

HOHMAN  
MATTER:

DOCUMENTS  
OF RECORD



File

MAR 8 1982

Court of Appeals  
State of Alaska

ALEXANDER O. BRYNER, CHIEF JUDGE

303 "K" STREET  
ANCHORAGE, ALASKA  
99501  
907-264-0751

March 4, 1982

Senator Tim Kelly  
Chairman, Senate Rules Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kelly:

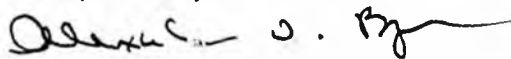
Chief Justice Edmond Burke has referred to me your letter of February 2, 1982, in which you request that the Alaska Court System give expedited treatment to any appeal that may be filed in State v. Hohman, No. 1JU 81-464 Cr. Your letter was referred to me by the Chief Justice because Mr. Hohman will be required to file his appeal with the Court of Appeals, rather than with the Alaska Supreme Court.

As you are no doubt aware, any appeal by Mr. Hohman can be filed only after the date of imposition of his sentence. Mr. Hohman's attorneys will have up to thirty days thereafter within which to file a notice of appeal, which formally commences the appellate process. Once the appeal has been initiated, its progress will, to a great extent, be determined by Mr. Hohman's attorneys; it is often difficult to predict, especially in complicated litigation, the amount of time that will be required by appellate counsel to prepare and submit their briefs. I am sure you can appreciate that, in any pending appeal, our court would be reluctant to impose a timetable that the appellant's attorneys believe to be too limited to permit adequate briefing of the issues on appeal. For this reason, at this early stage I am unable to give you or the Senate Rules Committee any firm indication that Mr. Hohman's appeal will receive expedited treatment.

You may rest assured, however, that the Court of Appeals is well aware of the strong interest on the part of Mr. Hohman, his constituency, and the Alaska Senate in an early resolution of any

appeal filed by Mr. Hohman. After the appeal has been filed, the Court of Appeals will give prompt and serious consideration to any request by Mr. Hohman's attorneys for expedited treatment of the appeal. The Court of Appeals is committed to the disposition of Mr. Hohman's appeal as quickly as the interests of justice may permit.

Respectfully,

A handwritten signature in cursive script, appearing to read "Alexander O. Bryner", with a long horizontal flourish extending to the right.

Alexander O. Bryner  
Chief Judge, Court of Appeals

**UNITED STATES POSTAL SERVICE**  
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- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN TO**



Sen. Tim Kelly  
(Name of Sender)  
Pouch V  
(Street or P.O. Box)  
Juneau, AK 99811  
(City, State, and ZIP Code)

PS Form 3811, Jan. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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2. ARTICLE ADDRESSED TO:  
Hon. Edmund Burke  
Chief Justice  
Supreme Court of Alaska  
303 K St  
Anchorage AK 99501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<u>3532662</u>	

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SIGNATURE  Addressee  Authorized agent

DATE OF DELIVERY

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P15 3532662

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NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO  
Hon. Edmund Burke  
STREET AND NO.  
303 K St  
P.O., STATE AND ZIP CODE  
Anchorage, AK 99501

CONSULT POSTMASTER FOR FEES		POSTAGE
	CERTIFIED FEE	<u>\$.20</u>
	SPECIAL DELIVERY	<u>.75</u>
	RESTRICTED DELIVERY	
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	<u>.60</u>
	SHOW TO WHOM AND DATE DELIVERED	
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PS Form 3800, Apr. 1976



FEB 22 1982

Supreme Court  
State of Alaska

EDMOND W. BURKE, CHIEF JUSTICE

February 16, 1982

303 "K" STREET  
ANCHORAGE, ALASKA  
99501  
907 - 274-8611

Senator Tim Kelly  
Chairman, Senate Rules Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Kelly:

I have referred your request for expedited treatment of Senator Hohman's appeal, if any, to the Honorable Alexander O. Bryner, Chief Judge of the Alaska Court of Appeals. I have asked Judge Bryner to give your request careful consideration.

Very truly yours,

A handwritten signature in cursive script, which appears to read "Edmond W. Burke", is written over the typed name and title.

Edmond W. Burke  
Chief Justice

EWB:rjr

cc. Chief Judge Bryner

ALASKA STATE SENATE

SENATOR TIM KELLY, CHAIRMAN  
SENATOR ED DANKWORTH, VICE-CHAIRMAN  
SENATOR JALMAR KERTTULA  
SENATOR ROBERT ZIEGLER  
SENATOR FRANK FERGUSON



POI .H V  
JUNEAU, ALASKA 99811  
(907) 465-3770  
(907) 465-3822

RULES COMMITTEE

February 2, 1982

The Honorable Edmund W. Burke  
Chief Justice  
Supreme Court of Alaska  
303 "K" Street  
Anchorage, AK 99501

Dear Mr. Chief Justice:

At the request of Senator George H. Hohman, Jr., the Senate Rules Committee has instructed me to respectfully request that the Alaska Court System give expedited treatment to any appeal that may be filed in the case of State v. Hohman, No. 1JU 81-464.Cr.

Very truly yours,

A handwritten signature in cursive script that reads "Tim Kelly".

Senator Tim Kelly  
Chairman, Senate Rules  
Committee

February 2, 1982

The Honorable Edmund W. Burke  
Chief Justice  
Supreme Court of Alaska  
303 "K" Street  
Anchorage, AK 99501

Dear Mr. Chief Justice:

At the request of Senator George H. Hohman, Jr., the Senate Rules Committee has instructed me to respectfully request that the Alaska Court System give expedited treatment to any appeal that may be filed in the case of State v. Hohman, No. 1JU 80-464 Cr.

Very truly yours,

Senator Tim Kelly  
Chairman, Senate Rules  
Committee

1. Resolutions

Chevak  
Chefnak  
Kotlik  
Tuluksak  
Lower Kalskag  
Kongiganak

2. Committee Report accompanying SSR 1       ????
3. Draft letter to Burke
4. Minutes 2/2/82 meeting

JAN 26 1982

A RESOLUTION OF THE CITY COUNCIL OF CHEVAK REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF CHEVAK, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of CHEVAK and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted CITY OF CHEVAK in planning to meet the demands of the future for CHEVAK, the Region and the State of Alaska, and

WHEREAS, the City Council of the City of CHEVAK recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOWHEREFORE BE IT RESOLVED, that the CHEVAK City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the CHEVAK City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of CHEVAK, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

Wayne R. Hill  
MAYOR

ATTEST:

Charlotte Nuygen  
CITY CLERK

JANUARY 19, 1982  
DATE

RESOLUTION NO. 82-01-04

A RESOLUTION OF THE CITY COUNCIL OF CHEFORNAK REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF CHEFORNAK, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of CHEFORNAK and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted CHEFORNAK in planning to meet the demands of the future for CHEFORNAK, the Region and the State of Alaska, and

WHEREAS, the City Council of the City of CHEFORNAK recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOW THEREFORE BE IT RESOLVED, that the CHEFORNAK City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the CHEFORNAK City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of CHEFORNAK, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

D. J. Matheson  
MAYOR

ATTEST:

Joely G. Smith  
CITY CLERK

Jan. 27, 1982  
DATE

RESOLUTION NO. 82-21

A RESOLUTION OF THE CITY COUNCIL OF Katik REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF Katik, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of Katik and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted Katik in planning to meet the demands of the future for Katik, the Region and the State of Alaska, and

WHEREAS, the City Council of the City of Katik recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOWHEREFORE BE IT RESOLVED, that the Katik City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the Katik City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of Katik, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

Joseph P. Smith  
MAYOR

ATTEST:

Rose Suka  
CITY CLERK

Jan 26, 1982  
DATE

RESOLUTION NO. 82-2

A RESOLUTION OF THE CITY COUNCIL OF Tuluksak REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF TULUKSAK, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of TULUKSAK and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted Tuluksak in planning to meet the demands of the future for Tuluksak, the Region and the State of Alaska, and

WHEREAS, the City Council of the City of Tuluksak recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOWHEREFORE BE IT RESOLVED, that the Tuluksak City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the Tuluksak City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of Tuluksak, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

ATTEST:

Joseph Alfie  
CITY CLERK

Joseph Demanters  
MAYOR  
Andrew P. Alfie Vice  
Fred M. Kapaha Treasurer  
1-27-82  
DATE  
Anna Phillip Member Sec.

FEB 10 1982

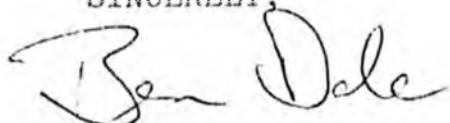
Jan. 15, 1982

TO ALL VILLAGE COUNCILS:

I AM ASKING YOU TO SUPPORT SENATOR HOHMAN AND ASKING YOU TO PASS THE ENCLOSED RESOLUTION OR ONE SIMLAR AND MAIL THE APPROVED RESOLUTION IN THE ENCLOSED ENVELOPE, AS SOON AS POSSIBLE.

I'M SURE YOU HAVE GONE TO SENATOR HOHMAN FOR HELP IN THE PAST AND NOW MORE THAN EVER, HE NEEDS OUR HELP! LET US SHOW OUR CONCERN OVER WHAT HAS HAPPENED TO GEORGE AND SUPPORT HIM NOW!

SINCERELY,

A handwritten signature in cursive script that reads "Ben Dale". The signature is written in dark ink and is positioned to the left of the typed name.

BEN DALE

SUPPORTER FOR SENATOR HOHMAN

A RESOLUTION OF THE CITY COUNCIL OF Lower Kuskokwim REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF Lower Kuskokwim, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of Lower Kuskokwim and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted Lower Kuskokwim in planning to meet the demands of the future for Lower Kuskokwim the Region and the State of Alaska, and

WHEREAS, the City Council of the City of Lower Kuskokwim recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOWHEREFORE BE IT RESOLVED, that the Lower Kuskokwim City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the Lower Kuskokwim City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of Lower Kuskokwim, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

Masatah Tomsett  
MAYOR

ATTEST:

Teresa M. Evans  
CITY CLERK

2-2-82  
DATE

FEB 8 1932

RESOLUTION NO. 79-2

A RESOLUTION OF THE CITY COUNCIL OF KONGIGANAK REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF KONGIGANAK, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of Kongiganak and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

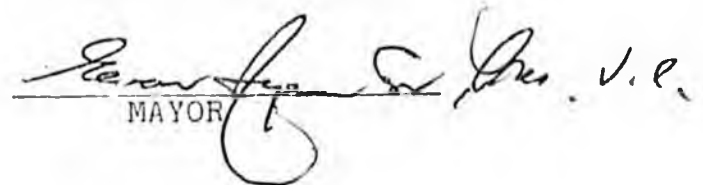
Whereas, Senator Hohman has tirelessly assisted Kongiganak in planning to meet the demands of the future for Kongiganak, the Region and the State of Alaska, and

WHEREAS, the City Council of the City of KONGIGANAK recognizes and appreciates the support Senator Hohman has provided throughout the years,

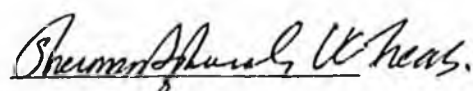
NOWHEREFORE BE IT RESOLVED, that the KONGIGANAK City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the KONGIGANAK City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of KONGIGANAK, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

FEB. 1, 1932  
DATE

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

---

JUNEAU, ALASKA

WEDNESDAY

February 3, 1982

---

Twenty-fourth Day

Pursuant to adjournment, the Senate was called to order by President Kerrettula at 10:10 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend John Reimer of the Auke Bay Bible Church.

Senator Rodey moved and asked unanimous consent that the Journal for the twenty-third legislative day be approved as certified. Without objection, it was so ordered.

### COMMUNICATIONS

Representative Hayes has forwarded a copy of the January 6 proposed invitation from Tony Penikett, Vice-President, Yukon Branch of the Commonwealth Parliamentary Association in Canada. Tentative dates for the delegation to visit Juneau are March 8 to March 13.

## STANDING COMMITTEE REPORTS

SSR 1

The Rules Committee considered SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman) and recommends it be placed on the February 3 calendar and reports it back as follows: Senator Kelly, Chairman, signed "do pass and calendar". Senators Dankworth and Kerttula signed "calendar". Senator Ferguson signed "must have due process of law", Senator Ziegler signed "don't pass unless and until Senator Hohman's appellate remedies within the State Court System have been completely exhausted and the jury verdicts have not been disturbed on appeal".

SENATE SPECIAL RESOLUTION NO. 1 appears on today's calendar.

## INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 710

SENATE BILL NO. 710 by the Health, Education and Social Services Committee, entitled:

"An Act relating to state trust funds and their administration; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee, the Resources Committee and the Finance Committee.

SB 711

SENATE BILL NO. 711 by the Health, Education and Social Services Committee, entitled:

"An Act making a special appropriation to the Department of Revenue for deposit to the mental health fund; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee, the Resources Committee and the Finance Committee.

Senator Fahrenkamp moved and asked unanimous consent to advance to Unfinished Business to take action on CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN) (efd fld H) (relating to a small grain marketing system). Without objection, the Senate advanced to:

## UNFINISHED BUSINESS

SB 162

Senator Fahrenkamp moved that the Senate rescind its previous action in failing to concur with the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN), (page 174).

The question being: "Shall the Senate rescind its previous action in failing to concur with the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN)?" The roll was taken with the following result:

## CSSSSB 162 EFD FLD H RESCIND

Yeas: 19 Bennett, Bradley, Colletta,  
Dankworth, Elinson, Fahrenkamp,  
Ferguson, Gilman, Hohman, Kelly,  
Kerttula, Mulcahy, Parr, Ray, Rodey,  
Sackett, Stimson, Sturgulewski,  
Ziegler

Nays: 1 Fischer

and so, the Senate rescinded its previous action.

Senator Fahrenkamp moved that the Senate concur in the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN).

The question now being: "Shall the Senate concur in the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN)?" The roll was taken with the following result:

SB 162 cont'd

CSSSSB 162 EFD FLD H CONCUR

Yeas: 20 Bennett, Bradley, Colletta,  
 Dankworth, Eliason, Fahrenkamp,  
 Ferguson, Fischer, Gilman, Hohman,  
 Kelly, Kerttula, Mulcahy, Parr, Ray,  
 Rodey, Sackett, Stimson,  
 Sturgulewski, Ziegler

Nays: 0

and so, the Senate concurred in the House amendment, thus adopting CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN) (efd fld H) (making a special appropriation to the Department of Commerce and Economic Development for the Alaska Agricultural Action Council for a small grain marketing system).

The Secretary was instructed to notify the House and retransmit the Bill to the Office of the Governor.

## CONSIDERATION OF THE DAILY CALENDAR

## SECOND READING OF SENATE RESOLUTIONS

SSR 1

SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) was read the second time.

Senator Ziegler offered the following amendment No. 1:

Page 1, line 23: delete period and insert  
 "; and be it"

Page 1, line 24: Add the following new  
 material:  
 "FURTHER RESOLVED that the expulsion  
 provided in this resolution takes effect  
 only when all appellate remedies provided  
 in the courts of the State of Alaska have

SSR 1 cont'd

been exhausted and either conviction has been sustained by a final determination of the Alaska Supreme Court or both convictions have not been reversed and all rights for further review have terminated."

Senator Ziegler moved for the adoption of amendment No. 1.

Senators Dankworth and Kelly objected.

Senator Hohman moved to abstain from the vote on Amendment No. 1. Senator Rodey asked unanimous consent. Without objection, it was so ordered.

Senator Rodey moved and asked unanimous consent the record show that by Senator Hohman's motion to be allowed to abstain from voting, he is not waiving any of his rights in this or subsequent proceedings. Without objection, it was so ordered.

The question being: "Shall amendment No. 1 be adopted "  
The roll was taken with the following result:

## SSR 1 AM NO. 1

Yeas:	7	Bennett, Fahrenkamp, Ferguson, Mulcahy, Ray, Sackett, Ziegler
Nays:	12	Bradley, Colletta, Dankworth, Elison, Fischer, Gilman, Kelly, Kerttula, Parr, Rodey, Stimson, Sturgulewski
Abstain:	1	Hohman

and so, amendment No. 1 failed.

SENATE SPECIAL RESOLUTION NO. 1 will automatically appear on the February 4 calendar.

## CITATIONS

Senator Rodey moved and asked unanimous consent that the Citation - Honoring Jerry Austin, winner of the third annual Kuskokwim 300 Dog Sled Race by Representatives Fuller and Vaska and Senator Ferguson be approved. Without objection, the Citation was approved and referred to the Secretary.

## ANNOUNCEMENTS

C&RA	Behrends Building	Conference Room
	3:00 p.m., 2/4	SB 612
FINANCE	Capitol Building	Senate Finance Room
	9:00 a.m., 2/4	SB 659
	9:00 a.m., 2/9	SB 488, SB 489
FINANCE Subcommittee on Transportation	Capitol Building	Governor's Conf. Rm
	3:00 p.m., 2/3	Jt/House subcommittee
	3:00 p.m., 2/5	
HESS	Behrends Building	Room 209
	3:00 p.m., 2/3	SB 660, SB 603, SB 186
	3:00 p.m., 2/5	SB 650
	3:00 p.m., 2/8	Rv State Food Stamp program
	3:00 p.m., 2/10	Health Services Agencies
	3:00 p.m., 2/12	SB 668
JUDICIARY	Capitol Building	Butrovich Room 205
	1:30 p.m., 2/3	SB 688, SB 607 SB 299
	1:30 p.m., 2/5	SB 193
LABOR & COMMERCE	Capitol Building	Butrovich Room 205
	3:00 p.m., 2/8	SB 513, SB 590, SB 611, SB 614
	3:00 p.m., 2/10	SB 648, SB 663 SB 700, SB 701
RESOURCES	Capitol Building	Beltz Room 211
	1:30 p.m., 2/5	SB 275, SB 525

RULES	Capitol Building	Butrovich Room 205
STATE AFFAIRS	Capitol Building	Room 423
	1:30 p.m., 2/4	SB 175
TRANSPORTATION	Capitol Building	Butrovich Room 205
	1:30 p.m., 2/4	Railroad Legislation
	1:30 p.m., 2/9	SB 135, SB 465, SB 466, SB 483
	1:30 p.m., 2/11	Discuss transportation matters with the S.E. Conference
BUDGET & AUDIT	Capitol Building	House Finance Room
	1:00 p.m., 2/3	Budget of Finance & Audit Divisions & proposed legislation
BANKING COMMITTEE	Capitol Building	House Finance Room
	3:30 p.m., 2/4	Jt/House - overview w/AHFC
Coal Conference w/Resources Committee	Anchorage 2/18-19	TBA

## ADJOURNMENT

Senator Rodey moved and asked unanimous consent that the Senate adjourn until 10:00 a.m., February 4, 1982. Without objection, the Senate adjourned at 11:33 a.m.

Peggy Mulligan  
Secretary of the Senate

February 1982

COMMITTEE REPORT  
SENATE RULES COMMITTEE

2/1/82

Date February 2, 1982

Mr. President:

The Committee on Rules has had SSR 1

Expelling George H. Hohman, Jr., from the Senate of the State of Alaska

under consideration and recommends it be placed on the

February 3, 1982 Calendar.

- ( ) with attached amendment(s).  
( ) replace with CS for \_\_\_\_\_ ( ) same title  
( ) and attaches a "Letter of Intent" ( ) new title  
( ) new fiscal note

MEMBERS SIGNING FOR PLACEMENT  
ON THE CALENDAR

MEMBERS HAVING OTHER  
RECOMMENDATIONS

Ferguson  
Ed O'Rourke  
H. H. H. H.  
Ziegler  
Tom Kelly  
CHAIRMAN

must have Due Process of Law.

Don't Pass unless and until  
Sen. Hohman's appellate re-  
medies within the state court  
system have been completely  
exhausted and the jury verdict  
has not been disturbed on  
appeal.

COMMITTEE REPORT  
SENATE RULES COMMITTEE

Date: February 1, 1982

Mr. President:

The Committee on Rules has had the question of possible disciplinary action against Senator George H. Hohman, Jr. under consideration and the committee proposes a special resolution for the expulsion of Senator George H. Hohman, Jr., and recommends its adoption.

Attached hereto is the report of special counsel dated January 30, 1982, which the committee has considered and adopted.

Incorporated in the record are the transcript and documents of record from the committee hearings in this matter.

MEMBERS APPROVING THE  
COMMITTEE REPORT

Dankworth

[Signature]

Zeigler

Tim Kelly  
CHAIRMAN

MEMBERS HAVING OTHER  
RECOMMENDATIONS

Fayman - MUST have Due Process.

