

HOHMAN
MATTER:

DOCUMENTS
FILE

I think it is important to this committee and the people viewing these proceedings that I state what I perceive my responsibilities to be as special counsel:

I am expected to marshall the evidence and testimony that you have received during your hearings and to comment upon the significance of that evidence and testimony.

I am expected to advise you on your duties, responsibilities and powers in determining what action, if any, you should recommend as a result of the jury verdicts finding Senator Hohman guilty of the charges of bribery and receiving a bribe.

I am to advise you on the standards you must apply to the evidence in deciding whether or not to recommend that sanctions be imposed against Senator Hohman.

Finally, I must recommend to you as committee members what action you should propose that the Senate at large take.

I want to make it clear that I do not believe that my duties run just to this committee.

The record before this committee, the evidence and the testimony that has been presented, my statements to you, the statements of Senator Hohman's counsel, may be the basis for action by the Senate, after this committee has reached its decision.

Therefore, I consider the Senate to be my client.

But the final effect of your decision, and that of the Senate, will ultimately be borne by the public, and consequently I believe that as your legal advisor, my ultimate responsibility is identical to yours.

That responsibility is to the citizens of the State of Alaska.

There is little need to say again that the question before this committee is a very difficult one.

It is without precedent in this state.

We have no prior committee proceedings or legislative proceedings or court cases in this state to look to for

guidance during deliberations.

Since there are no rules establishing the procedure to be followed for matters of this type, this committee had to adopt procedural rules, which I believe have fully protected Senator Hohman's rights.

There are few written standards of conduct for the members of the Senate, except the general standard of conduct to which all citizens are subject; that standard of conduct is the criminal law.

There are some standards, however; you unquestionably have the power, as provided in Article XII, section 2 of the Alaska constitution, to expel one of your fellow Senators with the concurrence of two-thirds of the Senate.

Based upon the history of the Constitutional Convention which wrote our state constitution, it is my opinion that you clearly have the power to expel one of your members for a violation of law which bears directly upon his duties as a member of the Senate.

Yesterday Senator Hohman's attorney argued, that to vote to expel Senator Hohman before he has exhausted all of rights of appeal in the criminal proceeding would be precipitous.

That is a very appealing argument, and I can, I believe, make a number of very compelling points in addition to those made by Senator Hohman's attorney which support that argument.

Senator Hohman is in the last year of a four-year term.

We are already well into the session.

You have heard from the governments of the City of Bethel and of Newtok in Senator Hohman's district, urging you to allow Senator Hohman to remain in the Senate.

The only testimony that I know of before this committee from Senator Hohman's district supports his retention in the Senate.

Therefore, based upon that testimony, and based upon the fact that we are already well into this legislative session, why not leave Senator Hohman in to represent the citizens of his district, and let the voters decide in the next election,

perhaps after the appeal process in Senator Hohman's criminal proceedings have run, whether Senator Hohman should be returned to this body?

Alternatively, if the public wants Senator Hohman expelled, why not leave it up to the public to initiate a recall petition?

As a final alternative, why shouldn't this committee delay any action until the appeal process in Senator Hohman's criminal proceedings has run, in effect letting the court system make the decision?

I submit to you that all of the above arguments, while they may be persuasive, simply miss the point: this committee, and the Senate, have the constitutional responsibility to decide if any action should be taken.

However, I want to make it clear that it is within the Senate's power to defer action until the appeal process is run.

You have the power, in other words, to do nothing and wait to see if a recall petition is filed against Senator Hohman.

That, however, will not be my recommendation to this committee.

[PAUSE]

Turning now to the evidence and testimony before the committee, Senator Hohman asked that the court record of his jury trial be placed into the record of these proceedings.

That record was prepared and made available on January 24.

Additionally, you have received a summary of evidence prepared by the prosecutor's office from the jury trial which resulted in the verdicts finding Senator Hohman guilty of bribery and receiving a bribe.

I submit to you that that document is a fair summary of the evidence presented against Senator Hohman, and that it establishes that there is a factual basis for the jury verdicts finding Senator Hohman guilty of the crimes of bribery and receiving a bribe

Senator Hohman's attorney commented at length on the proceedings at trial during his presentation to this committee yesterday and today.

The focus of his comments was on the basic fairness of that proceeding.

His comments can be very quickly summarized.

He criticized what he characterized as the excessive cost of prosecuting this case.

He criticized the fact that our constitution provides for a strong executive branch, and he raised the spectre of the executive branch, through its prosecutors, perhaps someday subjecting members of this committee to a criminal trial.

He criticized the prosecutor in this case.

He criticized the Alaska State Troopers, implying that they may have been a bit heavy-handed in their treatment of witnesses.

He certainly criticized Representative Meekins, the legislator who testified at trial that he was offered a bribe by Senator Hohman.

He criticized the witnesses that gave testimony establishing the case against Senator Hohman.

He criticized the jury saying that they were overcome by passion and prejudice.

He said the case was a showcase trial, that it was a weak and sensational case, and was speculative and emotional in the extreme.

What did Senator Hohman's attorney leave out in his presentation? What did he fail to discuss? The facts.

