

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS**

March 11, 2021

1:19 p.m.

**MEMBERS PRESENT**

Representative Chris Tuck, Chair  
Representative Andi Story  
Representative Geran Tarr  
Representative Matt Claman  
Representative George Rauscher  
Representative David Nelson  
Representative Laddie Shaw

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S) :

Military Appeals Commission

John Pharr - Anchorage  
Robin Barrett - Fairbanks  
Scott Oravec - Fairbanks

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

JOHN PHARR, Appointee  
Military Appeals Commission  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Military Appeals Commission.

ROBIN BARRETT, Appointee  
Military Appeals Commission  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Military Appeals Commission.

SCOTT ORAVEC, Appointee  
Military Appeals Commission  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Military Appeals Commission.

**ACTION NARRATIVE**

[1:19:22 PM](#)

**CHAIR CHRIS TUCK** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:19 p.m. Representatives Claman, Rauscher, Tarr, Nelson, Shaw, Story, and Tuck were present at the call to order.

**CONFIRMATION HEARING(S) :**

**Military Appeals Commission**

[1:20:16 PM](#)

CHAIR TUCK announced that the only order of business would be the confirmation hearing for appointees to the Military Appeals Commission.

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JOHN PHARR, Appointee, Military Appeals Commission, read his testimony as follows [original punctuation provided]:

Chairman Tuck, members of the committee, my name is John Pharr, and I am honored to have been nominated for the military appeals commission. This is my forty-third year in the full-time practice of law and I still regard it as a great privilege to use my training and skills to help people who really need my help, sometimes desperately. My military career developed alongside my legal career. It started in 1971 when I joined ROTC as a freshman at Penn State, where I was awarded a two-year scholarship, was a distinguished military graduate, and commissioned a second lieutenant. In 1974 I completed Airborne school and got my jump wings. After a three-year educational delay to attend law school at Georgetown

University Law Center I entered the Judge Advocate General Corps as a Captain. In four years on active duty as a military lawyer I was stationed in the [United States] Disciplinary Barracks, the military prison at Fort Leavenworth, Kansas, then one year in Korea and then Fort Lewis, Washington. After active duty I stayed in the Reserves while in the private practice of law and completed 20 years in the Reserves, earning a retirement. This duty helped me stay engaged in the military community and stay up to date on military law and procedures. To complete 20 years in the Reserves I had to do two weeks active duty every year, pass a physical fitness test and a weigh-in, earn 50 points per year and satisfy educational requirements including the advance course and the U.S. Army Command and General Staff College. I retired as a Lieutenant Colonel after 20 years. While serving as a military lawyer I served mostly as a trial counsel, i.e. military prosecutor, and in the trial defense service, i.e. military defense counsel, but also as an administrative law officer and legal assistance officer, dispensing legal advice to soldiers of all ranks. I was awarded the Meritorious Service Medal and three Army commendation medals. Military means a lot to me and has been such a major factor in my life that I would be thrilled, and no lesser word will suffice, to be able to give back by serving on the Military Appeals Commission. Thank you.

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CHAIR TUCK opened for questions from the committee.

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REPRESENTATIVE TARR noted that the Military Appeals Commission was created last fall and asked Mr. Pharr to share what has happened since the creation, such as whether there have been meetings.

MR. PHARR replied that that there have not been meetings of the Military Appeals Commission and that he understands that it doesn't get "kicked off" until the appointees are vetted by the Legislature and approved.

REPRESENTATIVE TARR asked if Mr. Pharr could expand on the purpose of the commission.

MR. PHARR alluded to "that scandal" as a catalyst for the creation of the Military Appeals Commission and noted that the Alaska National Guard ("the Guard") had no military disciplinary methods or structure in place for courts martial, so a military structure developed as a counterpart for what one would find in active-duty military to court martial servicemembers in the Guard.

REPRESENTATIVE TARR said that she didn't know what had occurred since the creation of the Military Appeals Commission and that she will be very interested to see how this works going forward.

MR. PHARR responded, "As will I."

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CHAIR TUCK said that he would attempt to sum up what he understands. He said that the state hadn't had an updated Military Code of Justice since it was first established (in the 1950s) until 2016, when it was split into criminal activity, which went into statute, and personnel matters, which went into regulations. Legal procedures were different for active duty versus inactive military personnel, with a court martial procedure applying to those who had been "federally called out." The legislature tried to ensure Alaska was aligned with the federal recommendations on the Military Code of Justice. He then indicated that he thinks this commission is the result of that earlier legislation, and the state is finally getting to the appeals situation. He then asked Mr. Pharr to confirm his understanding..