\_\_\_\_\_

→ Subject however to amending  
resolution at a later date

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1	January 19, 1982 hearing
29	January 20, 1982 hearing
47	January 29, 1982 hearing
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Documents of Record

195	Partial transcript of January 12, 1982 proceedings of the Alaska State Senate reflecting assignment by Senate President of the question of the retention of Senator George H. Hohman, Jr. to Rules Committee; memorandum dated January 12, 1982 from the Senate President to the Senate; and memorandum dated January 15, 1982 from the Senate President to the Rules Committee
201	Indictment dated April 29, 1981 charging Senator George H. Hohman, Jr. with the crimes of bribery and receiving a bribe

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Documents of Record

- 203 Jury verdicts dated December 24, 1982, finding Senator George H. Hohman, Jr. guilty of the crimes of bribery and receiving a bribe
- 205 Method of Proceedings dated, January 19, 1982
- 208 Bethel City Council Resolution No. 365 dated January 14, 1982 supporting the retention of Senator George H. Hohman, Jr. in the Senate
- 209 Exhibit submitted by Senator George H. Hohman, Jr. summarizing free conference committee action on HB 60 on April 27 and 30, 1980; and setting out the charges in the indictment
- 210 Photograph of chart used by Senator George H. Hohman, summarizing free conference committee action on HB 60 on April 27 and 30, 1980; and setting out the charges in the indictment
- 211 Letter dated January 28, 1982 from Daniel W. Hickey, chief prosecutor, State of Alaska, to Special Counsel to the Senate Rules Committee and summary of evidence presented in the trial of State v. Hohman, compiled by the office of the chief prosecutor
- 230 Order of Judge Douglas J. Serdahely in State v. Hohman, dated January 26, 1982 denying defendant's motion for acquittal or in the alternative for a new trial

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Documents of Record

- 232        Newtown City Council Resolution No. 82-02, dated  
           January 21, 1982 supporting the retention of  
           Senator George H. Hohman, Jr., in the Senate
- 233        Report of Special Counsel dated January 30, 1982

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

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

TRANSCRIPT OF PROCEEDINGS  
and  
DOCUMENTS OF RECORD

Senate Committee Records Staff

Senate Rules Committee Meeting

February 2, 1982

Members Present: Sen. Kelly, Chairman  
Sen. Dankworth  
Sen. Kerttula  
Sen. Ziegler

Others Present: Sen. Hohman  
Sen. Ray  
Sen. Stimson  
Sen. Sturgulewski

#### COMMITTEE CALENDAR

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.

Proceedings of this meeting are in reference to Senate Special Resolution Number One. And for the Record, positioned under unfinished business, three additional resolutions submitted from Cities and Villages from Senator Hohman's district will be placed in the Record.

#### WITNESS REGISTER

Senator Hohman  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811  
465-3880

Speaking in reference to the Committee Calendar noted above.

William Council  
Counsel for Rules Committee  
319 Seward Street, Suite 203, Juneau, Ak 99801  
586-1786  
Observed.

Observers: Senators Sturgulewski, Ray and Stimson present.

#### PREVIOUS ACTION

Please refer to: Rules Committee Record of 1/19/82  
Rules Committee Record of 1/20/82  
Rules Committee Record of 1/29/82  
Rules Committee Record of 1/30/82  
Rules Committee Record of 2/01/82

#### ACTION NARRATIVE

Tape #08

Recording  
Number 0000

Senator Kelly: Senate Rules Committee will come to order. Today is February 2nd, approximately 1:10 in the Butrovich Room in the State Capital. We are meeting today on Senate Special Resolution Number One. Prior to that however, I would like under unfinished business to place into the Record three additional resolutions from cities and villages in Senator Hohman's district. These three will be placed in Rules Committee Records.

Senator Kerttula: May I see them?

Senator Kelly: You may. Also under unfinished business at the request of Senator Hohman, the Rules Committee had drafted up a letter instructing and asking the Supreme Court to expedite any treatment in regard to Senator Hohman's appeal. You all have a copy of the letter in front of you. The Chair will entertain the motion in the Rules Committee that the Chairman send this out to the Supreme Court.

Senator Kelly: Are there any objections?

(No objections were stated)

Senator Kelly: Then the Chairman will send this letter out today, certified mail, to the Chief Justice of the Supreme Court. That would bring us up to Senate Special Resolution Number One.

Senator Hohman: Mr. Chairman.

Senator Kelly: Senator Hohman.

Senator Hohman: There are additional resolutions in route. I would like to request that the record be kept open so they might be included. And petitions from constituents.

Senator Kelly: No problem Senator Hohman, we will make certain as I receive the resolutions we will get them in front of the members.

Senator Hohman: Thank you, sir.

Senator Kerttula: In permanent fashion into the supplemental journal.

Senator Kelly: Yes, sir.

Senator Hohman: Thank you.

0018

Senator Kelly: If there are no comments from any of the Senators. No Senators wish to address the committee at this time. Then the Chair would entertain a motion for the calendaring of Senate Special Resolution Number 1 on tomorrow, May 3 (sic) calendar.

Senator Ziegler: I'm not going to make the motion, but I'm not going to object to it. I feel sure that it will carry Mr. Chairman, but, subject to my right to propose amendments. I want to make that clearly understood.

Senator Kerttula: Yes sir, I think that except for Finance every committee and for the reasons that Finance has a fiscal responsibility that the committee recognizes that members may make amendments to any bill on the floor at any time without announcing it. At least, that's the way I have always known.

Senator Ziegler: (indisc.), with a matter of such importance, that I want to be on Record, just to make sure that everybody knows we're realizing it.

Senator Kelly: Senator Dankworth.

Senator Dankworth: Well, excuse me, Mr. Chairman, I would move and ask that we move out of Committee, Senate Special Resolution Number 1, on individual recommendation.

Senator Kelly: And place on tomorrow's calendar.

Senator Dankworth: And place it on tomorrow's calendar.

0036

Senator Kelly: There is a motion on the floor are there any objections? The motion passes with unanimous vote. Is there any other business to come before the Rules Committee today?

Senator Kerttula: Could we adjourn?

Senator Kelly: Rules Committee adjourned.

0092

The Rules Committee Adjourned at 1:14 p.m.

C E R T I F I C A T E

STATE OF ALASKA                    )  
  )ss  
FIRST JUDICIAL DISTRICT         )


I, EVE FOX, a Notary Public, duly commissioned in and for the State of Alaska, do hereby certify that the foregoing transcript of the February 2, 1982 public hearing before the Senate Rules Committee relating to the matter of Senator George Hohman, was recorded by Tim Miller of the Senate Records Staff and thereafter transcribed by me under the direction of the Senate.

I further certify that the transcript consisting of pages 1 to 3, both inclusive, is a full, true and correct transcript of the proceedings, considering the quality of the tape and the information furnished to me.

I further certify that I am not a relative of any of the parties, nor financially interested in the action.

I further certify that the original of this transcript was given to the Senate Rules Committee, pursuant to their instructions.

IN WITNESS WHEREOF, I have hereunto set my hand and my notarial seal this 3rd day of February, 1982.

  
\_\_\_\_\_  
Notary Public, State of Alaska  
Commission Expires: My Commission Expires  
March 25, 1985



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ALASKA STATE LEGISLATURE  
TWELFTH LEGISLATURE - SECOND SESSION  
1982

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE SENATE RULES COMMITTEE

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

Date: January 19, 1982

Time: 1:30 p.m.

Place: Senate Finance Room  
Juneau, Alaska

COMMITTEE PRESENT:

- Senator Tim Kelly, Chairman
- Senator Jalmar Kerttula
- Senator Ed Dankworth
- Senator Robert Ziegler
- Senator Frank Ferguson

OTHER PRESENT:

- Senator George Hohman
- William T. Council, Attorney for Rules Committee
- John Guinn, Mayor, City of Bethel
- Lyman Hoffman, City Manager, City of Bethel

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PROCEEDINGS

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SENATOR KELLY:

Okay, gentlemen, I'll call the Senate Rules Committee Meeting to order. The date is January 19, 1982. The time is 1:35. The meeting is taking place in the Senate Finance Room in Juneau. The Record should reflect that all members of the committee are present; Senators Dankworth, Ziegler, Kerttula and Ferguson and that a quorum is accordingly established. The Record should also reflect that Senator Hohman is in attendance and Senator Sturgulewski is in attendance. 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 the result of the December 24, 1981 jury verdicts finding Senator Hohman guilty of the charges of bribery and receiving a bribe. The Senate President's referral and supporting documents are to be entered into the Record. 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

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586-8846

1 in his official capacity as a member of the Alaska State House of  
2 Representatives. All of which is a class B felony in violation  
3 of Alaska Statute 11.56.100. Count II - Receiving a Bribe.  
4 That from on or about the 1st day of May, 1980, through on or  
5 about the 8th day of May, 1980, at or near Juneau, in the First  
6 Judicial District, State of Alaska, George H. Hohman, Jr., did  
7 agree to accept money, upon an agreement or understanding that  
8 his vote, opinion, judgment, action, decision, and exercise of  
9 discretion as a member of the Alaska State Senate would be  
10 influenced thereby. All of which is a class B felony in viola-  
11 tion of Alaska Statutes 11.56.110." Senator Hohman was tried for  
12 these crimes, and on December 24, 1981 the trial jury returned  
13 verdicts of guilty on the charges of bribery and receiving a  
14 bribe.

15 SENATOR ZIEGLER:

16 Mr. Chairman.

17 SENATOR KELLY:

18 Senator Ziegler.

19 SENATOR ZIEGLER:

20 May I interrupt, sir?

21 SENATOR KELLY:

22 You may have the floor, Senator.

23 SENATOR ZIEGLER:

24 With reference to item number 9, will the Chair entertain a  
25 motion to amend that section after you have read it?

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1 SENATOR KELLY:

2 I will entertain the motion after we've gone through the entire  
3 proceedings. We'll come back to it, sir.

4 SENATOR ZIEGLER:

5 (Indisc.)

6 SENATOR KELLY:

7 Certified copies of the indictment and of the verdicts are to  
8 be entered into the record of these proceedings, subject to  
9 Senator Ziegler's proposed amendment. Notice of these hearings  
10 was given according to the Uniform Rules. The purpose of the  
11 hearings will be to determine if there is cause for the Senate  
12 to take action against Senator Hohman as a result of the  
13 December 24, 1981 jury verdicts finding him guilty of the charges  
14 of bribery and receiving a                   , and to determine what recom-  
15 mendations for action the committee should make to the Senate.  
16 Committee action may include, but is not limited to, a recom-  
17 mendation that Senator Hohman be expelled from the Senate,  
18 pursuant to Article II, Section 12 of the Alaska Constitution,  
19 which provides that the Senate may expel a member with the  
20 concurrence of two-thirds of its members. In the course of  
21 the proceedings, Senator Hohman may be given notice of the date,  
22 time and location of each committee meeting; Senator Hohman may  
23 attend all committee meetings in person and may be accompanied  
24 by legal counsel, or in the alternative, may be represented at  
25 the hearings by legal counsel if you, sir, are unable to be

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1 present. Senator Hohman will have an opportunity to be heard,  
2 to testify, to present witnesses and to offer other evidence, to  
3 cross-examine witnesses and to examine and comment on any evidence  
4 or other materials presented to the committee. I have directed  
5 committee counsel -- and gentlemen, our committee counsel is  
6 William Council of Juneau -- to prepare two methods of proceed-  
7 ings. Copies of those have been provided to yourselves and  
8 copies are available for the public. You will note that the  
9 two alternatives differ only in paragraphs (1) and (4). As we  
10 go along, my reference to option 1 is the method of proceeding --  
11 method of proceeding No. 1; method of proceeding No. 2, which are  
12 on the bottom of the drafts. The differences relate to the  
13 scope of the evidence that may be presented on the charges  
14 against Senator Hohman of bribery and receiving a bribe. Option  
15 No. 1 would limit this committee's inquiry in that regard to the  
16 jury's verdicts. Option No. 2 would put before this committee  
17 for its consideration the record of the proceedings before the  
18 trial jury. That is, the record of the evidence that they relied  
19 upon in finding Senator Hohman guilty of the charges. Addition-  
20 aily, Opinion [sic] No. 2 would allow Senator Hohman to present  
21 other evidence to this committee on those charges. In effect,  
22 under Option No. 2, this committee would conduct a second trial  
23 on the charges against Senator Hohman. I want to stress that  
24 both alternatives allow the presentation of evidence and other  
25 materials on the question of what recommendations this committee

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1 should make to the Senate for action based upon the jury  
2 verdicts or the circumstances leading to those verdicts.  
3 Senator Ziegler, we'll entertain your motion.

4 SENATOR ZIEGLER:

5 Yes, Mr. Chairman, with reference to paragraph 9, which is  
6 entitled "Copies of Indictment and Verdict", I would move that,  
7 in addition to the indictment and the verdicts, that the entire  
8 transcript of the trial be inserted in the records of this  
9 committee in the event that we want to consider them at a  
10 later date or want to have access to them. I would ask  
11 unanimous consent.

12 SENATOR KELLY:

13 Senator Ziegler, I would ask that you withdraw the motion  
14 temporarily until we get to a discussion of a motion on the  
15 floor. As of right now, we don't have a motion on the floor.  
16 We will have. I think your amendment will be in order at that  
17 time, sir.

18 SENATOR ZIEGLER:

19 As long as I'm not precluded from reintroducing my amendment.

20 SENATOR KELLY:

21 You will not be, sir.

22 SENATOR HOHMAN:

23 I'm at a loss, were you reading from a prepared document?

24 SENATOR KELLY:

25 Yes. What I'm reading from, Senator Hohman, is an outline of

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1 procedures and you should have one before you.

2 SENATOR HOHMAN:

3 I have -- I don't believe I do. I may have been ...

4 SENATOR KELLY:

5 Would staff please make certain that Senator Hohman has the  
6 same materials before him as the members of the committee?

7 We'll return to that.

8 SENATOR HOHMAN:

9 I have them all, thank you, I believe.

10 SENATOR KELLY:

11 Gentlemen, neither the Senate nor this committee is constituted  
12 to conduct what would, in effect, be a retrial of the bribery  
13 charges against Senator Hohman. Most important, there is no  
14 requirement that the Senate or this committee, conduct a second  
15 trial on the charges. Senator Hohman has been tried and found  
16 guilty of bribery by a jury of his peers. Based upon the  
17 evidence presented, the jury found him guilty beyond a reasonable  
18 doubt, the highest standard of proof. During the trial,  
19 Senator Hohman was represented by his attorneys and had a full  
20 opportunity to present evidence in his behalf and to confront  
21 and cross-examine the witnesses against him. The committee's  
22 counsel informs me that there is legal support for this  
23 committee to rely on the jury's verdict in determining what  
24 action to take against Senator Hohman. The purpose of the power  
25 to expel senators for wrongdoing, granted by our Constitution,

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1 is to protect the public. When a person is found guilty by a jury  
 2 of a crime - in this case a felony bribery charge - the presump-  
 3 tion of guilt immediately attaches. If Senator Hohman were  
 4 entitled to a second trial before this body and to retain his  
 5 office during that trial, then the object of the constitutional  
 6 expulsion powers, which is to protect the public and preserve  
 7 the integrity of the legislature, could very well be destroyed,  
 8 because as a matter of common knowledge, trials take time, some-  
 9 times several months. Therefore, if a second trial is conducted  
 10 by this committee, the public interest would not be served, and  
 11 the integrity of this body will be brought into serious question.  
 12 Senator Hohman has already had his trial. For these reasons,  
 13 therefore, I am recommending to the committee that it adopt  
 14 Opinion [sic] No. 1, the method of procedure number 1, limiting  
 15 this committee's inquiry to the recommending of what action the  
 16 Senate should take against Senator Hohman as a result of his  
 17 December 24 bribery convictions.

18 SENATOR DANKWORTH:

19 Mr. Chairman, I would like to move at this time and place before  
 20 the committee a motion that the committee adopt as method of  
 21 proceedings number 1, as placed before us, as the method in which  
 22 we would proceed from this point on.

23 SENATOR ZIEGLER:

24 I object. (Indisc. -- simultaneous speech)  
 25

1 SENATOR KELLY:

2 There is a method upon the floor, Senator Ziegler.

3 SENATOR ZIEGLER:

4 Why don't we get back to the same situation that we've been  
5 confronted with ever since we arrived here and I say this with  
6 no animosity. I've been through this. Senator Rodey and I  
7 debated on the local public service station last Friday and it  
8 would seem to me that we're acting hastily, prematurely. We're  
9 saying to Senator Hohman, if you adopt Option 1 and ignore Option 2,  
10 that, buddy, you've been convicted on two serious crimes, but  
11 what we're going to do, if we go the Option 1 route, is perhaps  
12 just as serious although most admittedly, Mr. Chairman, not a  
13 crime. Senator Rodey took the hard-line attitude in our -- it  
14 wasn't even a debate, it was a discussion and well worthwhile,  
15 I am told. And I took the line that I think that Senator Hohman  
16 should have the right to have his appellate remedies exhausted  
17 prior to the time we expel him from the Senate. Now this does  
18 not mean to say that, speaking for myself personally, if we go  
19 the full 360 and Senator Hohman has exhausted all of his  
20 appellate remedies and he stands before us, guilty as charged  
21 with no further legal possible redress, then I would be among  
22 the first to vote to expel him. But I think that to do this  
23 without giving him, as it were, one more day in court to hear  
24 the appellate arguments, is a very serious wrong and so I would  
25 object to No. 1. I can see which way the thing is going to go,

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1 but I still don't think it's right and nobody will ever convince  
2 me that it is morally right.

3 SENATOR KELLY:

4 Senator Ziegler, your objections are noted. I would imagine that  
5 your motion would be correct at this point if you still consider  
6 to make it, sir.

7 SENATOR ZIEGLER:

8 I would move, Mr. Chairman, that we amend Section 9 on page 3,  
9 by making available to the committee not only the indictment and  
10 the verdicts, but the entire transcript of the trial proceedings  
11 as well.

12 SENATOR DANKWORTH:

13 That's the present trial proceeding that lead to the verdict?

14 SENATOR ZIEGLER:

15 Yes, sir, the entire trial transcript, Mr. President. That would  
16 mean, in essence, I would construe it, subject to being over-  
17 ridden by Mr. Council, it would be tantamount to an adoption of  
18 Option No. 2.

19 SENATOR KELLY:

20 Well, Senator Dankworth.

21 SENATOR DANKWORTH:

22 Maybe we should clarify that. I think that it does not have to  
23 be. If we allow the transcript -- for the purpose of allowing  
24 the transcript into -- we accept that in the committee for the  
25 purpose of allowing Senator Hohman to comment on anything in that

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1 transcript, that's fine. But, if for the purpose of putting it in,  
2 is to retry the case or reexamine the witnesses and bring forth  
3 and come up with—I guess, proposition number 2 would be to re-  
4 try the case, then, of course, I would object to that. But if  
5 there would be -- I don't have any limitation as far as having  
6 that in the record so that Senator Hohman could comment at length  
7 if he likes, I think that's his privilege to comment on that  
8 transcript, but not for the purpose of deciding -- calling new  
9 witnesses and retrying the case. But if he'd like to have that  
10 in evidence, I wouldn't object to it on that count. But I still  
11 my motion is before the committee and I don't object to his, but  
12 I didn't like the last part of his statement that that would  
13 paramountly mean that if we did that, then we are adopting  
14 proceedings number 2 and perhaps I misunderstood the Senator.

15 SENATOR ZIEGLER:

16 I agree. Fortunately, we have skilled counsel representing this  
17 committee and perhaps he could shed some light on where we stand.

18 SENATOR KELLY:

19 We would defer to William T. Council.

20 MR. COUNCIL:

21 Mr. Chairman, the distinction between the motion before the  
22 committee now and Option No. 2 is that Senator Ziegler's motion  
23 proposes that a transcript be put before this committee for  
24 comments by Senator Hohman. Whereas Option No. 2 provides that  
25 the transcript be put before the committee and, in addition, that

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1 Senator Hohman be allowed to present additional witnesses on the  
2 issue of whether or not the bribery offenses were committed.  
3 That's the distinction between Option No. 2 and the motion  
4 before this committee.

5 SENATOR ZIEGLER:

6 (Indisc.--mumbled)

7 SENATOR DANKWORTH:

8 Well, then I am correct in saying and I think we understand each  
9 other, Senator Ziegler, and I think we can allow this in without  
10 reopening the case.

11 MR. COUNCIL:

12 Well, a point of clarification, is it the sense of Senator  
13 Ziegler's motion that the committee consider the transcript of  
14 the jury proceedings as well as allowing Senator Hohman and  
15 committee members and committee counsel to comment on the contents  
16 of that ...

17 SENATOR ZIEGLER:

18 The sense of my motion, Mr. Chairman, the sense of my motion,  
19 Mr. Council, was simply to have it all before us in the event we  
20 want to get into the consideration of it for whatever reason,  
21 including for the benefit of Senator Hohman who might very well  
22 want to refer to certain parts of it.

23 SENATOR KELLY:

24 Senator, I would remind the committee that, if we adopt Option No.  
25 1, even with the approval of Senator Ziegler's amendment, that

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580 0848

1 we are going to limit the inquiry and the recommendation of the  
2 committee based upon the jury's verdict on December 24th and we  
3 are in no circumstances, if we adopt Option No. 1, going to  
4 retry the case or reopen the case in this committee.

5 SENATOR ZIEGLER:

6 I think that's what Senator Dankworth has been contending and I  
7 think we have it straightened out that at least we'll have those  
8 materials available and perhaps I erred when I said it would be  
9 tantamount to exercising Option No. 2. I would not. I agree  
10 with Senator Dankworth and I think we've got our problems cleared  
11 up if Mr. Council ...

12 SENATOR KELLY:

13 The Chair would have no objection to Senator Ziegler's amendment  
14 with that understanding and with the understanding that it will  
15 do nothing to preclude the speed at which the committee is  
16 going to move forward on this matter.