I hesitate to lapse into the use of a legal cliché, but I think it is appropriate in this instance:

The presentation of Senator Hohman's attorney to this committee, which was virtually identical to his final argument to the jury, followed an old adage of criminal defense attorneys:

When you are before the jury, try the witnesses, try the prosecutor, try the government, try anyone but your client, the defendant.

There is only a single factual argument that has been made to this committee, and the committee has now heard it, by my count, seven times.

The argument goes as follows:

That for the jury to find Senator Hohman guilty of bribing Representative Meekins, the jury had to conclude that he offered to give money to Representative Meekins with the intent to influence Meekins' vote or action in Meekins' capacity as a legislator on the purchase of two airplanes.

That in order to find Senator Hohman guilty of receiving a bribe the jury would have to find that Senator Hohman agreed to accept money with the understanding that his vote or action on the purchase of two airplanes as a member of the Senate would be influenced.

That Senator Hohman's conduct which the jury relied upon in finding him guilty of bribery and receiving a bribe occurred between May 1 and May 7 of 1980.

That the final action and vote on the purchase of the two airplanes which was to be influenced by the bribes took place on April 27, 1980, days before Senator Hohman's conduct during the period May 1 through May 7 which was the factual basis for the guilty verdicts.

Therefore, Senator Hohman argues, the convictions of bribery and receiving a bribe defy logic and constitute a "gross injustice".

The argument flies in the face of the facts.

In fact, the action and vote which the bribes were intended to influence did not take place until May 8 and 9 of 1980, after Senator Hohman's conduct, between May 1 and May 7, which was the factual basis for the jury's guilty verdicts against Senator Hohman.

The record at trial is absolutely clear on this point.

Part of the trial record, which you have, is the transcript of the Free Conference Committee Proceedings on House Bill 60, recording that final action on the purchase of the two airplanes was taken on May 8 and 9 of 1980.

I direct your attention to the following pages of the Trial Transcript: pages 2571 - 76 and 1278; Plaintiffs Exhibit 58, pages 22 - 54; and pages 1322 - 24; and 1326.

As stated before, instead of discussing the facts, Senator Hohman's attorney has chosen to attack the executive branch, the prosecutor, the Alaska State Troopers, the witnesses and the jury.

Why was the jury attacked?

The jury, as any criminal defense attorney will tell you, is the single most important protection that the accused has against government excess.

Our United States Supreme Court has stated that the criminal justice system is devised so that there is a substantial chance that ninety-nine guilty persons may go free to avoid convicting that one innocent person.

Our court has said that it should be no other way in a free and self-confident society.

Again, the jury is the cornerstone of that system.

What did Senator Hohman's attorney find wrong with the jury in this case?

Let me read to you, from the record of Senator Hohman's trial, how one of the attorneys at that trial described the jury:

1 THE CLERK: Court now resumes its session.

2 THE COURT: Thank you. Please be seated. We're back on
3 record with the counsel, defendant and jury present. Having closed
4 the -- concluded the first portion of the state's final argument,
5 we now move to the defendant's final argument. And, Mr. Fraties,
6 are you prepared to proceed?

7 MR. FRATIES: Yes, sir.

8 THE COURT: Please do.

9 MR. FRATIES: Fellow citizens of the jury, I don't want you
10 to be alarmed if about forty-five minutes from now you hear a
11 beeping noise. It won't mean that we're under surveillance or
12 anything, it will just mean that in recognition of the span of
13 attention of any group of normal human beings after forty-five
14 minutes I'm going to ask that we break, I don't care where we are,
15 and get a little bit of rest before I finish, presupposing I'm
16 not finished by that time. Now, this final argument style is a
17 misnomer. Because it is not my purpose to argue with you or to
18 tell you what you must do. This is the opportunity of the defense
19 and it's the defense's sole opportunity to explain the defense
20 view of the evidence that has been presented in this case, and it's
21 for your assistance as fact-finders. [Now, I think that most of us
22 that have been working in these courts for a good portion of adult
23 lives have found that a jury is a unique fact-finding entity in that
24 it has twelve sets of senses to study the evidence and it has
25 twelve life experiences with which to evaluate it. Now, this

1 particular jury in its composite form has many skills. It's an
2 administrator, it's a technician, it's investigative. It has many
3 jobs: banking, homemaking, researching, planning, It has the
4 wisdom of age, it has the idealism of youth, it's seen a lot, been
5 around, suffered. It is American. It's Alaskan. And it has
6 incorporated in its corporate personality a deeply engrained
7 respect for the individual and for fair play.] Now, in this case
8 it is the defense view upon which I will elaborate that the state's
9 presentation is extremely short on solid evidence and it is very
10 long on conjecture and speculation, the very things that the law
11 forbids you to do. You have been told in the instructions that a
12 defendant is never to be convicted on mere suspicion or conjecture.
13 You have seen in the course of this trial that particularly the
14 prosecution is very adamant the witnesses not speculating. The
15 law is adamant that you do not do so. In the context of that
16 instruction the state has urged you at the outset never to abandon
17 your common sense. That was said on many occasions in the voir
18 dire of the jury, and I certainly agree. It now urges you to
19 abandon your common sense and accept its theory, its speculation.
20 It has been said many times in the initial presentation of the case
21 by the state: it is submitted to you, we suggest, might it not be,
22 isn't it possible. All of it speculative. And you're asked to
23 speculate that Senator Hohman characterized as Mr. Hohman by the
24 state, an experienced and cautious legislator of fifteen years of
25 experience, would accept a young, talkative friend as a co-between

1 his investigators were not involved.....

