put aside his personal beliefs. He opined that the state of Alaska relied on this discretion.

2:57:56 PM

MR. ROSS said that as an attorney and as the representative of a client, an attorney often puts his/her personal beliefs aside because the client is entitled to representation and a defense. He added that the attorney general's job is to represent his client, regardless of whether he agrees with the legislation. He stated that his job would be to enforce the laws of the state of Alaska. He said that if such a personal conflict arose that he could not carry out his duties as attorney general, then he would resign.

REPRESENTATIVE GRUENBERG indicated that he would pursue some other questions at a later time.

REPRESENTATIVE DAHLSTROM noted that she has worked with Mr. Ross in the past.

REPRESENTATIVE HERRON said he is convinced that Mr. Ross is principled, and relayed that he would be interested in speaking further with Mr. Ross on issues regarding ICWA, Alaska National Interest Lands Conservation Act (ANILCA), and subsistence.

3:02:28 PM

CHAIR RAMRAS announced that the House Judiciary Standing Committee would recess until 5:00 p.m.

5:06:43 PM

CHAIR RAMRAS called the meeting back to order at 5:06 p.m. Representatives Ramras, Dahlstrom, Coghill, Gatto, Lynn, and Gruenberg were present at the call back to order. Representative Holmes arrived as the reconvened portion of the meeting was in progress. Representative Herron was also in attendance during the reconvened portion of the meeting.

5:07:56 PM

BRADLEY FLUETSCH, Grand President, Alaska Native Brotherhood (ANB) Grand Camp, Alaska Native Sisterhood (ANS) Grand Camp, ANB/ANS Camp 70, noted that Mr. Ross clearly stated, during an interview while running for governor in 2002, that he would use the resources of the state of Alaska to challenge ANILCA. He stressed that ANILCA was a primary tool to move Alaska forward.

"We do not need an attorney general fighting economic development in Southeast."

MR. FLUETSCH reported that Mr. Ross further stated during that interview that ANILCA provides subsistence rights, which allows the federal government to intervene during disagreements with the state of Alaska over subsistence. He offered his belief that Mr. Ross would not "honor and enforce current and existing subsistence rights for rural users."

MR. FLUETSCH observed that the disparity of electricity rates hinged on the availability of cheaper hydro electricity, which allowed industry to flourish. He noted that remote Alaskan communities had no industry or jobs, because they relied on diesel power instead of hydro power.

MR. FLUETSCH opined that Alaska does not need a litigious, challenging attorney general; instead the state needs an attorney general who will work forward with native tribes. He noted that Senator Kookesh and Representative Thomas came to the Native Issues forum and said that the state of Alaska had, for the first time in history, recognized tribal governments.

CHAIR RAMRAS offered his belief that Mr. Ross will draw a clear distinction between his stated positions as a candidate for governor, and his position as attorney general. He reminded that Mr. Ross had guaranteed to study the price of fuel in rural Alaska. He also noted that many of these same concerns had been raised by legislators earlier in the day.

[5:13:24 PM](#)

MR. FLUETSCH suggested that Mr. Ross also consider a review of the Legislative Budget and Audit Committee audit for the funding of the seventy seven Alaska Energy Authority (AEA) projects.

REPRESENTATIVE GRUENBERG noted that Mr. Fluetsch spoke for a lot of Alaskans.

[5:14:07 PM](#)

REPRESENTATIVE GATTO questioned whether ANILCA "took ANWR (Arctic National Wildlife Refuge) off the table, by declaring it a wilderness."

MR. FLUETSCH offered his belief that this was the case. In response to a question, he reported that he was an economist and an investment advisor.

[5:14:54 PM](#)

BRITTENY CIONI relayed that she is opposed to the appointment of Mr. Ross to the position of attorney general. She offered her belief that he is a divisive person and will not represent all Alaskans. She expressed concern with Mr. Ross's stated views that the Lesbian, Gay, Bisexual, and Transgender (LGBT) community were "immoral or degenerate" and she considered this to be a "hostile view." She expressed concern with his ability to represent women's rights on health issues.