17 SENATOR KERTTULA:

18 I wish to comment, Mr. Chairman.

19 SENATOR KELLY:

20 Senator Kerttula.

21 SENATOR KERTTULA:

22 The Senate itself has adopted the position that is now before us  
23 that the materials will be available to the members. The court  
24 has cooperated. All materials will be available before very  
25 long. A great number of the materials are available now. I'm

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1 presuming that we can continue on with witnesses and so on --  
2 go parallel to the preparation of the materials. Is that not  
3 right?

4 UNIDENTIFIED SPEAKER:

5 Yes, sir.

6 SENATOR KERTTULA:

7 I would support Senator Ziegler's motion as he now understands  
8 that motion to be.

9 SENATOR KELLY:

10 Senator Hohman, do you have any objection to Senator Ziegler's  
11 motion?

12 SENATOR HOHMAN:

13 Mr. Chairman, thank you. I have no objections. I support  
14 Senator Ziegler's motion. I would, as a personal preference,  
15 prefer to see the exercise of Option 1 in the treatment of this  
16 case -- Option 2, I'm sorry, in the treatment of this case. May  
17 I continue for just a minute?

18 SENATOR KELLY:

19 Yes, Senator.

20 SENATOR HOHMAN:

21 Your reading of the preliminary materials at the beginning of  
22 this - you made reference to the two counts of bribery. I'd like  
23 to explain, using those counts as they're described here, why I  
24 think that it's essential that this committee and the Senate look  
25 into the matter, look into the materials, the testimony and some

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JUDY JONES  
580 8848

1 of the exhibits that have been presented. This would be one  
2 illustration, one that I think is easy to understand. May I  
3 proceed?

4 SENATOR KELLY:

5 Yes.

6 SENATOR HOHMAN:

7 Count I - Bribery: That from or on about the 1st day of May,  
8 1980, through on or about the 7th day of May, 1980, at or near  
9 Juneau in the First Judicial District, State of Alaska,  
10 Senator George Hohman did offer to confer money upon Edward  
11 Russell Meekins, Jr., a member of the Alaska House of Representa-  
12 tives, with the intent to influence Representative Meekins'  
13 vote, opinion, judgment, action, decision and exercise of  
14 discretion in his official capacity as a member of the Alaska  
15 State House of Representatives. Count II - Receiving a Bribe:  
16 That on or about the 1st day of May, 1980, through on or about  
17 the 8th day of May, 1980, at or near Juneau in the First Judicial  
18 District, State of Alaska, Senator George H. Hohman, Jr. did  
19 agree to accept money upon an agreement or understanding that  
20 his vote, opinion, judgment, action, decision, and exercise of  
21 discretion as a member of the Alaska State Senate, would be  
22 influenced thereby. I think a review of the materials  
23 specifically in this example, the transcripts that have been  
24 generated from the Free Conference Committee on HB 60, would  
25 reveal to the committee and the membership of the Senate that on

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588 8840

1 the 27th of April, the week preceding the alleged bribery attempt,  
2 I moved and asked unanimous consent for the adoption of language  
3 that was offered to the committee by Russell Meekins, Representa-  
4 tive Meekins, which was product specific - that is adopt the  
5 appropriation of moneys to purchase the CL-215 Water Bomber. And  
6 also, in a second section, again Representative Meekins'  
7 language, sought to provide, in round figures, \$100,000 for the  
8 operation and maintenance of those two aircraft. And that the  
9 further review of the same documents will indicate that on the  
10 30th of April, the committee closed action on the bill - formal  
11 action - and sent the bill to the printers with the direction  
12 and authority given to staff to make technical changes in the  
13 language, not substantive changes. Now that, to everyone's  
14 satisfaction, I think, concluded action on the bill. Bribery  
15 occurred, according to the allegations [sic] here, whatever the  
16 proper term is, the alleged bribery occurred during the first  
17 week in May. It's impossible. That's after George Hohman as a  
18 Senator and Russ Meekins as a Representative had already exer-  
19 cized their vote, their opinion, their judgment, their action,  
20 made a decision on the question of the purchase of the Water  
21 Bombers. I was on record as were every other -- as were all the  
22 members of the -- as was all the members of the Senate and the  
23 House, the free conferees on the budget, on this question. This  
24 is bribery after the fact of action. You know, I suppose that  
25 if I were used to presenting analogies, I could come up with

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388 DRAB

1 something that would illustrate how ludicrous the charge is in the  
2 first place. You can't convict a person of a 1950 murder if they  
3 weren't born until 1951. A car that was totalled out in 1960,  
4 can't be blamed for a murder -- or for a death that occurred in  
5 a car accident in 1965. An alleged bribery attempt doesn't make  
6 sense if it occurred after the action that it was supposed to have  
7 influenced; the vote, opinion, judgment, action, decision or  
8 discretion of a legislator. That's one example, I think, of the  
9 unfairness and the injustice that has resulted in this court  
10 proceeding that I just experienced and I think there are other  
11 examples that need to be brought to light and accentuated to this  
12 body and to the Senate as a whole. The charge of bribery, the  
13 conviction of bribery does not make sense. And the conviction of  
14 bribery is a gross injustice and I think that we should provide  
15 some safeguards so that in the future no member of this body will  
16 be subjected to the same kind of attention - subjected to the  
17 same kind of abuse that results from unsupported statements made  
18 by a member of the legislature and the expenditure of a million  
19 and a half dollars by this state's administrative branch of  
20 government, the executive branch, to weave what is, at very best,  
21 a circumstantial web of evidence that resulted in my conviction.  
22 The same amount of resource could have been used to support a  
23 theory concerning infraction of the law, whether it be bribery  
24 or whatever, and if that charge were brought and the evidence  
25 presented, the circumstantial web that could generate from the

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1 expenditure of moneys in that magnitude, they could convict should  
2 they have the misfortune to be presented before a jury in a  
3 similar situation. I think the, as I understand it from reading  
4 the materials which were presented from your office, Mr.  
5 Chairman, that there is a precedent in the U. S. Congress for  
6 handling the ABSCAM cases that might apply to the way this body  
7 meets this challenge in the case regarding the Hohman matter that  
8 would be exercised under Option 2. Thank you, sir.

9 SENATOR KELLY:

10 Senator Hohman, you will have an opportunity to testify further  
11 at a later date.

12 SENATOR KERTTULA:

13 Mr. Chairman. By adoption of the amendment, there is the  
14 guarantee that the materials in the testimony are relevant, at  
15 least in the expressed time frame as toward a decision making.  
16 Is that not true?

17 SENATOR KELLY:

18 Yes it is, sir. Gentlemen, the ...

19 SENATOR DANKWORTH:

20 Call for the question.

21 SENATOR KELLY:

22 The question is on Senator Ziegler's motion to allow the  
23 transcripts of the trial to be placed in the committee record and  
24 that is all that the motion is. Is there any objection?

25 [no response] The motion is therefore adopted by the Rules

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1 Committee. The question on the floor then is - on Senator  
2 Dankworth's motion - to adopt outline of procedures number 1 -  
3 method of procedures number 1, limiting the scope of the  
4 committee's inquiry to the jury's verdict as amended by Senator  
5 Ziegler. The Chair notes that Senator Hohman objects and would  
6 prefer Option No. 2. Senator Ziegler.

7 SENATOR ZIEGLER:

8 I object to Option No. 1, too. Are you going to take a vote or  
9 shall we just call them out.

10 UNIDENTIFIED SPEAKER:

11 Call for the question.

12 SENATOR HOHMAN:

13 May I have the floor, Mr. Chairman, for just a moment. There  
14 are some exhibits. I'm not sure on the terminology that the  
15 court uses and what describes what. But there are some exhibits  
16 that, I think, should bear scrutiny by the committee in their  
17 consideration. Talking to Senator Dankworth's point. It's not  
18 my intention, nor do I think it's the intention of my legal  
19 counsel who is not present today, to bring before the committee  
20 any long list of witnesses. I can't conceive of a single  
21 witness being brought forward. It's my interest that the  
22 committee expeditiously handle this matter and I would suspect  
23 that my presence before the committee in giving direct testimony,  
24 or that of my counsel, should extend to a period no greater than  
25 four hours. But I would -- my concern is about the exhibits

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1 that were used in the -- by the prosecution and were considered  
2 by the jury in their deliberations which resulted in a guilty  
3 verdict. I'd like to have those available.

4 SENATOR ZIEGLER:

5 A question for Mr. Council. If I said, as I'm sure I did, all  
6 the entire transcript, that would include that type of evidence  
7 too which Senator Hohman just opened up.

8 MR. COUNCIL:

9 That's correct, Senator Ziegler.

10 SENATOR ZIEGLER:

11 Does that satisfy you?

12 SENATOR HOHMAN:

13 Yes, sir.

14 MR. COUNCIL:

15 What I believe you have before you now is the record of exhibits  
16 and pleadings that were submitted to the court at the trial and  
17 that has already been prepared and it is my understanding of  
18 Senator Ziegler's motion that is now a part of the record of the  
19 proceedings before this committee.

20 SENATOR HOHMAN:

21 Thank you, Mr. Chairman.

22 SENATOR KERTTULA:

23 Mr. Chairman, Senator Hohman, I presume, has had counsel advice  
24 when he states that it probably wouldn't take -- approximately  
25 four hours of time in this regard. Is that what he said? I'm

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1 just curious. It's not trying to be anything formal.

2 SENATOR HOHMAN:

3 I say -- Mr. Chairman, in response to Senator -- the President's  
4 question, I did talk with counsel and would hate to speak with  
5 finality on that subject, but it's my understanding that Mr.  
6 Fraties believes that four hours, at the outside, would be  
7 adequate, unless there's something that happens that is not --  
8 that I'm not aware of or that he's not aware of at this time.

9 SENATOR KERTTULA:

10 Thank you. I just wanted to be sure you (indisc.) your case on  
11 that point.

12 SENATOR KELLY:

13 The question has been called as to whether the committee should  
14 adopt as its method of procedure, method of procedure number 1,  
15 as amended by Senator Ziegler. Let's take a vote. Would all those  
16 committee members in favor of adopting method of procedure  
17 number 1 as amended, please raise their hand. The Chair notes  
18 that Senator's Kelly, Dankworth and Kerttula vote in the  
19 affirmative. Would those opposed please raise their hand.  
20 Senator Ziegler and Ferguson vote no. So the method of procedure  
21 number 1 has been adopted by the Rules Committee. At this time -  
22 and we're going to get a little out of order here - Lyman Hoffman,  
23 the City Manager of Bethel and John Guinn, the Mayor of Bethel,  
24 are in town today and they have asked to take five minutes of  
25 the committee's time to testify to the committee. Unfortunately,

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1 they are up in the Governor's Office now and they'll be back in  
2 approximately 10 minutes. They are both flying out first thing  
3 in the morning. They will not be returning to Juneau probably  
4 prior to the termination of this inquiry and, as a courtesy, we  
5 have agreed to allow them to speak to the committee. I would  
6 hope that a quorum would remain in the area until such time  
7 as we can get them back down and they can give their testimony.  
8 In the meantime, looking ahead on the outline of proceedings,  
9 we will meet again tomorrow at 4:30 in the Butrovich Room to --  
10 and in the meantime, we will be speaking with Senator Hohman and  
11 his staff to come up with a timetable which the committee shall  
12 adopt tomorrow as expeditiously as possible so that our inquiry  
13 can proceed on an expedited manner. We'll be getting together  
14 with you, Senator Hohman, and developing that timetable so that  
15 you have adequate notice and you can call those witnesses you  
16 wish to call and make those arguments you wish to make. And that  
17 will be determined tomorrow at 4:30 in the Butrovich Room. So  
18 at this point then, until we get the Mayor and the City Manager  
19 of Bethel back down to the room, I would have the committee stand  
20 by in recess. Thank you.

21 [RECESS]

22 SENATOR KELLY:

23 The Rules Committee will reconvene. Gentlemen, would you please  
24 introduce yourself and proceed.  
25

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586 6840

1 MR. GUINN:

2 I'm John Guinn. I'm the Mayor of the municipality of Bethel,  
3 Alaska.

4 MR. HOFFMAN:

5 My name is Lyman Hoffman and I am the City Manager of Bethel.

6 MR. GUINN:

7 What I'd like to do gentlemen, if I may, is take a short amount  
8 of your time -- is to read to you first a resolution that was  
9 passed by the City Council of the City of Bethel and then make  
10 a few comments after. Resolution No. 365. This is a resolution  
11 of the City Council of the City of Bethel, Alaska. Request of  
12 the members of the Senate Rules Committee in the Alaska State  
13 Senate to take appropriate action to allow Senator George Hohman  
14 to continue to represent the citizens of Bethel, the Yukon-  
15 Kuskokwim Delta and the State of Alaska. Whereas Senator George  
16 Hohman has been a strong advocate for the people of Bethel and  
17 the Yukon-Kuskokwim Delta for 16 years and; whereas Senator  
18 Hohman has demonstrated a complete understanding of the problems  
19 unique to this region and its people as well as understanding  
20 of the problems facing all Alaskan in this time of state-wide  
21 transition -- you'll have to excuse me, I'm not used to talking  
22 to such big wheels. And, whereas Senator Hohman has worked  
23 diligently with insight and compassion through the years to  
24 resolve many of the problems related to the transition of a  
25 culture into the twentieth century and; whereas Senator Hohman

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588-6846

1 has tirelessly assisted Bethel in planning to meet the demands  
2 of the future for Bethel, the region and the State of Alaska and;  
3 whereas the City Council of the City of Bethel recognizes and  
4 appreciates the support that Senator Hohman has provided the  
5 City and the region throughout the years; therefore be it  
6 resolved, that the City Council of the City of Bethel requests  
7 the members of the State Rules Committee to carefully consider  
8 the effect of their decision on the people of the Delta and  
9 their future; and be it further resolved that the City Council  
10 of the City of Bethel, Alaska respectfully requests the Senate  
11 Rules Committee and the Alaska State Senate to take appropriate  
12 action to allow Senator George Hohman to continue to represent  
13 the citizens of Bethel, the Yukon-Kuskokwim Delta area and the  
14 State of Alaska as he has done so admirably for the last 16  
15 years. This was passed and approved the 14th day of January,  
16 1982, signed by myself as Mayor and Wayne Meyers (ph), City  
17 Clerk. Although, gentlemen, a resolution of this sort is  
18 probably unprecedented, I feel that it is quite appropriate in  
19 this situation. We of the Bethel area and the Yukon-Kuskokwim  
20 Delta area are faced with the possibility of having little or  
21 no representation, especially now in a time when a lot of cuts  
22 are coming down the line and which, incidentally, I feel are not  
23 appropriately felt or appropriately dealt with, especially in  
24 the Bush area. They don't come down uniformly. Without proper  
25 representation, I feel that it would be very detrimental to the

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1 area. With the loss of our Senator, who has done so well for us  
2 and represented us so well, I also feel that we would lose a  
3 sense of continuity that we have at the present time or the past  
4 many years in the Senate. I'd like to introduce you to Lyman  
5 Hoffman to add to my statements.

6 MR. HOFFMAN:

7 Thank you. The decision to even consider this resolution and  
8 take action, I think, has been prompted more so by the radio  
9 station in Anchorage requesting that constituents of Anchorage  
10 contact their Senate leaders and inform them that the Senator  
11 should be removed. And I think he is not their senator, he's our  
12 senator and I think the people of our area wanted to present to  
13 the Senate that they are completely satisfied with Senator  
14 Hohman's representation. And in a few days, I think, more support  
15 will be coming because there is a petition out that is being  
16 presented to the people in the area and it will show, I think,  
17 an overwhelming endorsement of our senator. I know that the  
18 Senate Rules Committee is taking other action, has other issues  
19 at hand on ethics and whether or not -- and the procedures to  
20 allow a member to sit. But, basically, since it is something  
21 that has been well publicized in Anchorage and Anchorage is  
22 becoming politically involved through their constituents, we  
23 wanted to present this resolution for consideration and inform  
24 the Rules Committee and the Senate that any action that they can  
25 take in order to allow the Senator to continue to represent us, as

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1 Mayor Guinn has stated, -Bush Alaska is a lot different than even  
2 Southeast or Southcentral. We are facing a lot of federal  
3 budget cuts because of Reagan and any assistance that we can get  
4 through our senator would be -- and allowing you to make the  
5 decision to allow him to sit, would be most greatly appreciated.  
6 Thank you.

7 SENATOR KELLY:

8 Are there any questions from the Committee to the witnesses?

9 SENATOR DANKWORTH:

10 Mr. Chairman, I just have a question? Are you Nora's son?

11 MR. GUINN:

12 Yes, sir, I am.

13 SENATOR DANKWORTH:

14 I wondered about that, thank you.

15 SENATOR KERTULLA:

16 Mr. Chairman, I was going to ask the same question. This is  
17 Judge Nora Guinn, the distinguished jurist from the Bush country?

18 MR. GUINN:

19 Yes, sir.

20 SENATOR KELLY:

21 Gentlemen, thank you very much for being here today. I'm sure  
22 that there are other witnesses throughout the state who will  
23 disagree with what you've had to say and they will be given  
24 ample opportunity to testify in the future. We simply wanted to  
25 make certain that, as you were in Juneau and you asked to testify,

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1 that you were given your opportunity today.

2 MR. GUINN:

3 We also hope that there will be other people in the state that  
4 will support our position too, Senator Kelly.

5 SENATOR KELLY:

6 Are there any other questions or comments from the Rules Committee?  
7 Then the Rules Committee is adjourned until tomorrow at 4:30 in  
8 the Butrovich Room.

9

10 [END OF PROCEEDING]

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C E R T I F I C A T E

STATE OF ALASKA                    )  
  ): SS.  
FIRST JUDICIAL DISTRICT        )

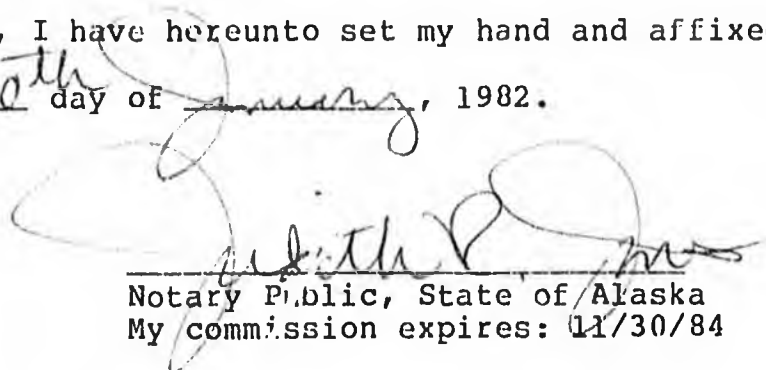
I, JUDITH R. JONES, a Notary Public, duly commissioned in and for the State of Alaska, do hereby certify that the foregoing transcript of the January 19, 1982 public hearing before the Senate Rules Committee relating to the matter of Senator George Hohman, was recorded by a person or persons unknown to me and thereafter transcribed by me or someone under my direction.

I further certify that the transcript consisting of pages 1 to 27, both inclusive, is a full, true and correct transcript of the proceedings, considering the quality of the tape and the information furnished to me.

I further certify that I am not a relative or employee of any of the parties, nor financially interested in the action.

I further certify that the original of this transcript was given to the Senate Rules Committee, pursuant to their instructions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 20th day of January, 1982.

  
\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires: 11/30/84

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ALASKA STATE LEGISLATURE  
TWELFTH LEGISLATURE - SECOND SESSION  
1982

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE SENATE RULES COMMITTEE

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

Date: January 20, 1982

Time: 4:30 p.m.