2 MR. PETUMENOS: I'll object to facts not in evidence.

3 MR. FRATIES: Well, it's not in evidence that he ever did
4 call back.

5 MR. PETUMENOS: I'll object, facts are not a evidence.

6 THE COURT: The objection's sustained.

7 MR. FRATIES: And that is pointed out as an example of the
8 malice of Senator Hohman. Well, let me tell you something. This
9 prosecution has been a frightening experience for anybody that knows
10 the power of government. This is not an attack on the state of
11 Alaska. I love the state of Alaska as much as any one of you do,
12 but I fear unbridled power of anybody because with the money and
13 the attention that has been spent on this case to get -- you know,
14 to get a conviction on one state senator, I can tell you, members
15 of the jury, and I would ask you if you wish to speculate, speculate
16 what the government could do with your telephone bills and your
17 travel plans with all of the inferences to guilt and every conver-
18 sation that you ever had and every conversation that was ever heard
19 and every conversation that you had even with a family relative
20 construed in the worst possible way toward your impropriety.

21 Toward this sort of attack there is only one defense. And that is
22 the American jury system. The American jury system, the greatest
23 scheme ever devised by free men to protect their fellows against
24 the unbridled power of government. It gives you great responsibil-
25 ity. It requires total dedication on your part.] And like all

*ref to the
charges v.
J. Hohman*

That attorney was Gail Fraties, Senator Hohman's attorney.

Why is Mr. Fraties now saying that this case was speculative
and emotional in the extreme?

Why is he now saying that the jury was ruled by passion and
prejudice in reaching its decision?

I submit to you that the answer to that question is self-evident.

As Senator Dankworth pointed out in a question addressed to
Senator Hohman's attorney yesterday, the argument that the
jury was swayed by passion and prejudice, was made ~~to the~~
judge, and the judge was asked to overturn the jury's guilty
verdicts.

The argument was based upon the short length of time that the jury took in its deliberations.

The judge denied the motion.

I suggest to you, after you have completed your review of the evidence in this case, decide for yourselves:

Did the fact that the jury deliberated only a few hours indicate that they were swayed by passion and prejudice, or did it indicate that the evidence of Senator Hohman's guilt of the crimes of bribery and receiving a bribe was very strong and that the jurors, all twelve of them, were convinced of his guilt beyond a reasonable doubt?

Remember, if only one of those jurors felt otherwise, the jury could not have found him to be guilty.

When Senator Hohman was installed in his position of public trust, he swore to an oath, required by the Alaska Constitution, to "faithfully discharge his duties as Senator to the best of his ability".

Senator Hohman, as does any Senator, has two preeminent duties, the duty faithfully to protect the interests of his constituency and the interests of the public at large, and the duty to preserve the integrity of the Senate and the public's trust in that body.

Without question, accepting money in exchange for his vote and offering money to another legislator, to influence his

vote, strikes at the very heart of his duties to the public and the Senate.

Based upon Senator Hohman's offenses, the Senate may impose the ultimate sanction of expulsion.

The Alaska Constitution provides that each house of the legislature "may expel a member with the concurrence of two-thirds of its members".

The United States Constitution has a similar provision.

It has long since been established under the United States Constitution that "the right to expel extends to all cases where the offense is such as in the judgment of the Senate is inconsistent with the trust and duty of a member".

It is submitted that the courts of this state will uphold the Senate's power to expel, particularly, when the offense, as in this case, so directly violates a Senator's sworn promise to honor and uphold his duties to the public and to the Senate.

It is clear that the framers of the Alaska Constitution intended this result.

Senator Hohman has argued that this committee's action is "precipitous", and that no action should be taken until he has exhausted all of his appeal rights challenging the jury verdicts.

This argument confuses the different roles of the court and of the Senate, and ignores the rights that this committee, and the Senate, are bound to protect.

The trial court and the jury protected Senator Hohman's rights during the trial.

The appellate courts will continue to protect his rights during his appeal.

He was tried and found guilty of bribery by a jury of his peers.

Based upon the evidence presented, the jury found him guilty beyond a reasonable doubt, the highest standard of proof.

Senator Hohman was represented at trial by his attorneys and had full opportunity to present evidence in his behalf and to confront and cross-examine witnesses against him.

The appellate courts will make certain that Senator Hohman's right to a fair trial, and his right to be judged by a jury, unswayed by passion or prejudice, are protected.

This committee has also been mindful of Senator Hohman's rights.

As the chairman of this committee has stated, Senator Hohman must be given adequate notice of all proceedings affecting him; must be permitted to attend all proceedings and allowed the assistance of legal counsel; and must be given an opportunity to be heard, to present witnesses in his behalf and to cross-examine witnesses against him.

He has been given these rights.

~~He has been given those rights.~~

Additionally, before voting to recommend or to impose any sanction, the committee and the Senate must ascertain that there is a "rational evidentiary basis" for the action taken.

That is another of Senator Hohman's rights.

But there are rights other than Senator Hohman's that must be safeguarded, rights which are not at issue and therefore will not be protected in the court proceedings on the bribery charges against Senator Hohman.