MS. CIONI observed that Mr. Ross made statements that "appear to condone marital rape" and regardless of his denial, she expressed her concern with his representation for women and women's rights. She offered her belief that Mr. Ross "is hostile to our Native Alaskan population as he has stated he opposes subsistence priority, tribal sovereignty, and other legislation supporting our Native population." She noted that he was not considered for the Alaska Supreme Court or the Alaska Court of Appeals, and asked how he could then be considered for the position of Attorney General.

MS. CIONI summarized her belief that Mr. Ross "is unlikely to fairly represent women, Alaska Natives, or the LGBT community."

[5:18:28 PM](#)

BARBARA BACHMEIER said that she opposes the confirmation of Mr. Ross as Alaska's next attorney general. She established that she is not a communist, nor an anarchist, but was speaking because she loves Alaska. She explained that she is a disabled veteran, and had spent 20 years in military intelligence. She relayed her experience with hiring Mr. Ross, an attorney who had been recommended as hard working and worth the money. She reviewed her meeting with Mr. Ross, which included his recitation of "rehearsed, colorful, amusing, goofy analogies," his successes as an attorney, his son's successes in the Marine Corps, and what wonderful coffee cake his wife baked. She also pointed out that she was billed for his time during this recitation. She reported that his "grand, responsive, legal strategy" was similar to that of a commanding general. She shared that she paid him a retainer, which was all the money she had, but shortly thereafter, he wrote to her that he had "taken

on two very serious criminal cases," and he would no longer be able to represent her. She clarified that he offered to return part of her retainer; however this was not enough for her to now hire another attorney. She observed "that you really can't take Wayne Anthony Ross's word to the bank." She stated that he "charged a lot of money for really nothing" although "at a reduced military discount rate." She summarized that "this is not the kind of individual that our state needs and deserves as her next attorney general. We need someone who will honor his commitments, keep his word, work for the common person like me, care about vets, and whose word we can take to the bank."

[5:24:47 PM](#)

MS. BACHMEIER concluded, stating that Alaskans deserve better, "somebody who can be a role model."

[5:26:34 PM](#)

PAUL EAGLIN, Attorney, asked that Mr. Ross not be confirmed as attorney general. He expressed concern with Mr. Ross's reference to lesbians and gays as degenerates. Mr. Eaglin, in reference to his response of an earlier article by Mr. Ross, criticized Mr. Ross's article for being poorly organized and poorly expressed. In response to Representative Gruenberg, he said he would resubmit his e-mail comments.

[5:29:49 PM](#)

SHAYLE HUTCHISON relayed that she works in the family violence field, and pointed out that Alaska has the highest rate per capita of men murdering women, the rate of sexual assault is 2.5 times the national average, and the rate of child sexual assault is 6 times the national average. She pointed out the need for a leader against family violence. She expressed alarm that a candidate for attorney general would make public statements that were dismissive of the problems of domestic violence in Alaska. She also shared concern that Mr. Ross could be "sensitive, understanding, fair, or impartial" when dealing with the gay and lesbian community. She urged opposition to the confirmation.

[5:31:57 PM](#)

SCOTT TRAFORD CALDER offered his belief, after listening to the earlier portion of the committee meeting, that Mr. Ross sounded as though he would be open to new views and would be a zealous

advocate for Alaska. He concluded that Mr. Ross would "probably be okay so I don't know of a reason to vote against him."

[5:34:39 PM](#)

BOB BIRD, Board Member, former President, Alaska Right to Life, read from his e-mailed testimony [Included in the members' packets]. He offered his belief that it is time to be thinking of ourselves as Alaskans, and not as native or white, rural or urban, and that it is the federal government that has created division and controversy. He opined that Mr. Ross is a "completely transparent and honorable man."

He said that Mr. Ross deserves to be approved.