Place: Butrovich Room  
Juneau, Alaska

COMMITTEE PRESENT:

Senator Tim Kelly, Chairman  
Senator Jalmar Kerttula  
Senator Ed Dankworth  
Senator Robert Ziegler  
Senator Frank Ferguson

OTHER PRESENT:

Senator George Hohman

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586-6046

P R O C E E D I N G S

1  
2 SENATOR KELLY:

3 ... 4:30 p.m. The meeting is taking place in the Butrovich Room  
4 in Juneau. For the Record, let it be noted that Senators  
5 Ziegler, Dankworth, Kerttula and Kelly are present and that  
6 Senator Hohman is also present. The Senate Rules Committee is  
7 meeting pursuant to referral by the Senate President and has been  
8 charged with the responsibility to hold hearings and recommend  
9 the action to be taken by the Senate as a result of the December  
10 24, 1981 jury verdicts finding Senator Hohman guilty of the  
11 charges of bribery and receiving a bribe. The purpose of the  
12 hearings will be to determine if there is cause for the Senate to  
13 take action against Senator Hohman as a result of the December 24,  
14 1981 jury verdicts finding him guilty of the charges of bribery  
15 and receiving a bribe and to determine what recommendations for  
16 action the committee should make to the Senate. Committee action  
17 may include, but is not limited to, a recommendation that Senator  
18 Hohman be expelled from the Senate pursuant to Article II, Section  
19 12, of the Alaska Constitution, which provides that the Senate  
20 may expel a member with the concurrence of two-thirds of its  
21 members. Senator Hohman has been informed that in the course of  
22 the proceedings, he will be given notice of the date, time,  
23 location of each committee meeting. He may attend all committee  
24 meetings in person and may be accompanied by legal counsel. Or,  
25 in the alternative, may be represented at the hearings by legal

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1 counsel if he is unable to be present. And Senator Hohman will  
 2 have an opportunity to be heard, to testify himself, to present  
 3 witnesses on his behalf and to offer other evidence, to cross-  
 4 examine witnesses and to examine and comment on any evidence or  
 5 other materials presented to the committee. At the hearing  
 6 yesterday the committee received testimony from two witnesses  
 7 offered by Senator Hohman. Those witnesses were John Guinn,  
 8 Mayor of Bethel and Lyman Hoffman, City Manager of Bethel. In  
 9 addition to his testimony, Mayor Guinn presented the committee  
 10 with a resolution of the Bethel City Council supporting Senator  
 11 Hohman's retaining his seat in the Senate. Yesterday the committee  
 12 also adopted a method of proceedings. That method of proceed-  
 13 ings has been provided to all of you and Senator Hohman and should  
 14 be entered into the Record. Senator Hohman, if you'll direct your  
 15 attention, please, to paragraph 6 on page 2 of the Method of  
 16 Proceedings. On Schedule of Proceedings -- if you wish to make  
 17 a presentation to the committee, it is requested that you give  
 18 the committee chairman a reasonable written notice of the  
 19 following: (1) The name of your attorney or attorneys who are  
 20 authorized to represent you in the proceedings, if you choose to  
 21 have a legal representation and whether those attorneys may speak  
 22 in your behalf in your absence. (2) A witness list, including  
 23 the names and current addresses of all witnesses who you intend  
 24 to call to testify in these proceedings. For each witness listed,  
 25 you should submit a brief summary of the testimony which the

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1 witness will provide. (3) A list of all written materials which  
2 you intend to submit or alternatively, the actual written  
3 materials and an estimate of the amount of time that you desire in  
4 order to make your presentation to the committee. I have  
5 directed the committee's counsel to provide you with an outline  
6 of the materials he intends to submit to the committee before the  
7 close of business this week. I think the first order of business  
8 we should take up today would be the proposed time schedule the  
9 committee should adopt in dealing with this matter. Senator  
10 Hohman, it is my understanding that you wish to have a copy of  
11 the transcript of the trial prior to your giving testimony - to  
12 your using your time. Is that correct, sir?

13 SENATOR HOHMAN:

14 Mr. Chairman, yes, sir, that's correct.

15 SENATOR KELLY:

16 Senator Hohman, when would you prefer to begin that testimony?

17 SENATOR HOHMAN:

18 Mr. Chairman, it would be my desire since I have not been  
19 convicted and will not be, I think, possibly never but until the  
20 judge has accepted the jury's verdict. And that, I think, is  
21 according to Rule 32(d) of the Criminal Rules. But I do under-  
22 stand that it is the -- I think that any action, and maybe this  
23 very action today, is possibly precipitous in that light. I will  
24 yield to the committee's desire which I think has been expressed  
25 quite clear to me, that they wish to proceed. And I would think

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1 that we could comfortably be ready by Tuesday, the second of  
2 February.

3 SENATOR KELLY:

4 Senato. Hohman, as you know, it's the committee's desire to  
5 expedite this matter as quickly as possible. We have a  
6 memorandum that every senator received from Peggy Mulligan, the  
7 Secretary of the Senate, that indicated that the transcripts  
8 would be ready on Tuesday evening. Senator Kerttula and myself  
9 authorized the legislative printing operations to work overtime  
10 to make certain that the roughly 3,000 pages would be available  
11 to the Senate as quickly as possible. We've received, to this  
12 point, three volumes. Senator Hohman, would it be acceptable  
13 to speed this process along if one day after the receipt of the  
14 transcripts, that we could hold our first hearing?

15 SENATOR HOHMAN:

16 Well, Mr. Chairman, I'm not in the best of bargaining positions  
17 and I will conform to the committee's desires. I would just  
18 repeat that I have not been convicted and further, that I am  
19 innocent of those charges. But, given the difficulty with a  
20 jury decision and so forth, I think that we could be ready  
21 earlier at the date you choose for our presentation before the  
22 committee.

23 SENATOR KELLY:

24 I would propose to the committee then that we adopt a timetable  
25 today and let me outline the proposed timetable that we're

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1 considering and it's certainly open to debate and amendment. If  
2 we are to assume that we are going to receive the transcripts  
3 late Tuesday evening, then we could hold the first hearing on  
4 Thursday at 4:00 p.m. and that would give Senator Hohman and the  
5 rest of us a day and a half to look over some of the transcripts.  
6 Senator Ziegler.

7 SENATOR ZIEGLER:

8 A week from tomorrow.

9 SENATOR KELLY:

10 A week from tomorrow, yes, sir.

11 SENATOR ZIEGLER:

12 The 28th.

13 SENATOR KELLY:

14 Essentially what we're talking about, gentlemen, is, because we're  
15 waiting for the transcripts and Senator Hohman has requested that  
16 the transcripts be present, is that we are talking about cancelling  
17 our proposed hearings tomorrow and Friday and holding the next  
18 hearing on -- a week from tomorrow. January 28, at 4:00 p.m., at  
19 which time, we would hear Senator Hohman's testimony. On Friday,  
20 the following day, we would receive - the committee would receive  
21 our committee counsel, William T. Council's presentation, and at  
22 that point we would make a decision on the recommendation we are  
23 going to forward to the body as a whole. If, in fact, that  
24 decision is that a resolution were to be drafted, then the  
25 drafting could be done over the weekend, it could be introduced

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1 and sent to first reading and sent to the Rules Committee on  
 2 Monday and we could hold a final hearing on the resolution on  
 3 Tuesday and issue a committee report at that time. So, I think  
 4 what we're talking about is, like February 2nd on Tuesday, we  
 5 could have the recommendation out of the Rules Committee and  
 6 available for a floor vote and, as you all know, on this particular  
 7 question we're going to have to schedule it onto the floor when  
 8 we have all twenty senators present. I haven't yet checked with  
 9 Peggy to determine if all senators are present, but we're not  
 10 going to be able to vote on this issue unless all the senators  
 11 are on the floor. Are there any questions or comments on the  
 12 proposed timetable? Senator Ferguson.

13 SENATOR FERGUSON:

14 Is there any chance of holding these in the morning?

15 SENATOR KELLY:

16 What's the pleasure of the committee?

17 SENATOR KERTTULA:

18 I'd far prefer, Mr. Chairman, if I might speak, to hold them  
 19 earlier in the day, no matter what, than at this hour. It seems  
 20 like, at the office I'm in - at least at the office I'm in, and  
 21 most of our offices at this hour, have a tremendous amount of  
 22 people that just are waiting and you can somehow organize it  
 23 earlier in the day.

24 SENATOR KELLY:

25 Senator Dankworth, you're a member of the -- well, you're

1 Chairman of the Finance Committee, of course. Could you attend  
2 the Rules Committee meetings if we were to hold them earlier in  
3 the morning on Thursday and Friday a week from now?

4 SENATOR DANKWORTH:

5 Mr. Chairman, it would depend on what you call early. You have  
6 to remember that two members of the Rules Committee are on  
7 Finance and most of us -- Senator Ferguson and I both are and  
8 there is going to be some action up there. I think probably,  
9 in this schedule right here, I really hesitate to answer that  
10 question at the moment. I would like ...

11 SENATOR KERTTULA:

12 What about 1:00 o'clock or 1:15 ...

13 SENATOR KELLY:

14 The problem we're going to run into, Senator, is that, if we  
15 schedule it during the day, we're going to have conflicting  
16 committees that each of us are already members of. It's just  
17 terribly difficult to find a time when we're not already  
18 committed to other committee assignments. That's why we chose  
19 4:00 p.m. because, essentially, most of the committee work, at  
20 least during this time of the session, is completed by 4:00 p.m.

21 SENATOR KERTTULA:

22 I have to admit that I don't like 4:00 p.m. for a time to meet  
23 on a situation like this. I'd prefer it earlier. Any earlier is  
24 better than this hour of the day.

25

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1 SENATOR KELLY:

2 Well, why don't we do this then. Why don't we say that we'll  
3 adopt tentatively the days we're talking about here and we'll  
4 take a look and see when all members would be available to meet  
5 at another time during the day and then we'll announce that as  
6 soon as we can come to a time schedule.

7 SENATOR ZIEGLER:

8 That's satisfactory. We'll do the best we can of accommodating  
9 (indisc.--simultaneous speech). I was just trying to think along  
10 with what Mr. President was saying. One fifteen or 1:30 p.m.,  
11 my committee assignments are such that I could always have an  
12 hour and a half, from 1:30 p.m. to 3:00 p.m. And it seems to me  
13 that we're not going to be pulling two people out of this  
14 particular group at that hour.

15 SENATOR KELLY:

16 Okay.

17 SENATOR ZIEGLER:

18 That I'm aware of. Finance is the only one, I think, where we  
19 have overlapping except for - Senator Ferguson and I are on one,  
20 but it doesn't - not 'til 3:00 o'clock.

21 SENATOR KELLY:

22 All right. We'll hold the 4:00 p.m. times open and, by the end of  
23 the day, we'll have staff work out a time period when all senators  
24 are available. Is that acceptable?  
25

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1 SENATOR KERTTULA:"

2 Yes. I think only Finance, and I might say wouldn't accommodate  
3 it. A shift might not be able to sometimes, but all other  
4 committees could accommodate us surely.

5 SENATOR DANKWORTH:

6 I, too. Mr. Chairman, like Senator Ziegler's proposal. I think,  
7 if it can be worked out, as early after 1:00 o'clock. That would  
8 leave, I know for myself, as long as the committee would like to  
9 meet.

10 SENATOR KELLY:

11 Okay. With the exception of the actual time then, the Chair  
12 would entertain a motion to adopt the timetable that is before  
13 you now.

14 SENATOR DANKWORTH:

15 I would move that the committee adopt the schedule as proposed by  
16 the Chairman.

17 SENATOR KELLY:

18 Is there any objection? [no response] Then the committee has  
19 adopted the timetable with the caveat that we will change the  
20 times to an agreeable time if one can be worked out between all  
21 members. Senator Hohman, you've spoken briefly to the committee  
22 yesterday. You've indicated your desire to speak again today and  
23 you have the floor, sir.

24 SENATOR HOHMAN:

25 Thank you, Mr. Chairman. Yesterday, during my presentation to

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1 the committee, I made a point - I think it's a very critical point -  
2 and I would like to again attempt to make the same point  
3 utilizing different materials in the presentation. I think what  
4 it illustrates is the need for this committee and the Senate as  
5 a whole, to review the materials that relate to the trial. To  
6 re-emphasize, I have not been convicted, according to Rule 32(b)  
7 of the Criminal Rules which requires that the judgment be signed  
8 by the judge or magistrate and entered by the clerk. And I think  
9 that it's possible that that may not happen and that conviction  
10 may not occur because the jury decision has inflicted upon me  
11 personally a great injustice. The jury's attention was not  
12 focusing on the facts of the case and the decision that they made  
13 was unjust. If this committee, or the Senate as a body, recommends  
14 an action without thoroughly reviewing all the materials that  
15 were presented in the court situation, then it's accepting the  
16 judgment of another branch of government and betraying the intent  
17 of the constitution as it has been reinforced with numerous law  
18 cases. But to illustrate that - the same point that was made  
19 yesterday - I have prepared a long legal sheet of paper and I  
20 have additional copies should anyone in the room desire them.  
21 The sheet illustrates three very important dates: April 27, 1980,  
22 April 30, 1980 and a period - May 1st through the 7th, 1980. The  
23 sheet you have before you has an excerpt from defense Exhibit A.  
24 April 27, 1980 Free Conference Committee - 80 on HB 60. Tape  
25 number 13, side 1, 179 to 1901. The excerpt as follows: "Meekins:

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1 Before you move on to another category, I've got one more in  
2 Natural Resources, this \$805,000 for the purchase of the  
3 Canadair CL-215 fire suppression aircraft and \$100,000 to operate  
4 them. Senator Kerttula: Is it \$705,000 plus \$100,000 or  
5 \$805,000 plus \$100,000? Meekins: It's \$705,000 plus \$100,000.  
6 Two sections. Senator Hohman: I move and ask unanimous consent  
7 for the adoption of those sections." There's silence, a pause.  
8 and I state: "Hearing no objections, so ordered. They are  
9 adopted." That is the motion to adopt. I asked unanimous  
10 consent. There was no objection from any of the members on the  
11 free conference committee and they were all present, 3 House  
12 members, 3 Senators, that provided for the purchase of aircraft,  
13 the Water Bombers that have been in question during this trial  
14 proceeding. The second date, April 30th, was the date that  
15 HB 60 was closed and was sent to the printers to be returned to  
16 the body so that we might sign the committee report and send that  
17 final copy of HB 60 to our respective bodies for, hopefully,  
18 concurrence or rejection. The staff at that time was given  
19 authority to make technical changes. That is your legal size  
20 paper, is the center portion. The alleged bribery, according  
21 to the court documents and we have that listed on page 1 in the  
22 Hohman court case file, Volume I, 1981. It points out that --  
23 the charts -- Count I - Bribery; Count II - Receiving a Bribe.  
24 Count I - Bribery, from the document, "That from on or about the  
25 1st day of May, 1980, through on or about the 7th day of May,

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1 1980, at or near Juneau in the First Judicial District, State of  
2 Alaska, Senator George H. Hohman, Jr. did offer to confer money  
3 upon Edward Russell Meekins, Jr., a member of the Alaska State  
4 House of Representatives, with the intent to influence Represen-  
5 tative Meekins' vote, opinion, judgment, action, decision, and  
6 exercise of discretion in his official capacity as a member of the  
7 Alaska State House of Representatives." This behavior that was  
8 supposed to be influenced by something that happened in this  
9 time period, occurred in April 19' -- on April 27th, 1980. A  
10 person possessed of a minimum amount of logical ability can see  
11 how ridiculous the charge is. The jury's attention was not  
12 focusing on the facts of the case. They had no basis for the  
13 decision of guilty which they rendered. I think that they were  
14 confused by the presentation of other materials that did not  
15 relate directly to the charge. I think that my conviction  
16 results from public frustration, perhaps, in dealing with  
17 political figures. It results because of dissatisfaction with  
18 ABSCAM and Watergate and, perhaps, hundreds of other unrelated  
19 activities. I think what this illustrates is the need for this  
20 body, as I said earlier, as a committee or for the Senate in its  
21 entirety, to look at this evidence, to make judgment, because it  
22 threatens Senator George Hohman and it threatens everyone sitting  
23 at this table and every member of the body and it threatens the  
24 Senate as a co-equal branch of government.

25 SENATOR KELLY:

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1 Senator Dankworth.

2 SENATOR DANKWORTH:

3 Oh, I'm sorry, were you finished?

4 SENATOR HOHMAN:

5 I wanted to just point out that the witnesses that appeared  
6 yesterday before the committee, while they're constituents of  
7 mine, were not -- they were here desiring to present testimony  
8 before the committee of their own volition and I don't consider  
9 them properly as my witnesses, although they were very, very  
10 supportive.

11 SENATOR KELLY:

12 I did get a call, Senator Hohman, from one of the gentlemen last  
13 Friday from Bethel. He indicated that he was going to be in  
14 Juneau and he wanted, if possible, to speak on the matter.  
15 Senator Dankworth, did you have a question?

16 SENATOR DANKWORTH:

17 Well, I'd like to ask George one question. The thing that you've  
18 just discussed with us, is this something new or was this  
19 discussed during your trial? I didn't follow the trial to that  
20 degree. I mean, was this point made and you felt that they were  
21 distracted in other ways?

22 SENATOR HOHMAN:

23 Yes, sir. This point was made by the defense and I think it was  
24 overlooked. I think, Mr. Chairman, that the state system for  
25 justice, the federal system for justice, allows for an appeal

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1 process which recognizes the fallability of the jury system. And  
2 I think what we have here, and this is a case in point, is a clear-  
3 cut example of a jury mistake. And I think we've allowed for  
4 that in the structure of our judicial branch, we have an appeal  
5 process. I think it's incumbent upon the body to look at that  
6 evidence very closely before they take action - before this body  
7 takes action.

8 SENATOR KELLY:

9 Are there any further questions from the members of the committee?

10 SENATOR ZIEGLER:

11 No, sir.

12 SENATOR KELLY:

13 Senator Hohman, one question I have. Are you still maintaining  
14 that you need about four hours ...

15 SENATOR HOHMAN:

16 Yes, sir.

17 SENATOR KELLY:

18 And would you prefer that all of that time be at one particular  
19 meeting?

20 SENATOR HOHMAN:

21 Well, I think it would be better to space it over two days. It's  
22 a very, very important issue for me personally, professionally,  
23 and I think it has at least equal importance to the Senate. I  
24 think that we might better present our case over a two-day period  
25 a two-hour block on each day. But there's nothing that has been

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1 changed so far as I know and I just talked to my attorney prior  
2 to coming up here, Mr. Gail Fraties, about the outside estimate  
3 of four hours needed for our presentation. And, again, we don't  
4 anticipate presenting witnesses. We see no need to do that. We  
5 felt that we had that opportunity during the trial and the presence  
6 of the trial transcripts will make the testimony of those witnesses  
7 available to the committee and to the body so it's not necessary  
8 to repeat those with an in-person type of delivery by additional  
9 witnesses.

10 SENATOR KELLY:

11 Okay. Thank you Senator. Let me sum up then, on Tuesday night,  
12 with the Court System working very, very hard, and I understand  
13 they have ten people attempting to get the tapes of the trial  
14 transcribed as fast as possible, with our legislative print shop  
15 working very hard and working overtime, that we expect to have the  
16 3,000 pages of transcripts printed, with twenty-five copies, on  
17 Tuesday evening. We'll deliver all of the volumes of the  
18 transcript to each of the members of the committee and, of course,  
19 Senator Hohman, just as soon as we possibly get them. Then we'll  
20 meet again next Thursday, on January 28, and the time is still to  
21 be set to listen to Senator Hohman's four hours of testimony. We  
22 will meet on Friday, the following day, again the time to be set  
23 at a later date, to conclude Senator Hohman's testimony and hear  
24 the testimony of our own committee counsel, William T. Council. I  
25 would hope on that day, a week from Friday, that the committee

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1 will decide and will vote on a recommendation to the full body.  
2 If a resolution is decided upon, it would be drafted that weekend,  
3 introduced on Monday, sent back to the Rules Committee and we  
4 could hold a final hearing that following Tuesday on February 2.  
5 So unless there are other question or statements that any of the  
6 members of the committee would like to make - and Senator Hohman,  
7 is there anything else you'd like to have on the Record today?

8 SENATOR HOHMAN:

9 No, sir, I think not and I thank you for your courtesy.

10 SENATOR KELLY:

11 Then I would adjourn the Rules Committee meeting until January 28,  
12 the time to be announced later.

13

14

(END OF PROCEEDINGS)

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C E R T I F I C A T E

STATE OF ALASKA                    )  
  : SS.  
FIRST JUDICIAL DISTRICT        )

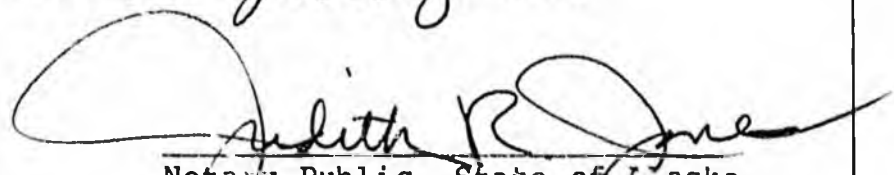
I, JUDITH R. JONES, a Notary Public, duly commissioned in and for the State of Alaska, do hereby certify that the foregoing transcript of the January 20, 1982 public hearing before the Senate Rules Committee relating to the matter of Senator George Hohman, was recorded by a person or persons unknown to me and thereafter transcribed by me or someone under my direction.

I further certify that the transcript consisting of pages 1 to 17, both inclusive, is a full, true and correct transcript of the proceedings, considering the quality of the tape and the information furnished to me.

I further certify that I am not a relative or employee of any of the parties, nor financially interested in the action.

I further certify that the original of this transcript was given to the Senate Rules Committee, pursuant to their instructions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of January, 1982.