Those rights are at issue only before the Senate and this committee, and the committee and the Senate are bound to protect those rights.

They are the rights of the public to be protected from lawmakers who would act upon purely selfish motives and contrary to the public interest, and the right of the public to have high public offices filled by persons who will not violate the public trust, and the right of the Senate to preserve its integrity.

[PAUSE]

In terms of population, Alaska is a very small state.

Unlike the citizens of more populated states, we must take personal responsibility every day for the decisions we make, and should you vote for the recommendation of expulsion you won't be able to escape from the impact that your vote will have on the life of Senator Hohman and his family.

You will have to live with that decision for the rest of your lives.

I am certain that none of you, when you ran for high public office, expected that with that office would come the duty to make the decision that you must soon make in this matter.

I am certain that it is far more difficult for you, who know Senator Hohman personally, than for the jury who did not know him, except for the evidence that they heard in the carefully controlled setting of the court room.

But the court room, as a forum for a jury trial in a criminal proceeding, is carefully controlled for one preeminent purpose: to protect the rights of the accused.

[PAUSE]

Based upon the evidence presented at trial, and alternatively, based upon the jury's verdicts finding Senator Hohman guilty of bribery, and receiving a bribe, it is my recommendation that the committee find that Senator Hohman has committed acts which constitute a breach of his oath of office, render him unfit to represent the public interest or to serve in the Senate, and violate the public trust and duties of a Senator.

It is my further recommendation that this committee propose a resolution for the expulsion of Senator Hohman.

ALASKA STATE LEGISLATURE
TWELFTH LEGISLATURE - SECOND SESSION

1982

IN THE MATTER OF THE RECOMMENDED ACTION TO BE TAKEN BY
THE SENATE AS A RESULT OF THE DECEMBER 24, 1981, JURY
VERDICTS FINDING SENATOR HOHMAN GUILTY OF THE CHARGES
OF BRIBERY AND RECEIVING A BRIBE

THE PROCEEDINGS SCHEDULED FOR JANUARY 28, 1982, WERE NOT
HELD DUE TO THE INABILITY OF SENATOR HOHMAN'S ATTORNEY
TO GET TO JUNEAU.

THE SCHEDULED MEETING WAS POSTPONED TO JANUARY 29, 1982,
1:00 P.M., BUTROVICH ROOM, ALASKA STATE CAPITOL.

DOCUMENTS FILE

RE: HOHMAN MATTER

1. OUTLINE OF PROCEEDINGS - 1/19/82 MEETING
2. METHOD OF PROCEEDINGS
DRAFT #1
DRAFT #2
3. MEMO FROM PEGGY MULLIGAN, SENATE SECRETARY, TO
SENATOR TIM KELLY RE: TIME FRAME OF PRODUCING
THE HOHMAN TRIAL TRANSCRIPTS
4. OUTLINE OF PROCEEDINGS - 1/20/82 MEETING
5. PROPOSED RULES COMMITTEE TIMETABLE
6. OUTLINE OF PROCEEDINGS - 1/29/82 MEETING
7. MEMORANDUM DATED 1/25/82 TO RULES COMMITTEE MEMBERS
FROM JAY KERTTULA, SENATE PRESIDENT, RE:
DISCIPLINARY PROCEEDINGS



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO : Rules Committee Members
FROM : Jay Kerttula, Senate President
SUBJECT: Disciplinary Proceedings
DATE : January 25, 1982

Jim Baldwin of the AG's office called my office. They have received documents from the attorneys they spoke to in Washington D.C. about the Rep. Myers case. Documents include the House resolution of expulsion, the rules of procedure of the House Standards Committee, the trial transcript and the transcript of the hearings. The documents are extensive and they would like to hang on to them; the committee can make copies of anything it needs. I would think the Rules Committee would at least like to see the resolution and the rules of procedure.

JK/mv/cp

JAN 28 1982

CARPENETI & COUNCIL

ATTORNEYS AT LAW
310 SEWARD STREET, SUITE 203
JUNEAU, ALASKA 99801

(907) 589-1788

WILLIAM T. COUNCIL
WALTER L. CARPENETI

J. LESLIE E. BRYANT

HAND DELIVERED

January 23, 1982

Mr. Dan Hickey
Chief Prosecutor
Department of Law
Pouch KC
Juneau, Alaska 99801

Mr. Gail Fraties
801 West Fireweed Lane,
Suite 920
Anchorage, Alaska 99501

Re: In the matter of Senator George H. Hohman, Jr.

Gentlemen:

This is to confirm my telephone conversations with Dean Guaneli of Mr. Hickey's office and with Gail Fraties on Saturday, January 23, 1982.

I have requested Mr. Hickey's office to provide the Senate Rules Committee with a summary of the evidence presented at Senator Hohman's trial. I have extended the same request to Mr. Fraties as Senator Hohman's attorney. At Mr. Fraties' request, a copy of the summary prepared by Mr. Hickey's office will be provided to him as soon as it is available to me.

This is also to confirm the committee does not contemplate calling any witnesses. I will make a presentation to the committee, and will make a recommendation respecting what action the committee should take. I expect that my presentation will require approximately one hour. Based upon my

Mr. Dan Hickey
Mr. Gail Fraties

-2-

January 23, 1982

review to date of relevant portions of the testimony presented at trial, I expect that I will recommend to the committee that it submit a resolution to the Senate to impose sanctions against Senator Hohman. I may recommend that the sanction be expulsion from the Senate.