[5:38:38 PM](#)

JOSEPH LAPP, Alaskans Together for Equality, explained that Alaskans Together for Equality is a statewide group that promotes civil equality for all Alaskans, with a special emphasis on gay, lesbian, bi-sexual, and transgender equality. He requested that Mr. Ross not be confirmed as attorney general, based on his negative public statements about the GLBT community, his stance on native rights, and his views on women and domestic violence, all of which make him a polarizing and divisive figure. He opined that Mr. Ross would not easily put aside his personal views. He asked that the committee reject the nomination of Mr. Ross.

[5:40:05 PM](#)

DONNA BERAN said that she worked with victims of domestic violence and sexual assault, and child victims of sexual abuse, all of whom would be negatively impacted by his appointment. She urged the committee not to confirm Mr. Ross.

[5:42:02 PM](#)

JAMES JACOBSON said that he's known Mr. Ross for many years and offered his belief that "he is consistent in good times and bad." He opined that Mr. Ross did not dodge his responsibilities to "do the right thing." He described Mr. Ross as a hardworking, highly competent, honest, and experienced Alaskan attorney. He offered his hope that Mr. Ross will be confirmed.

[5:45:16 PM](#)

TOM BAIRD said that Mr. Ross was fair, impartial, and honest and he supports the confirmation of Mr. Ross.

[5:46:07 PM](#)

PETER PROBASCO said that he had known Mr. Ross for many years and he is a man of complete integrity, a supporter of families, and faithful to the end. He stated his support for Mr. Ross.

[5:47:20 PM](#)

REPRESENTATIVE GRUENBERG noted that he did have Mr. Eaglin's letter.

[5:47:41 PM](#)

BYRON CHARLES asked to what extent Mr. Ross or the legislators had education, knowledge, and understanding of tribal government issues. He then asked if they all believed in equal protection and he spoke about the Alaska Native Claims Settlement Act and the people's due process.

[5:50:08 PM](#)

LARRY FISCHER offered his belief that Mr. Ross is a strong supporter of the Second Amendment and the Constitution. He advocated support for Mr. Ross.

[5:52:54 PM](#)

GARRY HORTON said that he is a Vietnam veteran and has been an educator for 27 years. He said that Mr. Ross did an excellent job representing him in a case of mistaken identity and he was found innocent. He supported the confirmation of Mr. Ross.

[5:55:24 PM](#)

DEBBIE JOSLIN, President, Eagle Forum Alaska, said she has known Mr. Ross for 13 years and we "can do no better than to confirm Wayne Ross to be the attorney general for our state." She said she always appreciated his ability to work well with everyone around him, whether they agreed or not. She said his integrity, his love for Alaska, and his concern for all Alaskans was very strong. She said she "trusted him with the state of Alaska."

[5:57:31 PM](#)

CLAIRE STEFFENS, Attorney, said she has known Mr. Ross for many years as an attorney and she urges support for his confirmation. She opined that many of the respondents to the confirmation hearings have been speaking their fears that concerns will not be advanced by the attorney general, however, she opined that advancing social change is not the job of the attorney general. She offered her belief that shunning Mr. Ross because of his differing personal beliefs would be perpetuating the same intolerance. She stated that Mr. Ross was tolerant and respectful of all types of people, regardless of his agreement with them.

[6:01:34 PM](#)

KATE FITZGERALD said that she opposed the appointment of Mr. Ross as attorney general. She expressed her concern that as he had lacked the qualification for nomination by the Alaska Judicial Council, he was not qualified to become attorney general. She said she is concerned with Mr. Ross's views on women's reproductive health issues. She offered her belief that Alaska deserved an attorney general who is unbiased, objective, and qualified, and she did not consider Mr. Ross to have these qualities.