Notary Public, State of Alaska  
My commission expires: 11/30/84

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ALASKA STATE LEGISLATURE  
TWELFTH LEGISLATURE - SECOND SESSION  
1982

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE SENATE RULES COMMITTEE

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 HORMAN GUILTY OF THE CHARGES OF BRIBERY AND  
RECEIVING A BRIBE

DATE: January 29, 1982  
TIME: 1:00 p.m.  
PLACE: Butrovich Room  
Juneau, Alaska

COMMITTEE PRESENT:

- Senator Tim Kelly, Chairman
- Senator Jalmar Kertula
- Senator Ed Dankworth
- Senator Robert Ziegler
- Senator Frank Ferguson

OTHERS PRESENT:

- Senator George Hohman
- Gail Roy Fraties, Counsel for Senator Hohman
- William T. Council, Counsel for Senate Rules Committee

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P R O C E E D I N G S

1  
2 SENATOR KELLY:

3 Will the Rules Committee Meeting please come to order. The date  
4 is January 29, 1982, the time is 1:00 p.m. The hearing is taking  
5 place in the Butrovich Room in Juneau. For the record, let it be  
6 shown that Senators Ziegler, Dankworth, Ferguson, Kertulla and  
7 Kelly are present. Senator Hohman is also present with his  
8 attorney, Gail Fraties. Senate Rules Committee is meeting pursuant  
9 to referral by the Senate President and has been charged with the  
10 responsibility to hold hearings and recommend the action to be  
11 taken by the Senate as a result of the December 24, 1981, jury  
12 verdicts finding Senator Hohman guilty of the charges of bribery  
13 and receiving a bribe. The purpose of the hearings will be deter-  
14 mining if there is a cause for the Senate to take action against  
15 Senator Hohman as a result of the December 24, 1981, jury verdicts  
16 finding him guilty of the charges of bribery and receiving a bribe  
17 and to determine what recommendation for action the Committee  
18 should make to the Senate. Committee action may include, but is  
19 not limited to, a recommendation that Senator Hohman be expelled  
20 from the Senate pursuant to Article 2, Section 12 of the Alaska  
21 Constitution, which provides that the Senate may expel a member  
22 with the concurrence of two-thirds of its members. Senator Hohman  
23 has been informed that in the course of the proceedings he will be  
24 given notice of the date, time and location of each Committee  
25 meeting, he may attend all Committee meetings in person and may be

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1 accompanied by legal counsel, or in the alternative, may be  
2 represented at the hearings by legal counsel if he is unable to be  
3 present and he will have an opportunity to be heard, to testify  
4 himself, to present witnesses on his behalf, and to offer other  
5 evidence, to cross-examine witnesses, and to examine and comment on  
6 any evidence or other materials presented to the Committee. The  
7 Committee has previously held hearings on this matter on January  
8 19 and January 20. At the January 19 hearing, the Committee  
9 received testimony from two witnesses who testified on Senator  
10 Hohman's behalf. Those witnesses were John Guinn, Mayor of Bethel,  
11 and Lyman Hoffman, City Manager of Bethel. In addition to his  
12 testimony, Mayor Guinn presented the Committee with a resolution  
13 of the Bethel City Council supporting Senator Hohman's retaining  
14 his seat in the Senate. Senator Hohman also testified on January  
15 19. On January 19 the Committee adopted a Method of Proceedings.  
16 At the request of Senator Hohman, that Method of Proceedings  
17 brings before this Committee the record of Senator Hohman's jury  
18 trial on the bribery charges. Senator Hohman has requested that  
19 this Committee review the evidence presented to the jury at his  
20 trial. The Committee may consider that evidence in its delibera-  
21 tion. January 20th: At the January 20 hearing, Senator Hohman  
22 again testified on his own behalf. At the January 20 hearing  
23 Senator Hohman requested that the Committee delay these hearings  
24 until the record of his jury trial was made available to him.  
25 That request was granted and further hearings were postponed until

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1 yesterday and today. A complete copy of the record of Senator  
2 Hohman's jury trial containing the testimony of all of the  
3 witnesses at the trial, was delivered to Senator Hohman's office  
4 on the morning of January 24. Copies were delivered to all of the  
5 members of the Senate on the morning of January 25. On January 23  
6 the Committee's counsel informed Senator Hohman's attorney of the  
7 presentation that Committee counsel expected to make to the  
8 Committee. On January 27 a summary of the evidence presented at  
9 Senator Hohman's jury trial, prepared by the office of the  
10 prosecuting attorney, was delivered to Senator Hohman's office.  
11 Copies of that summary were delivered to all other Senate members  
12 yesterday. A copy will be entered into the record of these  
13 proceedings. Senator Hohman has requested that exhibits used at  
14 his jury trial be made available to him for his presentation to  
15 this Committee. That request is being granted by the court system  
16 without objection by the Committee. Also of significance to these  
17 proceedings is an Order entered by the judge who presided at  
18 Senator Hohman's jury trial. Senator Hohman had asked the trial  
19 judge to throw out the jury verdicts finding him guilty of  
20 bribery and receiving a bribe. Senator Hohman's attorney argued  
21 that the jury could not have carefully considered the evidence  
22 presented at trial, since the jury reached its guilty verdicts  
23 after deliberating only a few hours. The trial judge upheld the  
24 jury verdicts and ruled that there was sufficient evidence to  
25 allow the jury to decide upon Senator Hohman's innocence or guilt

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1 on the bribery charges. A copy of the judge's Order is to be  
2 entered into the record. I would also at this time like to have  
3 introduced into the record a resolution from the City Council of  
4 Newtok essentially in support of Senator Hohman. Are there any  
5 questions or comments from the members of the Committee before we  
6 get into today's testimony? Senator Ferguson.

7 SENATOR FERGUSON:

8 Mr. Chairman, I have here Martin Moore, former representative from  
9 Emmonak that's down here on his own expense that would like to  
10 give a short presentation to the Committee.

11 SENATOR KELLY:

12 The Committee, with no objection, will hear Martin Moore's testi-  
13 mony. How long would it be, Senator Ferguson?

14 SENATOR FERGUSON:

15 How long would it be.

16 MR. MOORE:

17 Oh, less than five minutes.

18 SENATOR FERGUSON:

19 Less than five minutes.

20 SENATOR KELLY:

21 Okay. We will gladly hear former representative Moore, then.

22 SENATOR HOHMAN:

23 Should he be positioned at my seat, Mr. Chairman?

24 SENATOR KELLY:

25 Yes, if you'd be so kind.

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1 SENATOR DANKWORTH:

2 Put your mike there , George.

3 SENATOR KELLY:

4 Representative Moore, will you state your name and your place of  
5 residence for the record, please.

6 MR. MOORE:

7 Thank you, Senator and members of the Committee. My name's Martin  
8 Moore. I'm from Emmonak, Alaska. Gentlemen: Let me tell you a  
9 story two thousand years old. Crucify him. In loud voices and  
10 demanding people continue. The Commander in charge Look at the  
11 people and said. I wash my hands in the innocence of this man.  
12 Then and only then was he able to condemn an innocent man. To  
13 bring judgment against Senator George Hohman, based on peer public  
14 pressure could be a self infliction upon your own credibility. On  
15 April 27, 1980, Free Conference Committee members, consisting of  
16 Senators Hackney, Kerttula, Hohman, and Representatives Meekins,  
17 Montgomery and Durcan, elected to appropriate \$805,000 to purchase  
18 two Canadian Air fire suppressant aircraft in two (indisc.)  
19 seven hundred and five thousand plus a hundred thousand. Unanimous  
20 consent was asked and so ordered. On April 30, 1980, the Free  
21 Conference Committee action was officially printed and documented.  
22 Staff then was given the authority to make technical changes. The  
23 final document then was reported to the members of the two houses.  
24 After I read these documents, I failed to understand when we are  
25 about to condemn a man where judicial system guesses on or about

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1 the first day of May in between or about the 7th day of May 1980,  
2 or where it says, with the intent to influence, to influence what?  
3 The vote, the opinion, judgment, action, decision, or does  
4 it exercise a discretion? And again, on or about the first day of  
5 May 1980, or somewhere in between, the 8th day of May 1980, an  
6 agreement was reached. Or was it understanding, to vote, to have  
7 an opinion, a judgment, action, decision, or was it exercise of  
8 discretion, without a reasonable doubt? The State documented,  
9 recorded and gathered information for the last twenty months, it's  
10 estimated to have spent over one point five million dollars. A  
11 portion of my tax dollar to prosecute and to persecute Senator  
12 George Hohman. Amid all that information the jury began its  
13 deliberation, what took the State almost two years, the jury  
14 deliberated several hours. Probably not exceeding an hour and a  
15 half. In closing my statement, I would like to echo a voice of  
16 (indisc.) listened to many witnesses on the Hohman  
17 trial as one of the two jurors dismissed. She said, I think he is  
18 innocent. I urge this Committee to maintain Senator George Hohman's  
19 innocence until the appeal process has been completed. Gentlemen,  
20 Senators, I thank you very much for this privilege.

21 SENATOR KELLY:

22 Thank you, Representative Moore, are there any questions? From  
23 members of the Committee? Thank you very much. Prior to getting  
24 into Senator Hohman's testimony, I would inform the Committee that  
25 we expect today to go until three o'clock on the button, at which

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1 time we'll adjourn and reconvene tomorrow at one o'clock. It is  
2 estimated by Senator Hohman and his attorney, they need about  
3 four hours. We should get two hours today, two hours tomorrow.  
4 ur counsel will need about one hour then to summarize his  
5 findings and, hopefully, we can then make a recommendation  
6 tomorrow. I would estimate tomorrow's meeting to run about from  
7 one o'clock until four o'clock in the afternoon. Senator Hohman,  
8 you may proceed, please.

9 SENATOR HOHMAN:

10 Thank you, Mr. Chairman. I am in receipt of the transcripts, the  
11 exhibits of the trial in the State versus Hohman and I'd like to  
12 acknowledge that I appreciate the Senate's support of the motion  
13 that I made to include them in the official record. I do note that  
14 in the short time between the time I received them and now that  
15 we have noted that there are probably about five errors, which is  
16 not...which is to be expected, I think, in a task of this size...  
17 a transcription task, especially since it was done in such an  
18 expeditious manner, but there are some errors, I think, in the  
19 transcripts. Today I will not be presenting testimony to the  
20 Committee, but I will defer to my attorney, Mr. Gail Fraties, and  
21 I think that I'm ready to turn the mike over to him now. Thank you.

22 SENATOR KELLY:

23 Mr. Fraties.

24 MR. FRATIES:

25 Thank you, sir. I should begin these remarks by thanking the

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1 Committee for its patience in waiting for me to arrive here while  
2 I was taking an instructive tour of Southeast Alaska with Alaska  
3 Airlines yesterday and that's extraordinarily kind of you to wait  
4 until today in order that the Senator may be heard. I think that  
5 I should begin by saying that when I came down here, I was treated  
6 to the early morning news as I was going out to the airplane and  
7 I, the Anchorage columns and press and radio announcers and all  
8 were saying that there has been a decision already arrived at by  
9 the Committee and I don't say that to embarrass Senator Kelly in  
10 any way because I'm a columnist myself and I write these things  
11 and subject to last minute changes, but somebody or other got  
12 ahold of what they purported to say was one of Senator Kelly's  
13 forthcoming columns in which it was said this Committee had  
14 decided to recommend the expulsion of my client from the Senate  
15 and I say this again not to embarrass my fellow columnists, but  
16 because I know how those things can happen and it must be equally  
17 embarrassing to him. And I say that also to indicate that neither  
18 my client nor myself feels that the conclusion is foregone or that  
19 we will not receive a fair hearing here to dispel any such  
20 impression that may have been made in the incident. And I would  
21 say also, that were it true that the Committee had already reached  
22 a decision, I would still argue for my client. I always liked the  
23 story of the Devil and Daniel Webster when I was a kid and  
24 although I don't equate this Committee with Daniel Webster's  
25 formidable adversary on the occasion when he argued to the Devil

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1 himself for the soul of one of his constituents, I can say that,  
2 I mean, what is a professional silver-tongued devil to do when he  
3 is told that a decision has already been reached by the jury and  
4 then he can make his argument, but to accept that as a challenge.  
5 But I repeat, that we do not think the decision has been made.  
6 We think that we will be treated with fairness that is consis-  
7 tent with the fact that one of your colleagues has been accused.  
8 Now, I have never served the State in the capacity that you do  
9 as legislators and so I do not have an intimate knowledge of the  
10 legislative process. And perhaps then you would think that the  
11 suggestions of an outsider were offered to you with some temerity  
12 since I do not live your lives, nor am I subject to your problems,  
13 but then let it be as an outsider since by definition there are  
14 only a few dozen people that can ever be legislators at any time  
15 and the rest of us are outsiders to the process. And I would  
16 make these suggestions concerning the public policy impact of  
17 what the Committee may be requested to do and that is to  
18 recommend expulsion at th's point. This I think it's fair to  
19 say, was a sensational case. It is the defense contention and  
20 it was the contention that the Senator was convicted on specula-  
21 tive evidence...speculation, and I'll get to that in a moment.  
22 But supposing that that were a possibility. In the state of  
23 Alaska, and I do not suggest this as a reflection on the present  
24 incumbent of the Governor's office, whom I respect, of course,  
25 but the Governor's office in this state is an extraordinarily

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1 powerful one. More powerful than any other state that I know  
2 in the context that the Governor appoints the attorney general  
3 who in turn appoints all of the public prosecutors. He also  
4 controls law enforcement to a large degree through the Depart-  
5 ment of Public Safety. This gives the executive branch of this  
6 government an extraordinary power in what is to be, hopefully,  
7 a balance of power situation between you as legislators, the  
8 Governor's office, and of course, the judiciary. In this case,  
9 as was suggested in the moving remarks of Representative Moore,  
10 there was an enormous expenditure of public money. I do not  
11 have access, of course, to the records as you do, or to the  
12 legislative audit as you do, but I've tried many cases and I  
13 have been in a disputed, contested case against the government,  
14 which, of course, is my function in life, and I certainly  
15 logistically I can assume expenses since I engender expenses on  
16 behalf of my clients. I know what it must cost to keep two full  
17 investigators working...full time investigators working for in  
18 excess of a year to keep attorneys full time to bring witnesses  
19 from Europe and to visit people all over the continent and in  
20 Canada and so forth, I know what that sort of thing costs, so I  
21 can say that there was an enormous expenditure in a showcase  
22 trial which obviously the government in any case can outspend  
23 the average citizen, ten to one, twenty to one, in this case it  
24 must have been fifty to one, a hundred to one, and maybe it  
25 isn't unfair. But then, that is the context in which we must

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1 approach this case. Now, the United States Congress and other  
2 legislative bodies have given us precedent for other avenues that  
3 can be proceeded. One of them is suggested by Representative  
4 Moore that has been used successfully in other cases is to allow  
5 the appeal process to run its due course. In this particular case  
6 where the transcript has already been prepared and very quickly,  
7 I would say, and I defer, of course, to my fellow attorney on this  
8 Committee, but I would say that probably ninety percent of the  
9 delay in any Supreme Court appeal is the preparation of the  
10 transcript, and in this case the transcript has already been  
11 prepared, I personally have been involved in a case involving a  
12 public functionary, at that time I was serving the Senate...your  
13 fellow Senators in a case involving a public official in which the  
14 Supreme Court was asked because of the importance of the matters  
15 to be considered, to accelerate their process and to give the case  
16 precedent over other cases upon which they were deliberating,  
17 and I would suggest to you that the appeal process in this case  
18 could be very short indeed. If that has any impact on your  
19 thinking as to the necessity of expelling the Senator before he  
20 has the recourse to an appeal, which in this case, would hardly  
21 be a frivolous appeal and which very well might result in the  
22 reversal of his conviction, that's a distinct possibility, it  
23 happens in many cases. In which case, I think that as a  
24 public policy concern, it would not be appropriate to have an  
25 undue haste in dealing with the case, since it can be dealt with

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1 rapidly anyway, to preserve all of the Senator's rights. Now, you  
2 might well ask in being presented with thirty-seven hundred pages  
3 of transcript, why should we review this, we're busy now, and I  
4 have reviewed many thousands of pages of transcript myself and I  
5 must say I identify with that concern. But I would suggest that  
6 this Committee and the Senate as a deliberating body, considering  
7 the expulsion if it ever gets to that of one of its own members,  
8 should be very concerned as to whether the case was a strong one,  
9 and we have a transcript for reference. If it in fact has  
10 immediate impact on the other members of this delegation, I would  
11 simply say that in a context in which the public prosecutor in  
12 response, obviously, to comments of my own about the enormous  
13 amount of money that had been spent, stated this to the jury:  
14 And yes, we are spending money, and do you know why we're spend-  
15 ing money? Because the integrity of this government is at stake.  
16 There's a lot of money going, available across the street there,  
17 a lot more than what was spent in this case, a lot more than  
18 that's involved in this appropriation and it's got to stop. This  
19 kind of thing has got to stop. Now, I'm not trying to stampede  
20 anybody, but that remark in the context that it was made of a  
21 final argument in an attempt to convict your colleague, was very  
22 definitely a declaration that the Department of Law and the public  
23 prosecutors are going to put a stop to all of the villainy and  
24 the bribery and everything that's going on in the legislature if  
25 it costs them every last dollar that the State has and if it's

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1 the last thing they ever do. Now, if that's the attitude, then  
2 I would suggest that it is incumbent upon the legislature as  
3 having its own integrity and its own principles and problems, to  
4 consider whether or not it's appropriate to proceed with due  
5 deliberation and caution in a case where one of the fellow  
6 members has been accused of and, at the moment at least,  
7 convicted of a crime, on what his attorney says is just specula-  
8 tion. Now, there is a comment in the material that was made  
9 available to you that the Grand Jury received thousands,  
10 reviewed thousands of pages of documents and this is offered,  
11 I suppose, as a makeway for the conviction. If the Grand Jury  
12 used the same careful deliberative process that the jury in this  
13 case used, I would suggest to you that they didn't look at any  
14 documents. Now, I don't know whether we're going to have time  
15 to do this, but I have suggested that the flow charts and the  
16 game show atmosphere, charts that were used in the Grand Jury  
17 be brought...for the Grand Jury and in this trial, be brought to  
18 your attention so that you can see the extraordinary amount of  
19 speculation that was required. I can say this to you, as a  
20 participant and not upon oath because obviously I'm not in a  
21 position to testify to anything, but as a participant in this  
22 trial, I am aware of the fact that the jury began its delibera-  
23 tions at about 9:30 in the morning, it wasn't so much as a...it  
24 must have been within a very few minutes after that that we  
25 received a request to hear Representative Meekins' testimony

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1 again, which is, you know, by means of the tapes that were made in  
2 the course of the trial. The jury thereupon, because of various  
3 delays in getting ahold of the attorneys and me communicating with  
4 my client, and everything, to my best recollection, must have  
5 waited well over two, and possibly three hours, and then, during  
6 that period of time, I was informed reliably that they were not  
7 deliberating, they were waiting for the tapes. In the time between  
8 9:30 and 2:30 in the afternoon, they must have had to select a jury  
9 foreman and assuming that they spent a few minutes at least eating  
10 a sandwich or doing something, they waited three hours for the  
11 tapes, they had to hear the tapes, and for our best estimate they  
12 couldn't possibly have considered the evidence in this case for  
13 longer than an hour, if that long. That's subject to being checked  
14 out, but that's my best estimate at the moment and I'll stand by  
15 it until somebody refutes it. If you have a look at the charts and  
16 all of the incredible(?) wealth of information from which the jury  
17 was to infer guilt, then you would determine for yourself that not  
18 one juror had time even to look at all the thousands of pages of  
19 records that were brought in, even one record, to see whether any  
20 entry on the chart conformed with any entry in the records. I  
21 would say that if a person of critical mind were to have been on  
22 the jury and had reason to believe that there might be anything  
23 wrong with the government's case, it might have been interesting  
24 to look at at least a few pages to see if they were even there, or  
25 whether what they had been presented by the prosecution's office

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1 was bundled up newspapers...which I'm not suggesting was the case,  
 2 but I am suggesting that...I mean, all of us in the field of  
 3 defense have had cases where juries will at least deliberate a few  
 4 hours, even on cases that are very hard to defend and this case  
 5 the jury, to my way of thinking, did not possibly have time to  
 6 consider the evidence that by the nature of a trial they had never  
 7 held in their hands before nor had they looked at, it had simply  
 8 been described to them. Now, what, if anything, did they have to  
 9 talk about? I mean, let's assume that probably some of you, of  
 10 course none of you having had the opportunity to view the trial  
 11 yourself, would wonder, well, what, if anything, was the jury  
 12 supposed to be curious about. Well, Senator Hohman, who is a  
 13 legislator and who speaks to you as legislators, I understand, has  
 14 already explained to you, the fact, as Representative Moore has  
 15 alluded, that this is a case in which the language of the bill was  
 16 already locked up and the bill was on its way to the printers, it  
 17 was Representative Meekins' own language that was in there, and  
 18 subject...aside from some extraordinary reason to recall the bill  
 19 and open the whole thing up again, there wasn't a scintilla of  
 20 evidence that there was any reason whatsoever for anybody to engage  
 21 in bribery. I'm not going to beat that to death...I'm simply  
 22 going to argue that we lawyers depend on circumstantial evidence  
 23 to prove a lot of things, and the State almost entirely depended  
 24 on circumstances here, and yet I'm suggesting to you that the  
 25 circumstances require you to believe that a man who is certainly

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1 regarded by his fellow colleagues as no fool, used a...I don't  
2 mean to demean the man, but used a young capitol gopher-type, a  
3 man known to be talkative and impulsive, to negotiate with a man  
4 that he had never seen, about money that he had no idea about the  
5 existence of funds, and then he talked to a fellow who was a  
6 political opponent of his, about a bribe when there was no  
7 necessity to bribe. That seems to me to be the sort of circum-  
8 stance that would require a person of critical mind to say, Well,  
9 if there was no reason to do it, and it doesn't make any logical  
10 sense, let's consider the evidence, well, obviously, you know, he's  
11 a Senator, he's a politician, I mean, hell, he's guilty, it's  
12 obvious, I mean, these guys are bad people, and I don't suggest  
13 that as a denigration of this Committee. I'd hate to be a lawyer  
14 on trial in the Watergate era, any more than I'd hate to be a  
15 politician on trial in the era of Abscam. I mean, we're all  
16 subject to this sort of thing. Now, there wasn't any reason to do  
17 it, he went to all of the wrong...I mean, it doesn't make a bit  
18 sense in that sense...all right, so does that raise any...would  
19 that require a critically minded person on the jury to keep the  
20 jury up for more than an hour to talk about some of the other  
21 problems that were referred to in this case. Were there any other  
22 problems? Another aspect of that particular one is that there has  
23 never been successfully explained to me or anybody why somebody  
24 with the clout of this Senator, dealing with a representative who  
25 had projects, or capital project eighty-two, or something or other