Sincerely yours,



William T. Council

cc: ✓ Senator Tim Kelly, Chairman
Senate Rules Committee

Wilson L. Condon
Attorney General

OUTLINE OF PROCEEDINGS

1. CALL TO ORDER

2. DATE, TIME AND PLACE

The date is January 29, 1982. The time is 1:00 p.m. The hearing is taking place in the Butrovich Room in Juneau.

3. QUORUM

4. HOHMAN PRESENT

5. SUBJECT OF HEARINGS

The Senate Rules Committee is meeting pursuant to referral by the Senate President, and has been charged with the responsibility to hold hearings and recommend the action to be taken by the Senate as a result of the December 24, 1981 jury verdicts finding Senator Hohman guilty of the charges of bribery and receiving a bribe.

6. PURPOSE OF HEARINGS

The purpose of the hearings will be to determine if there is cause for the Senate to take action against Senator Hohman as a result of the December 24, 1981 jury verdicts finding him guilty of the charges of bribery and receiving a bribe, and to determine what recommendations for action the committee should make to the Senate.

7. POSSIBLE ACTION

Committee action may include, but is not limited to, a recommendation that Senator Hohman be expelled from the Senate, pursuant to Article II, Section 12 of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

8. SENATOR HOHMAN'S RIGHTS

Senator Hohman has been informed that, in the course of the proceedings,

he will be given notice of the date, time and location of each committee meeting;

he may attend all committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if he is unable to be present; and

he will have an opportunity to be heard, to testify himself, to present witnesses on his behalf and to offer other evidence, to cross-examine witnesses and to examine and comment upon any evidence or other materials presented to the committee.

9. PROCEEDINGS TO DATE

This committee has previously held hearings on this matter on January 19th and 20th.

January 19th

At the January 19th hearing, the committee received testimony from two witnesses who testified on Senator Hohman's behalf. Those witnesses were John Guinn, Mayor of Bethel and Ivman Hoffman, City Manager of Bethel. In addition to his testimony, Mayor Guinn presented the committee with a resolution of the Bethel City Council supporting Senator Hohman's retaining his seat in the Senate.

Senator Hohman also testified on January 19th.

On January 19th, the committee adopted a Method of Proceedings.

At the request of Senator Hohman, that Method of Proceedings brings before this committee the record of Senator Hohman's jury trial on the bribery charges. Senator Hohman has requested that this committee review the evidence presented to the jury at his trial. The committee may consider that evidence in its deliberations.

January 20th

At the January 20th hearing, Senator Hohman again testified on his own behalf.

At the January 20th hearing, Senator Hohman requested that the committee delay these hearings until the record of his jury trial was made available to him. That request was granted, and further hearings were postponed until today.

Since January 20th

A complete copy of the record of Senator Hohman's jury trial, containing the testimony of all of the witnesses at the trial, was delivered to Senator Hohman's office on the morning of January 24th. Copies were delivered to all other members of the Senate on the morning of January 25th.

On January 23rd the committee's counsel informed Senator Hohman's attorney of the presentation that committee counsel expected to make to the committee.

On January 27th a summary of the evidence presented at Senator Hohman's jury trial, prepared by the office of the prosecuting attorney, was delivered to Senator Hohman's office. Copies of that summary were delivered to all other Senate members today. A copy will be entered into the record of these proceedings.

Senator Hohman has requested that exhibits used at his jury trial be made available to him for his presentation to this committee. That request has been granted by the court system, without objection by the committee.

Also of significance to these proceedings is an order entered by the judge who presided at Senator Hohman's jury trial. Senator Hohman had asked the trial judge to throw out the jury verdicts finding him guilty of bribery and receiving a bribe. Senator Hohman's attorney argued that the jury could not have carefully considered the evidence presented at trial since the jury reached its guilty verdicts after deliberating only a few hours. The trial judge upheld the jury verdicts, and ruled that there was

sufficient evidence to allow the jury to decide upon Senator Hohman's innocence or guilt on the bribery charges.

A copy of the judge's order is to be entered into the record.

10. OTHER PRELIMINARY MATTERS

11. TODAY'S TESTIMONY

Senator Hohman, you may proceed with your presentation to the committee.

12. ADJOURNMENT

PROPOSED RULES COMMITTEE TIMETABLE

THURSDAY	JANUARY 28, 1982	4:00 P.M.	HOHMAN TESTIMONY
FRIDAY	JANUARY 29, 1982	4:00 P.M.	COMMITTEE'S COUNCIL PRESENTATION RECOMMENDATION DECISION
SATURDAY	January 30, 1982		IF RESOLUTION IS DECIDED UPON, DRAFTING
SUNDAY	January 31, 1982		
MONDAY	February 1, 1982		INTRODUCTION, FIRST READING AND RULES COMMITTEE REFERRAL
TUESDAY	February 2, 1982	4:00 P.M.	RULES COMMITTEE HEARING: COMMITTEE REPORT

FLOOR VOTE: DEPENDING ON FULL ATTENDANCE BY SENATORS

- 1) How much time do you need.
- 2) ~~How much time~~
It's my understanding that a day
following receipt of the transcripts is acceptable to you.