MR. PHARR responded that he agrees with Representative Tuck's statements.

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REPRESENTATIVE NELSON congratulated Mr. Pharr and referred to his own Reserve Officers' Training Corps (ROTC) experience, then asked for clarification on how his experience as a prosecutor would relate to his role on the commission.

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MR. PHARR responded with biographical information included in the committee packet, described similarities between military and civilian trials, and said that he did military prosecution which would be applicable in this role.

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CHAIR TUCK opened public testimony on the appointment of Mr. Pharr. After ascertaining that there was no one who wished to testify, he closed public testimony.

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REPRESENTATIVE STORY noted that the intent in creating the commission was to help with the reform on sexual assault, and that it's her understanding that the commission will be looking at individual cases. She then asked what the commission's role should be if the appointee were to see a pattern in cases.

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MR. PHARR replied that he would try to apply the law to the facts instead of getting caught up in policy. He said that he "would probably speak up" if he saw a pattern that was disturbing, and he stated that he's not a policymaker, and that the role of a judge is to apply the law to the facts.

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ROBIN BARRETT, Appointee, Military Appeals Commission, gave an accounting of her educational background beginning with her education and military experience beginning with Lamar University and the ROTC program, her commission, and subsequent educational delay for law school at the University of Houston. She said that she was assigned to Eielson Air Force Base and served for four years in the legal office before leaving for private practice doing civil defense work. She later joined the National Guard and spent 16 years in the legal office before retiring as a Lieutenant Colonel.

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REPRESENTATIVE STORY inquired about the Air National Guard's reform on sexual assault and abuse and how Ms. Barrett would handle patterns of harm.

MS. BARRETT replied that she doesn't know how likely it is that those cases would come to the commission, and she believes that "courts will be rare" because there are no full-time judge advocates. She said that if she saw a pattern, she would reach out to the adjutant general for a discussion. She then said that she had not witnessed the military overlooking allegations or sexual abuse.

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REPRESENTATIVE NELSON asked what type of change she has seen from the U.S. Department of Defense responding to the Judge Advocate General's Corps (JAG) office or to sexual assault.

MS. BARRETT replied that the topic is emphasized more now, with training on sexual assault and harassment. She noted that she has seen an improvement in how the military treats women and minorities.

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REPRESENTATIVE RAUSCHER asked, "What is the Little Flowers Ministry?"

[1:49:09 PM](#)

MS. BARRETT responded that the Little Flowers Ministry is a nonprofit organization that works to bring Catholic radio to Fairbanks, and that she sits on the board. She noted that she also sits on the board of Morning Star Ranch.

[1:50:27 PM](#)

CHAIR TUCK opened public testimony on the appointment of Ms. Barrett. After ascertaining that there was no one who wished to testify, he closed public testimony.

[1:51:12 PM](#)

SCOTT ORAVEC, Appointee, Military Appeals Commission, spoke about his history and experience. He stated that he has been licensed to practice law in Alaska since 2001 and went through ROTC, and currently serves as U.S. magistrate judge with the federal court. He said that he served in active duty in the Army Judge Advocate General Corps (JAG) and continues to serve in the U.S. Army Reserve as a JAG and as a military trial judge.

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REPRESENTATIVE CLAMAN noted that the Military Appeals Commission is an appellate court role and asked Mr. Oravec how he sees it differing from his current work in a trial court role.

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MR. ORAVEC responded that he believes his experience reading cold records, reviewing state court actions and federal cases, as well as his experience as a military trial judge would be useful in reading the trial records.

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CHAIR TUCK opened public testimony on the appointment of Mr. Oravec. After ascertaining that there was no one who wished to testify, he closed public testimony.

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REPRESENTATIVE STORY asked what Mr. Oravec would do if he saw a pattern of sexual assault cases coming through.

MR. ORAVEC responded that while he would feel the need and desire to "speak up" if he saw a pattern of sexual assault cases, in this position he would want to ensure that any comments were made to the appropriate authority.

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REPRESENTATIVE CLAMAN spoke about the importance of the Military Appeals Commission.

[1:58:04 PM](#)

REPRESENTATIVE TARR stated that the House Special Committee on Military and Veterans' Affairs has reviewed the qualifications of the governor's appointees to the Military Appeals Commission and recommends that the following names be forward to a joint session for consideration: John Pharr, Robin Barrett, and Scott Oravec. She said that this does not reflect intent by any of the members to vote for or against these individuals during any further session for the purposes of confirmation.

CHAIR TUCK announced that the confirmations were advanced.

1:59:02 PM

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:59 p.m.