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1 on his mind, where there were literally millions that he was trying  
2 to protect for his constituents, why he would find it necessary to  
3 bribe anybody when he could simply trade...horsetrade, as is  
4 perfectly legitimate in legislative circles, support on one item  
5 for support on another item. But that raises another logical  
6 problem for me, at least, as an outsider. I don't wish to attack  
7 Representative Meekins as a witness, but I will say this, and I  
8 have never attacked him personally as a witness, at least in my  
9 opinion...he may feel otherwise, but the fact remains that out of  
10 all of the witnesses that were presented he is the only one that  
11 has ever said a word against Senator Hohman, and what, if anything,  
12 is wrong with him? He is a man that refused to wear a wire, or a  
13 bugging device. I don't ask for Senator Dankworth's support  
14 particularly in this case, except for the fact that we were  
15 colleagues at one time in law enforcement, and there is a problem  
16 with an informant that will not wear a wire, particularly an  
17 informant that has reasons of his own political or otherwise to  
18 dislike somebody. Representative Meekins admitted under cross-  
19 examination that many of his allegations made no sense, for the  
20 reasons that I've already expressed to you. He denied that he had  
21 said that he didn't need any further publicity from Representative  
22 Duncan because he was going to be a star witness in the Hohman  
23 trial, but Representative Duncan refutes that. Which is bias.  
24 He admits that the words that he heard could have had various  
25 meanings. Again, it's not an attack on him, but he was regarded

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1 as an untrustworthy witness by his own, by your colleague,  
2 Senator Ray, and he was regarded as an untrustworthy witness by  
3 his colleague, Representative Duncan. And that is the only  
4 person in the entire trial that had any direct evidence or a word  
5 to say against your colleague, Senator Hohman. Another problem  
6 that might cause a person of some inquisitive bent, if a man was  
7 on trial, in which they had the slightest interest in his fate,  
8 or had followed the advice of the judge which is the law, that a  
9 man is presumed to be innocent, if they said to themselves at  
10 the start, he's an innocent man, until and unless somebody proves  
11 to me the contrary, I will continue to believe he's innocent.  
12 The sort of guy that in any situation, you know, looks at both  
13 sides of the question and says, What about this, What about that,  
14 What about the other thing. Somebody that would keep the jury  
15 busy for longer than an hour for considering the evidence against  
16 Senator Hohman. What would such a man have thought of the fact  
17 that there was no money ever found in this case, nor any source  
18 of money ever determined in this case. It was suggested by the  
19 public prosecution that the salesman, Mr. Larsen, was going to get  
20 a total, aggregate total, of thirty thousand dollars in commissions  
21 on these two airplanes and that's where the money was going to  
22 come from. Nobody ever explained nor tried to explain why in hell  
23 Senator, rather Representative, salesman Larsen, who works for  
24 a living, would give away his entire commission, or why he would  
25 undertake to pay taxes on it and give tax free money away to

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1 anybody. I can tell you and if the Department of Law wants to  
2 refute it, I will prove it, because there's reams of evidence  
3 that was never presented in the trial that a great deal of public  
4 money was spent on sending investigators and attorneys to Canada  
5 to interview the officials of Canadair, the people that were  
6 supposed to have been involved in this thing, and they roundly  
7 refuted any possibility that they were involved. They solidly  
8 supported Mr. Larsen, they said that he was respected, that his  
9 job was not in danger, and so forth, and yet the prosecution  
10 obviously was able to argue that Representative Lar...I'm sorry,  
11 I don't know why I keep saying Representative... that the salesman  
12 was interested for some reason or another in protecting his job  
13 and this is why he would do this sort of thing. And you're  
14 going to ask, I suppose, why didn't you bring these witnesses  
15 over...I don't have a million and a half dollars to spend, that's  
16 why I didn't bring them over, and I don't have extraordinary  
17 subpoena power to bring people from a foreign state...you have to  
18 go through a State Department to do that...so I satisfied with  
19 my arguing which should have been effective, I got one of the  
20 investigators to admit that they had visited all these people,  
21 and I asked the jury the question, Why aren't they here if they  
22 had any incriminating evidence? That's the best that I could do  
23 with my limited resources, but I can tell you gentlemen that your  
24 State spent a great deal of money going over there and developing  
25 evidence that favored Senator Hohman and, of course, you know,

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1 being adversaries and good adversaries in a court situation, they  
2 objected to me trying to get it in on hearsay grounds, which is a  
3 perfectly valid objection and as a prosecutor I would have done the  
4 same thing. I mean, you're out to win after all. Now, here's  
5 another thing that I think that a fellow who had a critical bent  
6 of mind and was inclined to question things, this might have  
7 caused him some concern. Mr. Larsen and Mr. DeMan, both of whom  
8 had been indicted and DeMan convicted, they were presented to the  
9 jury as two people that were perjurers and they were going to  
10 repeat their perjury and the State apparently had no doubt that  
11 they had lied before and that they were going to continue to lie.  
12 I have a constitutional problem with that that I wish to present  
13 to the Supreme Court, but to one side, notwithstanding, that does  
14 not concern you, what should concern you is this. Both of these  
15 men were given transactional immunity. There is a lawyer on this  
16 Committee, that if there is any question about what transactional  
17 immunity is, after I finish speaking, he can help you in your  
18 deliberations. The transactional immunity is as Senator Dankworth  
19 undoubtedly knows as well, is a situation where you are given  
20 absolute immunity for any consequences of the crime that you have  
21 committed, okay, it does not protect you from charges of perjury  
22 if you lie again in the trial in which you were put on as a  
23 witness. Both of these gentlemen are given transactional immunity.  
24 DeMan had already been convicted on several counts for disagreeing  
25 with the prosecution's theory, or for all I know, for lying. I

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1 would add, since we are in a relatively informal situation here,  
2 that not one of the counts on which he was convicted had anything  
3 to do with a bribe having originated from Senator Hohman. It had  
4 to do with disagreements about whether he had talked to Mr. Larsen  
5 and so forth. Incidentally, in the summary of material that you  
6 were presented with by the public prosecutor's office, it is  
7 stated that Larsen had given the same testimony before in State vs  
8 DeMan, the same testimony as he gave in Senator Hohman's trial.  
9 That's absolutely true, and they convicted DeMan with it, and what  
10 I'm telling you is, that when Larsen states something for the  
11 purposes of convicting DeMan, he is represented to the jury as  
12 truthful. When he states something in favor of Senator Hohman, he  
13 is represented to the jury as a perjurer. Now that raises some  
14 questions in my mind as I believe that it should raise in yours.  
15 But nevertheless, both of these people, and they were threatened  
16 in open court and it's on the record, the public prosecutor  
17 stated, Do you remember me, my name appeared on your indictment,  
18 I'm the guy that convicted you, do you understand what will happen  
19 to you if you don't tell the truth here? All right, that's fine,  
20 if you want to threaten witnesses and you do it front of the jury,  
21 that's great. Because that gives me the opportunity to comment on  
22 it, which I did then and which I do now. But what is significant  
23 about their testimony, notwithstanding the fact that they run the  
24 risk of being indicted for perjury all over again if they repeat  
25 their testimony, notwithstanding the fact that they're out of the

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1 woods because of the transactional immunity that has been given,  
2 they repeated the testimony that they had given before that this  
3 is an innocent man and that he doesn't have anything to do with a  
4 bribe. And I would like to know if anybody on this group, can  
5 surmise what is the evil control that my client has over these  
6 two witnesses to make them put themselves in danger of perjury.  
7 It might be argued that perhaps DeMan was a friend of his, but  
8 Larsen is not. Now, so I think it's significant, two fellows that  
9 are running the risk of perjury, if they do not agree with the  
10 prosecutor's theory of the case and they know, because they've  
11 been indicted before, get up and say the same thing again after  
12 being threatened. Now, I suggested to the jury and I suggest to  
13 you that if we had been caught pressuring witnesses and then the  
14 prosecution had been able to turn them around and make them tell  
15 a different story, why that would have been regarded as very harm-  
16 ful to the prosecution's case, or to the defense case. I invite  
17 you to look at the...you were provided...if anybody has the time,  
18 there's a complete transcript available for you and it is indexed  
19 ...perhaps somebody could be delegated to see whether I'm telling  
20 the truth about any of these things...but the testimony of the  
21 witness, Kim Moore, who in the original trial of DeMan was heard  
22 to say that she saw four men going into Senator Hohman's office  
23 and they were identified as DeMan, the salesman Larsen, Kocsis  
24 and the Senator, okay, a review of our grand jury transcripts  
25 indicates very clearly, and they're available, that she had no

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1 such recollection of that in the grand jury. A review of her  
2 testimony originally given, her original statement was very  
3 confused and no such clear recollection. We demonstrated  
4 absolutely and it's there in the testimony, it's not an attack on  
5 the investigating officer, but an investigator was sent to  
6 Washington to talk to her and I had a complete transcript of his  
7 interview with her and in the course of a four hour, roughly sixty  
8 page interview, her...it was suggested to her repeatedly what she  
9 might have seen, what she could have seen, and when she was asked  
10 to try to recall, by the time she got to the DeMan trial, she had  
11 remembered...by the time the officer was finished she remembered  
12 three people, by the time she got to the DeMan trial another one  
13 had appeared. I got to talk to her for five minutes, and then I  
14 cross-examined her and she was absolutely unsure of any of her  
15 testimony and she was absolutely unsure as to whether she had  
16 ever seen that, or whether the suggestive questioning of the  
17 officer had indicated it to her. Now, again I don't like to  
18 continue to enlist, you know, the support, or even indirectly,  
19 my former colleague in law enforcement, but Senator Dankworth can  
20 tell you that any good investigator knows that it is extremely  
21 dangerous to suggest answers to a witness because we all visual-  
22 ize things. I mean, I never saw any of the incidents that  
23 supposedly took place in this trial, but I see people rid-  
24 ing on airplanes, I see people at breakfast, I see people in  
25 meetings, I see every single thing I've heard about, and the same

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1 thing will happen to a witness if you suggest to them countless  
2 times, or you repeat to them a number of times, that they may  
3 have seen something, after awhile they visualize it. When you  
4 ask about it a year later, they don't know whether...what they  
5 are seeing in their mind is their memory or their conceptualiza-  
6 tion of what they've been told and exactly the same thing happens  
7 to you. There isn't a man sitting at this Committee table that  
8 when he's reading a book, does not visualize the action that's  
9 taking place and there is not a person here that hasn't told a  
10 funny story and then is unable to remember whether it's something  
11 he saw himself, or it's something that his friend told him about  
12 and yet you see the pictures in your mind, that's what I'm  
13 telling. Now if we had been caught pressuring witnesses and  
14 suggesting answers to them, it would have been very damaging to  
15 the defense case and I suggest to you that it raises a reasonable  
16 doubt that might have kept some fair minded juror, kept him busy  
17 for longer than an hour, and the government does the same thing.  
18 And as far as the charts are concerned, if they're here in the  
19 room at any place, I wouldn't ask you to, I ask that they be  
20 here and I would ask you to at least take a look at them.

21 SENATOR KELLY:

22 Excuse me, Mr. Fraties, we do have the charts available outside.

23 MR. FRATIES:

24 Well, I don't wish to take up our time at this time for, you  
25 know, going through all of that stuff, but in your deliberations

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1 I would ask you to look at those charts and to accept my assurances  
 2 without more, unless somebody wishes to review the transcript,  
 3 because it's all there, that there is not a single phone call on  
 4 those charts that is anything but speculation. You have people  
 5 going back and forth on airplanes, you have phone calls being made  
 6 from the Senator's office to another office, and so on and so forth  
 7 and I can tell you that there's not a scintilla of evidence in the  
 8 entire transcript that indicates that any one of those telephone  
 9 calls or any combination of them was made for a bad purpose. And  
 10 from your own experience as legislators I think you'll clearly see  
 11 that the telephone calls, station to station telephone calls, that  
 12 were being made are exactly what you would expect in the offices of  
 13 a busy legislator. Now, it is indicated in tis little summary that  
 14 you were given, that the defense did not attempt to explain how  
 15 Representative Meekins knew the things about the airplane and about  
 16 Larsen, and so forth, that he did. Well, you know, if I wanted to  
 17 indulge in speculation, or if the jurors wanted to speculate or  
 18 even use their common sense, I would say that Mike DeMan, an  
 19 impressionable young man who has a big deal cooking of some sort,  
 20 or apparently so he thought, had lunch with young Mr. Hutchinson,  
 21 who was a college roommate of Mr. Meekins, who has lunch with  
 22 Represenataive Meekins' aides all the time, and is apparently good  
 23 friends with that group, and apparently according to Mr. Hutchinson  
 24 Mr. DeMan was talking about the airplanes and so on and so forth.  
 25 It's also true that Mr. Meekins attended the same fund raisers as

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1 Mr. DeMan did, and if Mr. DeMan was going around boasting about his  
2 big deal, and airplanes, and Mr. Larsen, and the possibility,  
3 speculative possibility that he was going to make money, Russ  
4 Meekins could have got every bit of information that he alleged  
5 came from these conversations, from DeMan or by hearsay from other  
6 people that were listening to Mr. DeMan as he went around this small  
7 community telling everybody about his big deals...didn't require,  
8 as the jury was requested to speculate that Representative  
9 Meekins could only have found these things out by telling truth-  
10 fully, found those things out from my client. Now this is a case  
11 where I repeat, I only ask you to, you know, ask somebody to have a  
12 look at the transcript to see whether anything that I have said is  
13 true, and if anybody is interested and I know you are interested,  
14 I don't mean to denigrate your interest, my closing argument, and  
15 it's not for pride of authorship, but my closing argument, which I  
16 would say is a fairly scathing comment on the prosecution's  
17 argument, starts at page three thousand five hundred and twenty-  
18 seven, I don't mean it goes three thousand pages, I only mean it  
19 goes maybe

20 (Tape ends with the above and then continues:)

21 said, and that brings up, and you have been invited through Mr.  
22 Hickey's comments to read the public prosecutor's argument, and  
23 that's fine with me too, but my remarks start on page three  
24 thousand five hundred and twenty-seven and I raised an awful lot  
25 more problems than I've, you know, taken up your time to raise

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1 here. Now we're at, as preamble, this is a case that has been  
 2 by its nature, is a sensational case. We are in a posture, where  
 3 the legislature, I think, at least not because of the present  
 4 incumbent, but has reason to have at least normal concern for the  
 5 power of the executive for the reasons that I have given, I suggest  
 6 to you ...and I ask that somebody at least check out to see whether  
 7 or not I'm exaggerating, that this case was speculative and  
 8 emotional in the extreme, that the jury could not possibly have  
 9 considered, or even debated, about any of the problems that I have  
 10 brought up, and what does that leave us in the era of public  
 11 attacks and lack of confidence in politicians. It leaves us with  
 12 the fact that there's a distinct possibility that a Senator got  
 13 convicted because he was a Senator, and that should cause anybody  
 14 concern. Now, what...you know, I didn't come here to argue with  
 15 you, it isn't my function. My function would be to suggest some-  
 16 thing that might be helpful to you. And I would suggest this, that  
 17 in the context where the transcript is already done, where I invite  
 18 anybody to refute what I've told you here today and it's all in  
 19 the transcript, so I wouldn't be in very good posture to be lying  
 20 to you about it, if anybody wants to review any of that stuff, and  
 21 in the posture where there have been all kinds of concerns about  
 22 the fairness of this procedure, then I would suggest to you that  
 23 we who make our living in the law are faced with this phenomena;  
 24 we say that a thing must not only be fair, but it must appear to  
 25 be fair, in other words, the public perception of fairness must

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1 concern us as well, and I say this not as an attack on my friend,  
 2 your counsel, but I mean, even his presence here. Mr. Council is  
 3 a member of the firm of Carpeneti and Council, before Judge  
 4 Carpeneti went on the bench, that firm represented Russ Meekins,  
 5 I mean, what is the public to make of that? I don't suggest that  
 6 it's improper, I have absolute confidence in his integrity. We  
 7 have a pretrial motion that will still bear some looking at by the  
 8 Supreme Court, concerning the affidavits we had concerning the  
 9 bias of one or more grand jurors that brought this whole thing to  
 10 begin with. And there are other problems that I don't think need  
 11 concern us now, but the most critical problem is this, that I  
 12 allege to you and my reputation, of course, means something to me,  
 13 that there are two major problems that I wish to present to the  
 14 Supreme Court of the State of Alaska in which my friend and  
 15 revered colleague, Wendell Kay, who's presently...could not be here  
 16 because he's presently teaching law at the University of Arizona,  
 17 concurs implicitly that our major problems in this conviction and  
 18 where you have the possibility of an expedited hearing, that I  
 19 would suggest to you that at least it might bear some considera-  
 20 tion to proceed with caution in this area, to proceed with due  
 21 deliberation, when you can have a final determination from the  
 22 Supreme Court by asking for it on an expedited basis. I do not  
 23 wish to put the Senate of the State of Alaska in, even in the  
 24 jeopardy of having appeared to expel one of their colleagues on  
 25 what his client, what his attorney, represents as a weak and

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1 sensational case, because of outside pressure, or any other  
2 reason, there are these avenues open to you and I suggest that  
3 they bear consideration and I'm deeply appreciative for your  
4 having waited for me to come here and I thank you for your  
5 courteous attention.

6 SENATOR KELLY:

7 Thank you, Mr. Fraties. Are there any comments or questions from  
8 any member of the Committee?

9 SENATOR KERTTULA:

10 I have one question...will Mr. Fraties be here tomorrow?

11 MR. FRATIES:

12 I will be here Senator.

13 SENATOR KERTTULA:

14 And you will be available to ask questions to tomorrow?

15 MR. FRATIES:

16 Absolutely yes, Senator.

17 SENATOR KERTTULA:

18 Thank you very much.

19 SENATOR KELLY:

20 Senator Dankworth.

21 SENATOR DANKWORTH:

22 Just one question. Mr. Fraties, apparently, did you make this  
23 same argument that you just made to us concerning the jury before  
24 the judge in his consideration as to whether...before he came  
25 down with this recent statement...is that argument been made

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1 before the court at all?

2 MR. FRATIES:

3 No, sir. The only argument that I have made before Judge  
4 Serdahely is also in the transcript and it's repeated in its  
5 entirety and immediately after the jury came back I made an oral  
6 ...stating that they had not been deliberating for a sufficient  
7 amount of time and I have...he has, as you're apparently aware,  
8 he has denied that motion; he has left a motion open...I've also  
9 submitted (indisc.) saying the same thing...he has denied  
10 that motion...he has left open a further motion that I have made  
11 for juror misconduct, which is still under investigation, and  
12 that is left open by his order for future hearing when my  
13 investigation is completed. I do not allege at this time that  
14 we have concrete evidence, but we have a lot of interesting  
15 leads that we're following up.

16 SENATOR DANKWORTH:

17 Thank you, Mr. Chairman.

18 SENATOR KELLY:

19 Senator Hohman, did you have anything to add, sir?

20 SENATOR HOHMAN:

21 Yes, sir. Counsel has requested that some of the exhibits that  
22 were presented during the trial be present for Committee  
23 consideration and they are present, but I think that you can  
24 look around the room and see that there isn't adequate space  
25 for that presentation. Also, by my count, I think we have had

1 seven members of the body present, five of which are on this  
2 Committee, that means that there were twelve that either  
3 couldn't find the space to come in and audit this meeting, or  
4 for whatever reason are not here. I would like to have the  
5 Committee, therefore, consider my request to restage tomorrow..  
6 reset the stage for tomorrow's hearing to some other location  
7 that does offer more room. I know that one consideration is  
8 that we have to have TV outlets. I think the floor would offer  
9 not only more room, more seating space, comfortable for the  
10 members of the Senate, and they have gallery space off the  
11 center floor that would provide for the members of public that  
12 would like to observe the proceeding. I think it's wired for  
13 TV, so every interest can be accommodated by staging  
14 tomorrow's hearing for the floor and it is a day that the  
15 Senate does not meet and it wouldn't interfere with the  
16 calendar that your committee may have established. I'd just  
17 like to emphasize one of the points that Mr. Fraties has made,  
18 and that is that we do have the transcripts, there's an  
19 interest of the Senate as an institution to be considered here  
20 and that we should request as a body the expedited appeal  
21 consideration by the court, as we proceed through this and  
22 expeditiously handled...they have a precedent for handling  
23 matters of this urgency...the Hickel-Hammond election case, for  
24 one, and so forth. I think that it could be handled in a  
25 relatively short period of time and it would serve the

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1 interests of, certainly of me personally, but of this body and the  
2 public. I would like to talk about some of the exhibits, but I  
3 will defer that until tomorrow, if we have adequate space to do  
4 it then, sir.