OUTLINE OF PROCEEDINGS

1. CALL TO ORDER

The meeting is called to order.

2. DATE, TIME AND PLACE

The date is January 20, 1982. The time is 4:30 p.m. The meeting is taking place in the Butrovich Room in Juneau.

3. QUORUM

4. HOHMAN PRESENT

5. SUBJECT OF HEARINGS

The Senate Rules Committee is meeting pursuant to referral by the Senate President, and has been charged with the responsibility to hold hearings and recommend the action to be taken by the Senate as a result of the December 24, 1981 jury verdicts finding Senator Hohman guilty of the charges of bribery and receiving a bribe.

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The purpose of the hearings will be to determine if there is cause for the Senate to take action against Senator Hohman as a result of the December 24, 1981 jury verdicts finding him guilty of the charges of bribery and receiving a bribe, and to determine what recommendations for action the committee should make to the Senate.

7. POSSIBLE ACTION

Committee action may include, but is not limited to, a recommendation that Senator Hohman be expelled from the Senate, pursuant to Article II, Section 12 of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

8. SENATOR HOHMAN'S RIGHTS

Senator Hohman has been informed that, in the course of the proceedings,

he will be given notice of the date, time and location of each committee meeting;

he may attend all committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if he is unable to be present; and

he will have an opportunity to be heard, to testify himself, to present witnesses on his behalf and to offer other evidence, to cross-examine witnesses and to examine and comment upon any evidence or other materials presented to the committee.

9. YESTERDAY'S PROCEEDINGS

At the hearing yesterday, the committee received testimony from two witnesses offered by Senator Hohman. Those witnesses were John Guinn, Mayor of Bethel and Lyman Hoffman, City Manager of Bethel. In addition to his testimony, Mayor Guinn presented the committee with a resolution of the Bethel City

Council supporting Senator Hohman's retaining his seat in the Senate.

Yesterday, the committee also adopted a Method of Proceedings. That Method of Proceedings has been provided to Senator Hohman, and it should be entered into the record.

10. SCHEDULE FOR PRESENTATION OF SENATOR HOHMAN'S EVIDENCE

Senator Hohman, please direct your attention to paragraph 6 on page 2 of the Method of Proceedings,

PARAGRAPH 6 FROM METHOD OF PROCEEDINGS

6. Schedule of Proceedings. (a) If you wish to make a presentation to the Committee, it is requested that you give the Committee Chairman reasonable written notice of the following:

(1) the name of your attorney or attorneys who are authorized to represent you in the proceedings, if you choose to have legal representation, and whether those attorneys may speak in your behalf in your absence;

(2) a witness list, including the names and current addresses of all witnesses who you intend to call to testify in these proceedings. For each witness listed, you should submit a brief summary of the testimony which the witness will provide;

(3) a list of all written materials which you intend to submit or alternatively, the actual written materials; and

It's my understanding you want 4 hours to present your testimony.

(4) an estimate of the amount of time that you desire in order to make your presentation to the Committee.

I have directed the committee's counsel to provide you with an outline of the materials he intends to submit to the committee before the close of business this week.

*** TIMETABLE**

11. TODAY'S TESTIMONY

12. ADJOURNMENT



Alaska State Legislature

Senate

JUNEAU, ALASKA

January 20, 1982

MEMO: Senator: Tim Kelly *Tim Kelly*
From Peggy Mulligan, Secretary of the Senate

After talking to Rick Barrier again today in Anchorage, it looks like this for a time frame on producing the Hohman volumes:

Volume I (Hohman Case File)	700 pgs	— done
Volume II (Trial Transcript)	3,000 "	
Volume III (Exhibits)	3,000 "	— done

Volume I is done and distributed.

Volume II is being finished today. (3 volumes)

Volume III will be about 3,000 pages and be in 3 books.

Rick Barrier said this afternoon that he would try very hard to get 1200 or 1500 pages gold-streaked Friday evening of the transcript.

The other roughly 1500 pages would be gold-streaked on Monday afternoon.

Sam says that Meradie and Don will work this week-end and get the first part done so that they can work Monday evening and Tuesday on the rest.

It would appear that Tuesday evening would be the first that the whole thing could be ready.

#3

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

SENATE RULES COMMITTEE

In the Matter of
SENATOR GEORGE H. HOHMAN, JR.

METHOD OF PROCEEDINGS

TO: Senator George H. Hohman, Jr.

1. Subject of Committee Hearings. The Senate Rules Committee, pursuant to referral by the Senate President, has been charged with the responsibility of holding hearings and recommending what action should be taken by the Senate as a result of the circumstances leading to the December 24, 1981 jury verdicts finding you guilty of the charges of bribery and receiving a bribe. Copies of the indictment and of the jury verdicts are attached. The transcript of the court proceedings is presently being prepared. A copy will be provided to you upon its completion.
2. Purpose of hearings. The purpose of the hearings will be to determine if there is cause for the Senate to take action against you, and to determine what recommendations for action the Committee should make to the Senate.
3. Possible Committee Action. Committee action may include, but is not limited to, a recommendation that you be expelled from the Senate, pursuant to Article II, Section 12

of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

4. Scope of Hearings; Evidence that may be Presented. The Committee will receive evidence on the facts and circumstances leading to the December 24, 1981 jury verdicts finding you guilty of the charges of bribery and receiving a bribe. On those charges, the evidence will be limited to the transcript of the court proceedings and comments upon the evidence and other materials in the transcript. You will be provided a copy of the transcript. The Committee will also receive evidence relevant to the recommendations to be made to the Senate.