[6:02:52 PM](#)

STEVEN JAQUIER relayed that he was a church-goer, a parent, a teacher, a business owner, a gun owner, and an ardent supporter of the first and second amendments to the Constitution. He considers himself to be the average law abiding Alaskan "whom Mr. Ross has described as immoral, perverted degenerate." He offered his belief that the people of Alaska deserve better.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

MR. JAQUIER expressed concern with the comments that Ms. Leah Burton had referenced to Mr. Ross, "if a guy can't rape his wife, who's he gonna rape" and "there wouldn't be an issue with domestic violence if women would learn to keep their mouth shut." Mr. Jacquier stated that he was appalled by these comments, and although Ms. Steffens previously testified that Mr. Ross was an "impartial, fair minded champion of us all," he said he "was not buying what the previous speaker [Ms. Steffens] was selling." Mr. Jacquier concluded by reading from his statement which he had submitted to the committee [Included in the members' packets.]:

We do not appreciate Mr. Ross' statement in the state Bar Association newsletter referring to GLBT Alaskans as "degenerates" and describing being gay as a "perversion." This from a person being considered for the office of Attorney General? Such baseless and divisive statements are inflammatorily prejudicial and reflect poor reasoning skills as well as bad executive judgment.

Please oppose Wayne Anthony Ross as Attorney General; his presence would be an insult to the office as well as to our family; based on his record and statements to date he would not serve Alaska as whole (sic) well at all.

[Vice Chair Dahlstrom turned the gavel over to Chair Ramras.]

REPRESENTATIVE GATTO asked if Mr. Jacquier had seen evidence that the statements attributed to Mr. Ross were accurate.

MR. JAQUIER replied that he finds it credible that a "citizen of substance and longevity in the community" would go on the radio and share her personal, firsthand experience. He acknowledged that he had not heard an official transcript.

[6:06:50 PM](#)

CHAIR RAMRAS warned that harassing phone calls to individuals after their testimony was deplorable and was not condoned.

[6:07:20 PM](#)

TOM LOKESH said that he was opposed to Mr. Ross' appointment on constitutional grounds. He noted that Mr. Ross testified he would appoint assistants with heart, implying that they should follow their heart instead of following the state law. Mr. Lokesh also announced that Mr. Ross' declaration to the innocence of his clients, which included Mr. Kohring, was an implication that Mr. Ross would "throw" these appeal cases. Mr. Lokesh opined this to be a violation of his constitutional right to separation of powers. He stressed that a vote for appointment "of a person who would disregard judges, disregard juries, disregard the law passed by the legislature, impede legislative investigations..." was unacceptable.

CHAIR RAMRAS said that he didn't hear Mr. Ross say any of what Mr. Lokesh is asserting.

6:11:20 PM

STEPHEN GINGRICH said he is one of the people that Mr. Ross referred to as immoral and degenerate in the 1993 Bar Association letter. He noted that earlier in the day, when questioned about this, Mr. Ross had not denied or apologized, but instead, made an anecdotal evasion to the question. He urged the committee to reject the nomination.

REPRESENTATIVE GRUENBERG asked if Mr. Gingrich was an attorney, or related to an attorney.

MR. GINGRICH replied that he was not.

6:12:45 PM

CAROL ANNE HOGINS-WOLFE said that she was a lifelong Alaskan and a licensed clinical social worker. She pointed out that as a former social worker and investigator for the OCS, she worked to ensure the safety of children in the home. She stressed that she was appalled by Mr. Ross' comments that children were taken into custody by OCS to procure additional funding. She considered Mr. Ross to be out of touch, divisive, confrontational, and aggressive. She offered her belief that a high percentage of Alaskan Natives were in opposition to his confirmation.

6:15:00 PM

NELSON ANGAPAK, Vice President, Alaska Federation of Natives (AFN), stated that AFN emphatically opposes the confirmation of Mr. Ross for attorney general. He recalled that Mr. Ross, during his campaign for governor, stated that he would hire "junk yard dog" attorneys to oppose the subsistence clause in ANILCA. He confirmed that Alaskan Natives were insulted to be referred to as a junkyard. He offered his opinion that Mr. Ross opposes tribal government and portions of Alaska Native Claims Settlement Act (ANCSA). He reiterated that AFN opposes Mr. Ross as attorney general, and noted that a duty of the attorney general was representation of all Alaskans, including Alaskan Natives.