5 SENATOR KELLY:

6 Senator Hohman, two things, of course, it's not necessary to have  
7 this number of chairs inside the committee room since it is being  
8 televised and can be picked up in any office within the Capitol  
9 Building, it's my understanding. We will make certain that  
10 tomorrow there are twelve chairs set up to the side, or fourteen  
11 chairs set up, for the remainder of the Senate who wish to attend.  
12 In the meantime, we can certainly put all of the exhibits on  
13 display right outside the room and we can, as you want to, bring  
14 each exhibit up or indicate your desire in each exhibit, we can  
15 bring it into the room. But I think in this particular case that  
16 we will maintain our presence here because we're set up here and  
17 we've...it's been announced that the meetings will be in this  
18 room; we will make certain, sir, that there is room tomorrow for  
19 all the remaining fourteen senators to be present.

20 SENATOR HOHMAN:

21 Thank you, sir.

22 SENATOR KERTTULA:

23 Mr. Chairman.

24 SENATOR KELLY:

25 Senator Kerttula.

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1 SENATOR KERTTULA:

2 Have you established that there is sufficient space for the  
3 exhibits to be placed up so that the witnesses can show them,  
4 explain them, in a reasonable manner...not...is there space in  
5 this building, right here for instance...is there sufficient  
6 space...is this a problem? I think we ought to be certain that  
7 it is NOT a problem.

8 SENATOR KELLY:

9 Senator Kerttula, we can work out the logistics between now and  
10 tomorrow. If, in fact, we can't do it, we could certainly  
11 switch to a larger area tomorrow.

12 SENATOR KERTTULA:

13 I recognize the public interest and our colleagues' interest  
14 while they're watching (indisc.) but I also recognize the  
15 fact that we should provide whatever is necessary that the Senate  
16 itself is (indisc.) the decision for writing the  
17 transcript, and we, TV cameras or not, I for one am not a  
18 gladiator.

19 SENATOR HOHMAN:

20 Mr. Chairman, it's my understanding that there are only three  
21 TV sets hooked up to the outlets that were made available to the  
22 Senate this session, so that is not, at this point in time, if  
23 that is factual, a satisfactory alternative for the Senators to  
24 deal with, in these proceedings.

25 SENATOR KELLY:

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1 Are there any further comments?

2 SENATOR FERGUSON:

3 Mr. Chairman, I move that we hold the meeting tomorrow in the  
4 Chambers.

5 SENATOR DANKWORTH:

6 I'll object, for just the purposes of discussion. Maybe I've  
7 lost this a little bit, Mr. Chairman. What did you say, that  
8 you would accommodate the request in this room?

9 SENATOR KELLY:

10 Senator Dankworth, what I said was that we would make certain  
11 that we had fourteen chairs set aside in this room for any other  
12 members of the Senate that would like to be present and we would  
13 make space available out in the hall to establish the exhibits  
14 and it's my guess that we can make...set up the room for the  
15 exhibit, that it can be held in this room. (Indisc.)

16 (Unidentified voice.)

17 But that's beside (indisc.)

18 SENATOR KERTTULA:

19 Mr. Chairman, Mr. Finance Chairman, subsequently to his state-  
20 ment I asked if there was exhibit space in this room so that a  
21 free folding, unfolding of the advance that wished to be express-  
22 ed can be done so in an orderly fashion. It is my understanding  
23 unless the chairman is...unless I did not understand the chair-  
24 man, that he is guaranteeing that exhibit space will be avail-  
25 able, so the unfolding of the advance which to be expressed,

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1 harassed, interrupted and confused, and that's his answer, and  
2 my opinion is that if it's not true, then I suggest, and I will  
3 suggest tomorrow, that we make certain that this become true  
4 before we sit down for this thing and I think the Rules Chairman  
5 is in accord with that, I hope that he is.

6 SENATOR KELLY:

7 That's fine. Between now and tomorrow we'll establish the fact  
8 of whether or not we can have the exhibits in this room and if we  
9 can we'll go ahead and hold the meeting in this room. Without  
10 objection, if we can't, we'll find another area to hold it.

11 SENATOR FERGUSON:

12 Mr. Chairman.

13 SENATOR KELLY:

14 Senator Hohman

15 SENATOR HOHMAN:

16 I've had the unfortunate experience of having contact with those  
17 exhibits and I lived with it for almost three weeks and I know  
18 that no one else on this committee did, but it's my opinion that  
19 this room does not offer the physical space that would allow for  
20 the presentation of this material. But I'm sure that you, after  
21 the meeting, will become familiar with those exhibits and make  
22 judgment.

23 SENATOR KELLY:

24 Senator Dankworth.

25 SENATOR DANKWORTH:

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516-6846

1 Mr. Chairman, just to make sure we understand each other and for  
2 Senator Ferguson's motion, it's my understanding that what the  
3 Senator, the president, said, if you find that you can't make that  
4 work, then we do agree that we can move into the Chambers.

5 SENATOR KERTTULA:

6 Or some appropriate place.

7 SENATOR DANKWORTH:

8 Or some appropriate area.

9 SENATOR KELLY:

10 Senator Ziegler.

11 SENATOR ZIEGLER:

12 It seems to me if the man with whom we're all involved now in his  
13 future does not want to have the meeting held in this room, but  
14 would prefer to have it held elsewhere, I think we honor that  
15 request. I think Senator Ferguson's motion is perfectly in order.

16 SENATOR KERTTULA:

17 I think it ought to be established for certain in the minds of  
18 Senator Kelly, who is the chairman, and that he should bring it  
19 to our attention, I think I'm pretty much on record that I don't  
20 want an interruption, perhaps there won't be one, if we use this  
21 room. I realize it's like the argument of the round table, with  
22 two sides, U. S. and Russians, but that isn't the intention here,  
23 sir.

24 SENATOR KELLY:

25 Well, let's...Senator Ferguson, why don't we leave it at the fact

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1 that if we can hold it in this room we will, if we can't, we'll  
2 look for another suitable spot, if that happens to be the Chamber  
3 and only the Chamber, well then we could hold it in there.

4 SENATOR FERGUSON:

5 I'll withdraw my motion, but I feel that it's important that we  
6 have a place big enough, and the Chamber seemed to be the  
7 (indisc.) place.

8 SENATOR KELLY:

9 Are there any other comments by the members of the Committee, or  
10 Senator Hohman or Mr. Fraties?

11 VOICES UNIDENTIFIED:

12 No. No sir, thank you.

13 SENATOR KELLY:

14 The Rules Committee is then adjourned until 1:00 p.m. tomorrow,  
15 here, or somewhere else.

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## 1 SENATE RULES COMMITTEE

## 2 ALASKA STATE LEGISLATURE

3 Twelfth Legislature - Second Session

4 January 30, 1982

5  
6 SENATOR TIM KELLY, Chairman

7 SENATOR M. E. DANKWORTH, Vice-Chairman

8 SENATOR FRANK R. FERGUSON, Member

9 SENATOR JALMAR KERTTULA, Member

10 SENATOR ROBERT H. ZIEGLER, SR., Member

11 Also in attendance:

12 SENATOR GEORGE H. HOHMAN, JR.

13 GAIL ROY FRATIES, Counsel for Senator Hohman

14 WILLIAM T. COUNCIL, Counsel for Senate Rules Committee

15 \* \* \*

16  
17 SENATOR KELLY: The Rules Committee will come to order.18 This is January 30, 1982. Let the record show in  
19 attendance the Senators Ferguson Dankworth, Kerttula,  
20 Ziegler and Kelly, and Senator Hohman and his attorney,  
21 Gail Fraties, are here.22 It is the consensus of the members that due  
23 to the cancellation of Thursday's meeting, and having  
24 to compress three hearings into two days, that an  
25 additional day is necessary to study the testimonyTAKU REPORTERS  
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1 and material that we received yesterday and will be  
2 receiving today. We consolidated our timetable by  
3 recessing today's meeting until 9:00 a.m. Monday  
4 morning in the Butrovich Room.

5 It is the Chair's intention, at the end of  
6 today's meeting, to recess until Monday morning to  
7 make our final recommendation to the Senate. I would  
8 emphasize to the Committee that no time will be lost  
9 from our projected schedule by doing this, and the  
10 business on today's calendar will be to listen to  
11 Senator Hohman's testimony and the testimony of his  
12 attorney, then listen to the testimony of the Committee's  
13 counsel, William T. Council, of Juneau, and recess the  
14 meeting then until Monday morning, at which time we will  
15 make a recommendation to the entire body.

16 If, in fact, a resolution is called for, it  
17 could still be introduced at Monday morning's session.

18 Senator Hohman, you have the floor first.

19 SENATOR HOHMAN: Thank you, Mr. Chairman. I'd like to  
20 express my appreciation for the restaging of this  
21 meeting today, to you personally. This does, as you  
22 see, allow for the presentation of these charts, which  
23 would have been physically impossible in the Butrovich  
24 Room. I'd thought that if we had staged this for the  
25 Senate floor that we might also make provision for the

1 other Senators to be present. I think it's important  
2 that they listen to this presentation, especially if  
3 they're going to be called upon to make a decision and  
4 to cast a vote. And I noticed yesterday that we had  
5 Senator Sturgulewski and Senator Fahrenkamp present, and  
6 today we have Senator Colletta present, in addition to  
7 the members just of the Rules Committee. Hopefully,  
8 the other Senators are taking advantage of the cable  
9 hookup and watching these proceedings on TV, because  
10 this is a very serious matter, and the presentations that  
11 are made should be made to the entire Senate body.

12 But I thank you for your consideration in  
13 restaging this meeting to the Senate Finance Chambers,  
14 where we are now.

15 I have no comments at this time. Mr. Fraties  
16 does, though. Thank you, sir.

17 SENATOR KERTTULLA: At this interlude I just want to ask  
18 one question of the Chairman.

19 SENATOR KELLY: Senator Kerttulla.

20 SENATOR KERTTULLA: Is it being recorded? Do we have a  
21 formal recording of this?

22 SENATOR KELLY: Yes, we do, sir.

23 SENATOR KERTTULLA: Thank you so very much.

24 SENATOR KELLY: Mr. Fraties.

25 MR. FRATIES: Thank you, sir. Mr. Chairman, for the benefit

1 of those Senators who may have been unable to watch  
2 yesterday, but not at the expense of taking undue time  
3 to do so, I'm going to summarize very briefly where I  
4 left off yesterday, in order to put them in the picture  
5 if they should be watching today, and for the benefit  
6 of anyone here that may feel that their memory is  
7 refreshed by my comments.

8 Yesterday I pointed out that this is your fellow  
9 colleague and that he has been convicted, at least so  
10 his counsel asserts, on speculative evidence in a  
11 sensational case, at an enormous expense to the State.  
12 I stress the unusual power of the Executive Branch in  
13 this state, and I pointed out the avowed purpose of  
14 the public prosecutor, and I quoted from his remarks,  
15 to "clean up the Legislature".

16 I stated that there was a precedent to be set  
17 here, and I very strongly urged this body to consider  
18 the alternative that, before you, to ask for an  
19 accelerated hearing before the Supreme Court of this  
20 State, given the importance of this case. The transcript  
21 is already prepared, and it's my personal estimate of  
22 time, that if we were to begin immediately that the  
23 case could be fully briefed and argued within forty-five  
24 to sixty days.

25 I stressed the weakness of the case that was

1 presented against your colleague, and I told you, also,  
2 that there was a basic anomaly in the whole case that  
3 should have bothered any jurors that took his or her  
4 duties seriously enough to debate the various weaknesses  
5 that the defense pointed out. And the basic anomaly  
6 is that your colleague was presented to the jury as a  
7 man who had used a talkative, young, sometime aid and  
8 friend, as a go-between on twenty-four hours' notice as  
9 go-between with a man he had never met, concerning money  
10 that he never saw, and wasn't sure that it would ever  
11 materialize, to influence the vote of a man that he  
12 didn't trust, to do something that had already been  
13 accomplished.

14 And that, if I understand the prosecution's  
15 case, for a net profit to himself of Six Thousand Six  
16 Hundred and Sixty-Six Dollars and Sixty-Seven Cents,  
17 because their theory is that there was Twenty Thousand  
18 Dollars available and that it was to be split three ways.  
19 The participants, according to the theory of their case,  
20 were to be Mr. DeMan, Representative Meekins and Senator  
21 Hohman.

22 They still have young Mr. Kelly to try, and I  
23 don't know how they're going to tie him into this payoff.  
24 Presumably they will argue that that's what we mean when  
25 we say that crime doesn't pay. There's no money left to

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tempt Mr. Kelly.

I summarized ten or more areas of unresolved contradictions in the State's case, not because I wish to argue the case of Senator Hohman again to you as a body, but because I wish to point out that the jury, which, as I demonstrated to you, could not possibly have meaningfully debated this case for more than an hour, if that long, came back with two convictions against your colleague, and it appears to me that they did so because he is a senator, and not because he is a guilty man.

I then pointed out to you -- and we get to today's presentation -- that the State then went on to bolster the contradictory evidence given by their star witness, and I pointed out the defects in his testimony and the problems with his credibility yesterday.

They bolstered up the contradictory evidence of the only witness in this whole case that said a word against Senator Hohman. and I pointed out to you also yesterday -- and I wish to refresh your memory on this point, although I know that you are probably very well aware of it -- that the State threatened two witnesses publicly that if they were to stick to their original testimony, that they would be indicted, although they stood to be indicted all over again for perjury, and

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those men, nevertheless, took the stand and repeated that Senator Hohman had nothing to do with any bribery attempt, nor was there any bribery attempt. I fail to see and I have never seen why they should do such a thing if they were not telling the truth.

Now, if I -- may I approach the exhibits, Mr. Chairman? The exhibits that you see before you are those that were sent to the jury room in what I can only characterize as a game-show atmosphere of this case. Now, I present them to you not only to demonstrate to you their basic unfairness as exhibits, but also the fact that here is a jury that had all of this material to review, had literally hundreds of documents that they could have, if anybody had been critical enough to determine whether or not any of this stuff was substantiated by the documents, they could have at least spot-checked, and I submit to you that in an hour, they had neither the time to debate any of this stuff, nor to find out whether any of it was actually true.

I'm not going to try to attempt to explain to you all over again the significance of these charts but if you wish to review the -- take the time or delegate one of your members to review the final arguments that were made, I think that the final

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1 arguments make it clear enough, particularly that of  
2 the public prosecutor, and of course my comments  
3 were highly critical of his presentation.

4 I'll ask you to remember that I've reminded you  
5 yesterday that all of the material, most of the  
6 transaction of the week that these charts cover, took  
7 place after the bill had already been passed, had already  
8 been approved by the Conference Committee of the  
9 House of Representatives and the Senators, had already  
10 been approved and sent to the printer, and all of this  
11 activity, practically without exception, takes place  
12 after that has been accomplished, which is part of the  
13 basic anomaly that I've been talking about.

14 All of these telephones are color-coded, and I  
15 believe their significance is explained over here: the  
16 yellow phones are Mr. DeMan; the blue phones are Senator  
17 Hohman; green is Kelly and red is Larson. However,  
18 they are not those individuals. These are station-to-  
19 station telephone calls and, as this chart indicates,  
20 "phones associated with." Phones associated with Senator  
21 Hohman were the phones that are in his office that were  
22 not only available to his staff, but were available to  
23 people who, at that time used this room, if I'm not  
24 mistaken in my time line, and then had to make an  
25 immediate telephone call and dropped into his offices

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to do so. Many friends, legislators and other people used those phones. So these are phones "associated with."

There appeared before the jury a few witnesses that testified as to the contents of phone calls because they were participants. Mr. DeMan did. As I recall, Mr. Larson identified a few of them. With any telephone call that was identified to the jury by a participant, was identified by the participant as an innocent telephone call. The only testimony in the case about any telephone call where we can identify who actually was speaking was given by people who characterize the telephone calls as innocent in content.

For example, Mr. DeMan made a series of telephone calls from Senator Hohman's office to his wife at Sohio B.P. That is an ethical violation, I suppose, and Mr. DeMan did not have Senator Hohman's permission to do that as testified by Senator Hohman and Mr. DeMan and other people on the staff.

Nevertheless, I suppose he took advantage of a friendship, perhaps expecting to pay for the telephone bill later, and he was making phone calls, as he stated to the jury, to his wife because they were having marital problems at that time and they were subsequently divorced.

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1 I can tell you gentlemen that I have read  
2 the lady's statement to the police and that her  
3 statements to them do not contradict what Mr. DeMan  
4 said, and, of course, she was never brought back  
5 by the prosecution to contradict him. So I must  
6 assume that it is quite possible that he was  
7 telling the truth. Nevertheless, having been  
8 presented to the jury as a perjurer who is going to  
9 perjure himself again, the prosecution suggested a grand  
10 scheme of telephone calls that is consistent with  
11 calls back and forth to determine whether it is necessary  
12 to get bribe money. All of this after the bill is sent  
13 and on its way to the printers. And they have a very  
14 lurid and fanciful story to tell.

15 The logical problem with the story that they  
16 tell is that you can make that story out of it, or you  
17 can make any number of stories out of it, depending  
18 upon your view of the evidence, or depending upon your  
19 view of Senator Hohman, or depending upon whether or not  
20 you wish to convict him. But there is a theory at law  
21 that used to be -- and I will defer to my colleague  
22 on your Committee -- that there used to be an  
23 instruction that if there were two theories of evidence,  
24 one of which was consistent with innocence, that you must  
25 adopt the theory that is consistent with innocence.

1           There is no longer that instruction in the law  
2           because the courts have construed that the mere  
3           theory of reasonable doubt, as applied to a man that is  
4           presumed to be innocent, is quite sufficient without  
5           reminding jurors -- without having to remind jurors  
6           or anybody -- that if there are two ways to look at  
7           evidence, and one of them is consistent with innocence,  
8           and you are required by the law to believe that the man  
9           is innocent until he is proven guilty beyond a reasonable  
10          doubt, then you should and you must adopt the theory  
11          that is consistent with innocence.

12           These telephone calls, many of which were one-  
13          minute calls -- and I fail to see how very much of any  
14          significance could be done in a one-minute call -- this  
15          pattern of telephone calls the jury was asked to believe  
16          proved beyond a reasonable doubt that there was a plot  
17          going on among these people to influence legislation  
18          that had already been sent to the printer.

19           Now, with the assistance of this chart here, the  
20          prosecution wished the jury to believe that there was  
21          a significance in their time line, the date of May 1,  
22          I presume that it is, the date that so much of this  
23          activity was supposed to be happening and the date, if  
24          I remember correctly, that Senator Hohman was supposed to  
25          have first revealed his nefarious plan to Representative

1 Meekins.

2 The problem is that an investigation of the  
3 charts and cross-examination of the officer that did  
4 the investigation revealed that these thirteen phone  
5 calls, of the thirteen phone calls, of the thirteen  
6 phone calls were -- I forget how many of them, but  
7 a significant proportion of them -- were one-minute  
8 phone calls, that he admitted -- it may have been  
9 four or perhaps five -- that he admitted would have  
10 had very little significance unless somebody had the  
11 capacity to say a great deal in a minute, and he  
12 agreed with me that perhaps they were of no significance,  
13 which would have cut this thing almost in half.

14 He admitted also that they had omitted telephone  
15 calls that were made on other days because they had  
16 personally determined that they were of no significance  
17 in this case, so they just left them out, and in short,  
18 what they did was to cook up a chart that made it appear  
19 that there was a very significant activity on the day  
20 that it was important for them to believe that something  
21 bad had happened.

22 Of course, these telephone calls are still  
23 between people that -- we don't know who they were.  
24 They only surmised that there were telephones available  
25 to them, and I'm not trying to be overly humorous

1 when I say that in the office in which I practice in  
2 Anchorage, there are six or seven other lawyers and that  
3 telephone number is associated with Gail Roy Fraties and  
4 God knows who my partners may be calling at any given  
5 time, or who may be calling them. That's my point.

6 I will represent to you, in case anybody becomes  
7 -- their curiosity becomes sufficiently piqued to check  
8 what I'm saying and to look at some of the testimony --  
9 that the telephone calls became ludicrous after a  
10 bit of cross-examination of the people who were making  
11 these charts because they simply didn't know what  
12 any of them were about except for witnesses who could  
13 identify them, who uniformly said that they innocent,  
14 the ones that they identified, or who the participants  
15 were. And I think it is significant that Senator Hohman  
16 has never been tied in to one telephone call on all of  
17 this color conglomeration here or in all of these charts.  
18 The State was unable to refute his naked assertion that  
19 he made no telephone calls to anyone. After twenty  
20 months of investigation and an expenditure of a million  
21 and a half dollars, they couldn't find one person  
22 that could tie Senator George Hohman into one telephone  
23 call on this cockamamie chart of theirs.

24 Now, a cross-examination of the officer revealed  
25 that none of these calls had been made on weekends, and I

1 argued to the jury -- and I will argue to this body --  
2 that if people were engaged in clandestine activity,  
3 I think that it would be consistent with them doing it  
4 on weekends and not during office hours. If they were  
5 engaged in normal activity -- and all of these phone  
6 calls were demonstrated to be engaged or to be consistent  
7 with the normal activity of the offices, and the fact  
8 that Mr. DeMan had offered to help his friend, Mr. Chip  
9 Kelly, introduce Mr. Larson around in the Legislature,  
10 which I don't believe is inappropriate conduct or unusual  
11 in Juneau, Alaska -- that all of those phone calls  
12 were consistent with an innocent purpose.