5. Rights of Senator Hohman. In the course of the proceedings, you

(a) will be given notice of the date, time and location of each Committee meeting;

(b) may attend all Committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if you are unable to be present; and

(c) will have an opportunity to be heard, to testify yourself, to present witnesses on your behalf and to offer other evidence, to cross-examine witnesses, and to examine and comment upon any evidence or other materials presented to the Committee.

6. Schedule of Proceedings. (a) If you wish to make a presentation to the Committee, it is requested that you give the Committee Chairman reasonable written notice of the following:

(1) the name of your attorney or attorneys who are authorized to represent you in the proceedings, if you choose to have legal representation, and whether those attorneys may speak in your behalf in your absence;

(2) a witness list, including the names and current addresses of all witnesses who you intend to call to testify in these proceedings. For each witness listed, you should submit a brief summary of the testimony which the witness will provide;

(3) a list of all written materials which you intend to submit or alternatively, the actual written materials; and

(4) an estimate of the amount of time that you desire to make your presentation to the Committee.

(b) The Committee's counsel will provide you with reasonable written notice of the following:

(1) a witness list, including the names and current addresses of all witnesses who the Committee's counsel intends to call to testify in these proceedings, with a brief summary of the testimony which each witness will provide;

(2) a list of all written materials which the Committee's counsel intends to submit or alternatively, the actual written materials; and

(3) an estimate of the amount of time that Committee's counsel desires to make his presentation to the Committee.

(c) Within fourteen days after receipt of the transcript of the trial proceedings, you may, if you desire, submit summaries of the evidence or other materials in the transcript, and you may direct the Committee's attention to specific portions of the transcript.

7. Changing Method of Proceedings. This Method of Proceedings may be changed by a vote of a majority of the Committee. Before such vote, notice of the proposed change will be provided to you and you will be allowed to comment upon it.

8. Record of Proceedings. Records of all proceedings will be maintained as provided in Rule 23 of the Uniform Rules.

DATED: January 18, 1982

Senator Tim Kelly
Chairman

#2

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

SENATE RULES COMMITTEE

In the Matter of
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of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

4. Scope of Hearings; Evidence that may be Presented. The Committee will receive evidence on the facts and circumstances leading to the December 24, 1981 jury verdicts finding you guilty of the charges of bribery and receiving a bribe. On those charges, the evidence will include the transcript of the court proceedings. You may comment upon the evidence and other materials in the transcript and may present additional evidence on those charges. You will be provided a copy of the transcript. The Committee will also receive evidence relevant to the recommendations to be made to the Senate.

5. Rights of Senator Hohman. In the course of the proceedings, you

(a) will be given notice of the date, time and location of each Committee meeting;

(b) may attend all Committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if you are unable to be present; and

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6. Schedule of Proceedings. (a) If you wish to make a presentation to the Committee, it is requested that you give the Committee Chairman reasonable written notice of the following:

(1) the name of your attorney or attorneys who are authorized to represent you in the proceedings, if you choose to have legal representation, and whether those attorneys may speak in your behalf in your absence;

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(b) The Committee's counsel will provide you with reasonable written notice of the following:

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(3) an estimate of the amount of time that Committee's counsel desires to make his presentation to the Committee.

(c) Within fourteen days after receipt of the transcript of the trial proceedings, you may, if you desire, submit summaries of the evidence or other materials in the transcript, and you may direct the Committee's attention to specific portions of the transcript.

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8. Record of Proceedings. Records of all proceedings will be maintained as provided in Rule 23 of the Uniform Rules.

DATED: January 18, 1982

Senator Tim Kelly
Chairman

ALASKA STATE LEGISLATURE
TWELFTH LEGISLATURE -- SECOND SESSION
SENATE RULES COMMITTEE

In the Matter of
SENATOR GEORGE H. HOHMAN, JR.

METHOD OF PROCEEDINGS

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3. Possible Committee Action. Committee action may include, but is not limited to, a recommendation that you be expelled from the Senate, pursuant to Article II, Section 12 of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

4. Scope of Hearings; Evidence that may be Presented. On the charges of bribery and receiving a bribe, the evidence will be limited to the indictments and the December 24, 1981 jury verdicts finding you guilty of those offenses. The Committee may also receive evidence relevant to the recommendations to be made to the Senate.

5. Rights of Senator Hohman. In the course of the proceedings, you

(a) will be given notice of the date, time and location of each Committee meeting;

(b) may attend all Committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if you are unable to be present; and

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(2) a list of all written materials which the Committee's counsel intends to submit or alternatively, the actual written materials; and

(3) an estimate of the amount of time that the Committee's counsel desires to make his presentation to the Committee.

7. Changing Method of Proceedings. This Method of Proceedings may be changed by a vote of a majority of the Committee. Before such vote, notice of the proposed change

will be provided to you and you will be allowed to comment upon it.