6:19:01 PM

PAMALA SIEGFRIED said that she first met Mr. Ross when she and others chained themselves to an abortion clinic, and he represented them through their petition to the Alaska Supreme Court. She shared that Mr. Ross defended them without pay. She relayed that Mr. Ross would listen to those he disagreed with, was moral, and would administer the law fairly. She offered her support of Mr. Ross for attorney general.

[6:21:51 PM](#)

BRIAN JUDY, Alaska State Liaison, National Rifle Association (NRA), said that the right to bear arms and the right to self defense are fundamental, and that few issues are more important to Alaskans. He reported that Mr. Ross is a staunch supporter of constitutional freedom. He opined that Mr. Ross would not "coddle any criminals, domestic abusers, or otherwise." He stated that Mr. Ross was a man of strong character and the utmost integrity. He expressed the support of the NRA for the confirmation of Mr. Ross.

[6:23:14 PM](#)

LEAH BURTON, read from testimony that she had sent to members of the committee:

My name is Leah Burton. My father is former Commissioner of Public Safety, Richard L. Burton, who served under both Governor Hammond and Governor Hickel. I grew up in a law enforcement environment. Mr. Ross testimony today in response to Senator Hollis' questions about domestic violence and sexual assault victims enhances my testimony as to his prejudice on this very serious topic, especially given that, "Alaska rates among the top 5 states in the nation for per capita rates of domestic violence." (FBI/UCR 2007)

From 1989 through 1997 I lobbied on behalf of families and children in Alaska with regard to child support, custody, abuse, abandonment and neglect. In the course of that time my efforts put me in conflict with a group known then as the Dads Against Discrimination (DADS), and later renamed the Alaska Family Support Group.

Mr. Ross is one of the most successful attorneys in Alaska in his representation of the members of this

organization and others who sought to avoid payment of child support through several means, not the least of which was to fight for custody.

In 1991, the DADS group held an area wide meeting at a Denny's Restaurant in Anchorage near DeBarr & Bragaw. I chose to go and sit in the main area of the restaurant near the opening of the meeting room where they convened so I was able to hear what they had to say and find out what plans they had for the upcoming legislative session.

At that point they still did not know what I looked like so I was able to sit there unnoticed. The meeting was well attended, Steve Strube was the head of the group at that time and another known member, John Grames (who Strube referred to as his Lt.) was also in attendance along with enough other members to fill the room. They were delighted to have Wayne Anthony Ross in attendance as a guest speaker.

Numerous comments were made that were appalling, not the least of which were remarks by Mr. Ross which included the following; "If a guy can't rape his wife...who's he gonna rape?" and "There wouldn't be an issue with domestic violence if women would learn to keep their mouths shut."

Other members made their own contributions such as, "We have the right to discipline our wives and children without the interference of government in our lives!"

The comments were greeted with laughter and affirmative responses by the group. Given the fact that they had referred to me in recent months as a "femi-nazi", the comments I was witness to at this meeting, while abhorrent, were unfortunately not surprising.

This announcement by Governor Palin is a slap in the face to all single parents who have no choice but to rely upon the State Department of Law to support court orders for child support, as well as those persons who need the Department to enforce criminal laws against sexual assault and domestic violence. Mr. Ross is the antithesis of the type of person that should be the

Attorney General. This has been clearly demonstrated by his own words and actions in public.

In closing, I am not alone in my assessment that anyone who condones, and contributes to that type of hateful and harmful discourse clearly does not have the judgment necessary to represent the people of the State of Alaska as their Attorney General.

Given his other special interests and his stated opposition to subsistence rights and other Alaska Native issues I have brought forth this as yet another dimension of Mr. Ross demonstrated inability to represent all people in the state of Alaska fairly and impartially. His clear racial and gender prejudice raise serious concerns with regard to his ability to represent all residences of the state of Alaska fairly and impartially as their Attorney General.

[6:27:58 PM](#)

REPRESENTATIVE GRUENBERG, noting that her written statement was not in his package, asked Ms. Burton to provide it to the committee. He asked if she saw Mr. Ross make this statement and were there any other witnesses who could verify this.

MS. BURTON replied that she did see him make the statement, but as it was a house packed full of like-minded people, it may be difficult to find anyone who would come forward.