8. Record of Proceedings. Records of all proceedings will be maintained as provided in Rule 23 of the Uniform Rules.

DATED: January 18, 1982

Senator Tim Kelly
Chairman

1) Let George talk:

OUTLINE OF PROCEEDINGS

1. CALL TO ORDER

The meeting is called to order.

2. DATE, TIME AND PLACE

The date is January 19, 1982. The time is 1:30 p.m. The meeting is taking place in the Senate Finance Room in Juneau.

3. QUORUM

The record should reflect that all members of the committee are present and that a quorum is accordingly established.

4. HOHMAN PRESENT

The record should also reflect the presence of Senator Hohman.

5. SUBJECT OF HEARINGS

The Senate Rules Committee is meeting pursuant to referral by the Senate President, and has been charged with the responsibility to hold hearings and recommend the action to be taken by the Senate as a result of the December 24, 1981 jury verdicts finding Senator Hohman guilty of the charges of bribery and receiving a bribe.

6. PRESIDENT'S REFERRAL

The Senate President's referral and supporting documents are to be entered into the record.

7. INDICTMENT

On April 29, 1981 an indictment was returned against Senator Hohman which charged that he committed the following crimes:

COUNT I

BRIBERY

That from on or about the 1st day of May, 1980, through on or about the 7th day of May, 1980, at or near Juneau, in the First Judicial District, State of Alaska, George H. Hohman, Jr. did offer to confer money upon Edward Russell Meekins, Jr., a member of the Alaska House of Representatives, with the intent to influence Representative Meekins' vote, opinion, judgment, action, decision, and exercise of discretion in his official capacity as a member of the Alaska State House of Representatives.

All of which is a class B felony in violation of AS 11.56.100.

COUNT II

RECEIVING A BRIBE

That from on or about the 1st day of May, 1980, through on or about the 8th day of May, 1980, at or near Juneau, in the First Judicial District, State of Alaska, George H. Hohman, Jr., did agree to accept money, upon an agreement or understanding that his vote, opinion, judgment, action, decision, and exercise of discretion as a member of the Alaska State Senate would be influenced thereby.

All of which is a class B felony in violation of AS 11.56.110.

8. JURY VERDICTS

Senator Hohman was tried for these crimes, and on December 24, 1981 the trial jury returned verdicts of guilty on the charges of bribery and receiving a bribe.

9. COPIES OF INDICTMENT AND VERDICT

Certified copies of the indictment and of the verdicts are to be entered into the record of these proceedings.

10. NOTICE

Notice of these hearings was given according to the Uniform Rules.

11. PURPOSE OF HEARINGS

The purpose of the hearings will be to determine if there is cause for the Senate to take action against Senator Hohman as a result of the December 24, 1981 jury verdicts finding him guilty of the charges of bribery and receiving a bribe, and to determine what recommendations for action the committee should make to the Senate.

12. POSSIBLE ACTION

Committee action may include, but is not limited to, a recommendation that Senator Hohman be expelled from the Senate, pursuant to Article II, Section 12 of the Alaska Constitution, which provides that the Senate may expel a member with the concurrence of two-thirds of its members.

13. SENATOR HOHMAN'S RIGHTS

In the course of the proceedings, Senator Hohman

will be given notice of the date, time and location of each committee meeting;

may attend all committee meetings in person, and may be accompanied by legal counsel, or in the alternative may be represented at the hearings by legal counsel if you are unable to be present; and

will have an opportunity to be heard, to testify yourself, to present witnesses on your behalf and to offer other evidence, to cross-examine witnesses and to examine and comment upon any evidence or other materials presented to the committee.

14. METHOD OF PROCEEDINGS

I have directed committee counsel to prepare two methods of proceedings. Copies of those have been provided to the committee members.

You will note that the two alternatives differ only in paragraphs (1) and (4). The differences relate to the scope of the evidence that may be presented on the charges against Senator Hohman of bribery and receiving a bribe.

Option No. 1 would limit this committee's inquiry in that regard to the jury's verdicts.

Option No. 2 would put before this committee for its consideration the record of the proceedings before the trial jury; that is, the record of the evidence that they relied upon in finding Senator Hohman guilty of the charges. Additionally, Option No. 2 would allow Senator Hohman to present other evidence to this committee on those charges. In effect, under Option No. 2, this committee would conduct a second trial on the charges against Senator Hohman.

I want to stress that both alternatives allow the presentation of evidence and other materials on the question of what recommendations this committee should make to the Senate for action based upon the jury verdicts or the circumstances leading to those verdicts.

RECOMMENDATION

~~What is the pleasure of the committee? (Discussion and adoption of method of proceedings)~~

15. SCHEDULE OF PROCEEDINGS

The committee should next consider the schedule that these proceedings are to follow. I direct the committee's and Senator Hohman's attention to Paragraph 6 of the Method of Proceedings.

Senator Hohman, if at this time you are able to give the committee an outline of the testimony, evidence and other materials you wish to present to the committee, please address the committee at this time. Otherwise, I would request that you submit a written outline to me before the close of business this week. [Response from Senator Hohman]

I have directed the committee's counsel to provide you with an outline of the materials he intends to submit to the committee before the close of business this week.

15. HOHMAN'S OBJECTIONS

[Address Senator Hohman directly] Senator Hohman, do you object to this method of proceeding?