REPRESENTATIVE LYNN, stating that he is familiar with the venue, offered his belief that it would be difficult to hear or see into the meeting room as it was currently configured. He conceded that the room configuration may have been changed in the 17 years since the DADS meeting.

MS. BURTON replied that may be true.

[6:29:53 PM](#)

REPRESENTATIVE DAHLSTROM asked if Ms. Burton was aware of the rebuttal letter that Mr. Ross had submitted to the legislature.

MS. BURTON replied that she was aware of this and not surprised. In response to a question from Representative Dahlstrom, she said she would be willing to speak with a representative of the administration.

CHAIR RAMRAS offered his belief that Mr. Ross would be confirmed as attorney general. He voiced his hopefulness that Mr. Ross had "grown considerably since then and brings a broader, more mature, more balanced perspective to the position." He observed that Mr. Ross "seems like an honest man" and "a thoughtful man." He reflected that a lot of water may have floated under the bridge in the ensuing 16 years since these alleged comments.

MS. BURTON pointed out that Mr. Ross' testimony to the Senate Judiciary Standing Committee a few days prior suggested to her that "his philosophy and ideologies were still the same."

[6:32:39 PM](#)

REPRESENTATIVE GRUENBERG asked Ms. Burton to comment further on her concerns with Mr. Ross' comments to the Senate Judiciary Standing Committee.

MS. BURTON replied that Mr. Ross, when answering a question about representation for domestic violence clients, stated that he did not have sympathy for those cases. She declared that this remark disturbed her and that such egregious remarks are never forgotten.

[6:34:13 PM](#)

BILL BURTON said that Mr. Ross has "always been honest and upfront" in dealings the two have had. He opined that Mr. Ross would be an excellent attorney general, and would "be able to get along with the natives, even though an awful lot of the natives don't care for him." He opined that Mr. Ross has the ability to talk with people. He shared that he was impressed with Mr. Ross' testimony to the House Judiciary Standing Committee. He declared that Mr. Ross was "honest and a real moral character, and I think he would be an excellent attorney general."

[6:36:40 PM](#)

LYNNETTE MORENO-HINZ proudly stated that she was born in Sitka, prior to statehood. She reported that she was a past president of Tlingit and Haida tribes and the Alaska Native Sisterhood (ANS) Camp 87 from Anchorage. She reflected on some of the walks that ANS had organized to get support for Indian country. She offered her belief that Mr. Ross was against Alaska Natives at this time. She detailed her family history in Alaska. She

emphatically declared that "Wayne Anthony Ross is not for Alaska Natives." She stated "my people are very honorable and we do not support him." She announced that she was composing a resolution to not support the nomination of Mr. Ross as attorney general, which she was planning to present to the Central Council of Tlingit and Haida.

CHAIR RAMRAS offered his belief that Mr. Ross didn't disparage any group of people.

[6:41:23 PM](#)

CHAIR RAMRAS closed public testimony.

[6:41:44 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the confirmation of Wayne Attorney Ross for attorney general out of committee with individual recommendations.

REPRESENTATIVE GRUENBERG objected. He said that he was under the impression that committee questions for Mr. Ross had not been completed. He informed the committee that he still had some questions for Mr. Ross.

REPRESENTATIVE GRUENBERG, in response to a clarification from Chair Ramras, removed his objection.

REPRESENTATIVE GATTO clarified that the House Judiciary Standing Committee was only determining if Mr. Ross was qualified for the position.

CHAIR RAMRAS read the confirmation committee report, dated April 10, 2009, which stated:

The Judiciary Committee has reviewed the qualifications of the following governor's appointee shown on the attached referral for confirmation form and recommends that the name be forwarded to a joint session for confirmation. This does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purpose of confirmation.

He further explained that the committee does not vote, but can make a motion to forward the name of the attorney general designee.

6:45:09 PM

CHAIR RAMRAS announced that the confirmation was advanced from the House Judiciary Standing Committee.

6:45:27 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 6:45 p.m.