13 Now, nevertheless, they were all made during  
14 business hours, when you would assume that people  
15 that were on business would be working. None of them  
16 were made on weekends, when you would assume that  
17 people who were up to clandestine activities and didn't  
18 want their colleagues and so on and so forth to spot  
19 them would be making phone calls.

20 And I said to the jury and I say to you,  
21 gentlemen, what the hell kind of a criminal is this  
22 that works a forty-hour week? I just don't buy the  
23 telephone call chart. But the jury apparently did,  
24 although, as I stressed to you yesterday, they did not  
25 take the time to look at any of this stuff or to even

1 reason with it, much less to criticize it.

2 Now, I'm not particularly proud of it, but I  
3 suppose that it has its amusing side-line, that when  
4 I was asked late one night by a reporter -- and I suppose  
5 that I'd probably seen the bottom of a glass a couple  
6 of times -- I was asked late one night something about  
7 Representative Meekins, and the reporter was obviously --  
8 or seemed to me obviously -- hoping that my client was  
9 going to be convicted, and I made a remark that was  
10 consistent with "They'd better bring a body back  
11 when they put him on the stand for cross-examination."

12 I will tell you gentlemen because it is absolutely  
13 true that in the following two days, I had calls from  
14 at least four or five people that have been associated  
15 with notorious murderers in the state. I had a call from  
16 a Teamster, of all people, that was a one-time suspect  
17 of the North Star Terminal murders. I had a call from  
18 another client who is presently serving a long prison  
19 sentence for assaults with a deadly weapon. I didn't  
20 have anything to do with his conviction but I defended  
21 him at a later time successfully. And he also was suspected  
22 of half of the unresolved murders in the state. The  
23 first guy was calling me about a Workmen's Compensation  
24 case. The other fellow was calling me because he wanted  
25 to know something about his parole. A gentleman who is

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1           suspected widely of being involved in Mafia affairs  
2           in Anchorage -- although I know him as a courteous  
3           and friendly gentleman and a friend of mine -- called  
4           me because he was having trouble with his wife. He  
5           thought she'd run away with a hypnotist or something or  
6           other.

7                     And I get these nutty phone calls all the time,  
8           and I can see Senator Ziegler smiling because he's a  
9           lawyer and I presume that he knows what I'm talking  
10          about. I mean every time the moon is full I get nutty  
11          phone calls from my clients.

12                    And I can presume there is a chart the size  
13          of Southeast Alaska around someplace just waiting to tie  
14          me in because those cotton-picking phone calls are  
15          associated with my number, and my fellow attorneys  
16          in that office represent Teamsters and labor unions  
17          and labor leaders and everybody else in the state that  
18          is suspected of all kinds of activity, and I suppose  
19          their calls are going down on my chart, too.

20                    So what is the significance of this little  
21          personal history, other than to point out an amusing  
22          coincidence? The significance is that when I made what  
23          could be interpreted in certain circles -- although  
24          I certainly hope that Representative Meekins didn't  
25          do that -- when I made what could be interpreted as a

1 death threat against this witness, a whole bunch of  
2 people that are associated with that kind of industry  
3 phoned me, or are reputed to be associated with that  
4 kind of activity.

5 And so if anything ever happens to poor  
6 Representative Meekins, I suppose I'll be looking at  
7 one of these charts. I hope not, but it is a distinct  
8 possibility. A precedent has been established of how  
9 you convict people for unidentified telephone calls.

10 Now, this is -- I'm having trouble with this.  
11 Excuse me for a second. The cable was trying to eat  
12 me up here. That is my opinion of the charts, and of  
13 course you are going to have time to look at them  
14 for yourself. But I told you that I had problems with  
15 them. I want to tell you also that when the final  
16 argument was made, there were all kinds of stick-on  
17 overlays stuck up there that were essentially part of  
18 the prosecutor's argument. We couldn't find them today  
19 for this presentation, but there were also flash cards  
20 with significant sentences on them and so forth, which  
21 is fine, except that the jury didn't pay any attention  
22 to any of this stuff, and it was meaningless in the  
23 first place.

24 That is why -- that is the final part of my  
25 representation to you that your colleague was convicted

1 on questionable and speculative evidence. There is an  
2 instruction that is invariably given in criminal cases  
3 that you must not convict on speculation. You must not  
4 convict on speculation, speculation, speculation,  
5 speculation. But they did.

6 Now, I don't say this to be humorous. I say  
7 this because it is true. If you give me a million and  
8 a half dollars, Senators, and let me go through your  
9 telephone records with unrestricted subpoena powers to  
10 grab the telephone records of your office and of every-  
11 body that you are associated with in any sort of enterprise,  
12 and of your friends and relatives and I'm working to  
13 prove some kind of a theory, and I've got two full-time  
14 investigators, and I've got all your telephone calls from  
15 your office, your home phones, the home phones and  
16 office phones of all your associates, and I have the time  
17 and the money and the energy to cook up a fairy story  
18 like this, I'll tie you right into the Kennedy  
19 assassination. That's true.

20 This is a time of historic precedence for your  
21 colleague and for yourselves. I don't want to stress  
22 the fact that in his enthusiasm to influence the jury,  
23 the young prosecutor stressed the fact that they were  
24 going to do a clean-up on the Legislature. They are  
25 going to put a stop to all of the horrible activity

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1 that is going on over here. But I do say this. Your  
2 colleague was convicted by a jury that did not take  
3 the time to deliberate and on weak and speculative  
4 evidence.

5 He has very important points to make on appeal.  
6 He can do so rapidly. You know, the sports equivalent  
7 of what I'm saying is that the opera isn't over till  
8 the fat lady sings, and that our Supreme Court has  
9 not seen the very real problems that I have with the  
10 presentation of this case, problems, I must tell you  
11 for your own view of the credibility of my assertions  
12 that my revered and respected colleague, Wendell Kay,  
13 who is presently teaching law in Arizona, shares, and  
14 so do the people that are going to do the appeal work  
15 which we are prepared to begin now.

16 I am asking this panel, which I can't help but  
17 -- I guess it is a lifetime habit -- but approach as  
18 a jury. I am asking you to treat your fellow colleague,  
19 Senator Hohman, with more deliberation and more  
20 consideration for his very real problem and yours  
21 than the trial jury did.

22 There is a saying that those who do not study  
23 history are condemned to relive it. And this is  
24 history in the making. I know that you are a  
25 responsible group, a responsible people. There are two

1           Senators here that have been my friends since I came  
 2           to Alaska. There is another Senator with whom I was  
 3           honored to serve in law enforcement. I have no doubt --  
 4           and I did not have the pleasure of knowing the other  
 5           two Senators until this meeting -- that I do not have  
 6           any doubt of your integrity, and I thank you and my  
 7           client, Senator Hohman, thanks you for your unfailing  
 8           courtesy in this presentation.

9           SENATOR KELLY: Are there any questions from the Committee  
 10           to Mr. Fraties? Senator Kerttula?

11          SENATOR KERTTULA: Thank you. I have just two questions,  
 12           Mr. Fraties.

13          MR. FRATIES: Yes, sir.

14          SENATOR KERTTULA: Gail -- and I can find this out from  
 15           finishing up on summations -- but was this evidence  
 16           you've now presented part of the summation, final  
 17           summation, is that when it was brought in, of the  
 18           prosecutor, or was it part of the evidence 's you  
 19           proceeded on?

20          MR. FRATIES: What happened, Senator Kerttula, is that as the  
 21           case proceeded, each item of evidence, although it was  
 22           not, in many cases, circulated to the jury -- in the vast  
 23           majority of the cases, the jury did not actually see the  
 24           item of evidence -- but a witness would come forward  
 25           and identify a telephone bill or something or other

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1 and say that it indicated that a call had been made  
2 from 465-3880 to 681-2492 at such and such a time,  
3 such and such a place.

4 To be consistently fair, if I can, to the  
5 prosecution, they slugishly detailed all of their  
6 evidence as it came in. The jury, of course, never took  
7 the time to look at it, but if they believed the  
8 witnesses that testified to it, I suppose that, you know,  
9 they were entitled to, if they didn't wish to spend any  
10 time considering the case, simply believe what they  
11 heard without checking it for themselves.

12 But each telephone call was identified by  
13 a document or something or other in evidence as it came  
14 in, and then finally, in the final argument, in the  
15 summary of the case, the prosecutor invited the jurors  
16 to look at the documents themselves and they would find  
17 that all of these telephone calls were, in fact,  
18 reflected in the evidence, which is not here today.  
19 This is only the summary.

20 These charts went into the jury room over  
21 our objection because they were essentially a final  
22 argument, but I don't criticize the judge for that.  
23 That was a legal dispute, but they went into the final --  
24 into the jury room with the jurors and they are, as you  
25 will see by the little yellow tags, marked in evidence.

1 SENATOR KERTTULA: You are saying, then, that there was  
2 no opportunity of rebuttal once the charts were put in  
3 evidence; it was the final statement of the prosecution  
4 insofar as charts existing?

5 MR. FRATIES: That was their case, Senator Kerttula, and, of  
6 course, I made the criticisms and I must say stronger  
7 criticisms to the jury of the charts and their  
8 significance, and at that time, with the time that I  
9 had allowed and so forth -- and it is reflected in my  
10 final argument -- I criticized individual telephone  
11 calls and pointed out anomalies, as I have done in  
12 summary to you Senators.

13 SENATOR KERTTULA: So you had the opportunity for rebuttal  
14 before ---

15 MR. FRATIES: Complete opportunity. As is true in any  
16 criminal trial where the defense attorney -- as is my  
17 present occupation in life as a defense counsel -- since  
18 the State has the burden of proof, they open in the  
19 argument. Then I was allowed to speak at length, at  
20 any length that I wished. Of course, then they have  
21 the opportunity to rebut, as we say, what I've said,  
22 so they have the final say, and truthfully, it usually  
23 ends up with their picking up on something that you  
24 forgot to talk about, but, you know, it is too late then.

25 But I was given a complete opportunity to argue

1 my case, if that is your concern, yes.

2 SENATOR KERTTULA: I was just -- yes. I knew the  
3 system and that was the reason for my question. I  
4 was wanting to be absolutely certain that you did have  
5 a chance to rebut.

6 MR. FRATIES: Very definitely.

7 SENATOR KERTTULA: One other question, and this is one of  
8 those times that I'm not certain that -- that I know  
9 what I see. I'm not sure you are privileged, but  
10 what are some of the points of appeal, or are you  
11 privileged to make any of them at this time?

12 M.R. FRATIES: I think that in a case of this magnitude  
13 since I have already made a public record, as has my  
14 colleague, Wendell Kay -- and it is all part of the  
15 transcript, anyway -- and it is a matter of public  
16 record since it has already been mentioned in court,  
17 there are two major points on appeal. One of them is  
18 the questionable use of people who are presented  
19 to the jury as perjurers.

20 We presented to the Court -- and this is no  
21 reflection on Judge Serdahely. It is simply a  
22 disagreement on law between people, all of whom are  
23 presumed to be versed in the law -- and he was supported  
24 of course in his decisions that were ruled against us  
25 by the prosecutor, and these things, as you undoubtedly

1 know are often subject to scrutiny by the courts.  
2 But we pointed out that our investigations and our  
3 legal research had revealed that the United States  
4 Supreme Court and other courts of repute have consistently  
5 rejected the use of perjured evidence by the prosecution.  
6 They have not said, "You can use it if you tell the jury  
7 they are going to perjure themselves." They have said,  
8 "You may not consciously use perjured evidence," for  
9 obvious public policy reasons. And the prosecutor  
10 took the point of view that if he told the jury that  
11 those people were going to perjure themselves, it was  
12 all right.

13 Well, my point of view is that thereupon it was  
14 thrust upon me the necessity of defending three men  
15 rather than one: defending the integrity of Mr. Larson,  
16 Mr. DeMan, as well as my own client. And, of course,  
17 the ultimate thrust of the prosecution's case was that  
18 here are two perjurers to tell you that Senator  
19 Hohman is innocent. Which is a very difficult argument  
20 to refute and I think it is unfair and it is unconstitu-  
21 tional. That is my opinion and that is the presentation  
22 we will make to the Supreme Court.

23 The other point that we wish to make on appeal  
24 is -- oh, what the hell -- I'm sorry. I'm having -- oh,  
25 thank you. I'm having a temporary lapse of memory.

1           The other point that arose late in the trial  
2           is the questionable use of the Grand Jury subpoena power  
3           to grab all of these documents.

4           Briefly stated, the U.S. Supreme Court, in  
5           Federal cases, has taken the position which the  
6           prosecutor urges, that a Grand Jury subpoena may pick  
7           up almost any document it wants to because the right  
8           of privacy is not a Federally recognized Constitutional  
9           privilege. However, here in Alaska, the right of  
10          privacy has been raised to a Constitutional privilege.  
11          It is in our Constitution, and the Raven case and other  
12          cases have indicated that our Constitutional privilege  
13          of privacy means that we are more secure in our homes  
14          than we would be if we were simply dependent upon  
15          the Supreme Court of the United States and the United  
16          States Constitution. In other words, we put a higher  
17          degree of value on privacy.

18          Now, so do the Californians, and the Supreme  
19          Court of California -- and for this discovery, I am  
20          indebted to my colleague, Mr. Kay, who came across it  
21          while researching another point -- in the State of  
22          California where the right of privacy also has  
23          Constitutional status, the courts have consistently  
24          said that the Grand Jury subpoena power may not be used  
25          to seize documents in which one has a reasonable degree

1 of expectation of privacy, which would certainly include  
2 telephone records, travel records, and so on and so  
3 forth, in fact, ninety percent of the records  
4 that were seized in this case.

5 We made a motion to eliminate ninety percent  
6 of their evidence and Judge Serdahely ruled at that time  
7 that it was too late to do so, but without passing  
8 on the question itself. Nevertheless, that is a  
9 Constitutional question, and very well could result  
10 in a reversal, in my opinion, of this case.

11 I say this not, I believe, in violation of  
12 a lawyer's stricture on discussing cases that are  
13 going forward, but because I know that the Supreme  
14 Court is absolutely impervious to anything that I may  
15 say, and because you have asked the question, and because  
16 you have a right to know, and because it is a matter  
17 of public record.

18 SENATOR KELLY: Senator Ziegler?

19 SENATOR ZIEGLER: Mr. Fraties?

20 MR. FRATIES: Yes, sir?

21 SENATOR ZIEGLER: Could you, for the benefit of not only  
22 the Committee members and myself but for those assembled  
23 here today go into the timetable aspect of what we are  
24 talking about? Tell us first of all what would take place  
25 on March 9th, which, I understand, is the day set for

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1 sentencing, and then I would like you to comment on  
2 whether or not you feel -- I know how you feel: you  
3 are prepared to expedite the appellate procedures, and  
I understand that the State is, too.

5 Then I'd like for you to give us some idea  
6 of the chronology involved. For example, does the  
7 appellate time start to run as of the date that the  
8 convictions are made a matter of record, or do you  
9 start the day after tomorrow? And I'd like you to  
10 comment about whether or not you anticipate that,  
11 one way or another -- or give us a date ---

12 MR. FRATIES: All right, sir.

13 SENATOR ZIEGLER: -- by when the whole thing will be  
14 completed.

15 MR. FRATIES: Certainly, Senator Ziegler. I cannot speak  
16 for the prosecution's willingness to expedite. I  
17 certainly can for the defense and for Senator Hohman.

18 As I understand it, ordinarily the -- of course,  
19 there is no real conviction until sentencing, and at  
20 that time, the time starts to run and I would have  
21 thirty days to lodge my appeal.

22 However, in the interest of expedition,  
23 were this body to rule that they favored an  
24 accelerated process, I would immediately have the  
25 research begun to present the appeal, and therefore, you

1 know, I could -- the appeal -- our initial appeal  
2 would be ready and ready to file immediately after  
3 sentencing.

4 The State's accelerated activity on it -- and  
5 they have a lot of adroit young fellows down there  
6 and these are fairly clear issues -- I'm sure that they  
7 could get their work done in a relatively short time,  
8 although I don't wish to bind them to any time -- and  
9 then we would reply.

10 My best estimate of the situation is that the  
11 whole thing could be accomplished in forty-five days.

12 SENATOR ZIEGLER: From March 9th?

13 MR. FRATIES: Well, let me give that some thought. Today is  
14 -- well, presumably, Senator Ziegler, what I would plan  
15 to do is start our research immediately, file the  
16 brief -- in fact, since we know that the sentencing  
17 is going to take place anyway, I think that that is a  
18 moot point, and quite possibly we could start the  
19 appellate work before the sentencing even takes place.  
20 I don't think it would be improper. And I think that  
21 I could give, certainly, a date of forty-five days  
22 from today, forty-five to sixty days from this date.  
23 That's my best guess.

24 SENATOR ZIEGLER: So in terms, Mr. Fraties, of date and month,  
25 are you talking about sometime in April?

1 MR. FRATIES: Well, we are almost at February 1st, so I'm  
2 talking about using up February and most of March --  
3 I'm talking about the end of March or the first of  
4 April.

5 SENATOR ZIEGLER: And that is assuming that the prosecution  
6 will cooperate with you in terms of getting the thing  
7 resolved?

8 MR. FRATIES: And assuming, of course, that the Senate wishes  
9 to request the Supreme Court to accelerate the matter,  
10 and they wish to do so.

11 SENATOR ZIEGLER: How would we do that, informally, or just  
12 a letter to the Chief Justice saying a majority of us - -

13 (End of Tape 5, Side A)

14 (RECESS)

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1 SENATOR KELLY: Will the Rules Committee please come back to  
2 order? We had a recess due to a power failure, and the  
3 power is back on and we are again recording the meeting  
4 electronically. Senator Ziegler had a question that  
5 Gail Roy Fraties was answering about the time table of  
6 appeal and, Mr. Fraties, if you could finish with that  
7 answer.

8 MR. FRATIES: Yes, sir, Mr. Chairman. Senator Ziegler,  
9 in my opinion, the appellate process, with the coopera-  
10 tion of the Department of Law and if the Supreme Court  
11 were to accede to a request by the Senate to hear the  
12 matter on an accelerated basis and, as you know, there  
13 is precedent for that in other cases where public  
14 issues have been involved, I believe that the appeal  
15 process could reasonably be completed in sixty days, to  
16 my way of thinking, unless there is something that I  
17 don't know.

18 The fact that the sentencing is presently set  
19 for sometime in March does not impede us from beginning  
20 the appellate process immediately, although I'm not  
21 required to file a notice of appeal until after  
22 sentencing. Since everybody knows that a sentencing  
23 is going to take place, and since everybody knows that  
24 we intend to appeal, in the interest of expediting the  
25 matter, I don't know of any impediment to everybody

1 stipulating and agreeing that the appellate research  
2 and process may start immediately. Obviously, the matter  
3 would not be presented to the Supreme Court until after  
4 the sentencing had taken place anyway. The time con-  
5 straints would dictate that.

6 And that being so, I think that I can assure  
7 this committee that it is my opinion, at least, and  
8 I've had an opportunity in our weather-imposed break  
9 here to consult with one of the appellate lawyers that  
10 has agreed to work on the brief, it is our opinion that  
11 the matter could be completed in sixty days without  
12 undue inconvenience or rush anyone. And that is  
13 sixty days from this date, Senator Ziegler, or from the  
14 date that this committee or the Senate, as a body, makes  
15 its decision as to whether or not they will accede to  
16 Senator Hohman's request.

17 SENATOR ZIEGLER: You've answered my question, Mr Fraties.

18 Thank you very much, sir.

19 MR. FRATIES: You're welcome, sir.

20 SENATOR KELLY: Are there any other questions? Senator  
21 Dankworth.

22 SENATOR DANKWORTH: Mr. Chairman. Gail to follow up on  
23 that same line of questioning, would that include a  
24 request to circumvent the Appeals Court and go directly?  
25 Did you include that in the time table, or are you making

1 the assumption that if we got all the okays from every-  
2 body that we would just circumvent the Appeals Court  
3 and go directly to the Supreme Court?

4 MR. FRATIES: That's a distinct possibility, Senator  
5 Dankworth. I cannot speak for the members of the Appellate  
6 Division, nor for the members of the Supreme Court, of  
7 course. And as I said before, I was quite happy to  
8 answer Senator Kerttulla's questions about our legal  
9 concerns because of the fact that they're quite impervious  
10 to what I may think or request of them. But the fact  
11 remains that if it were necessary, say, in the interest  
12 of saving time, to pass directly to the Supreme Court  
13 in order to avoid unnecessary delays because, obviously,  
14 whichever side did not prevail before the three-man  
15 intermediate court would go to the Supreme Court, or  
16 want to. There is plenty of precedent for that being  
17 done, in my opinion.

18 SENATOR DANKWORTH: Mr. Chairman. To follow up one more  
19 thing so that -- I don't believe that you're trying to  
20 leave the impression that we would have a decision from  
21 the Supreme Court in sixty days. You're talking about  
22 the time table to get it to them.

23 MR. FRATIES: I am trying to leave the impression, Senator  
24 Dankworth, that you could have a decision from the  
25 Supreme Court in sixty days.

1 SENATOR DANKWORTH: In sixty days?

2 MR. FRATIES: In my opinion. I have been involved, as  
3 an attorney for the Senate, in one case involving a  
4 Public official in which, as I recall, Av Gross and I  
5 were before the Supreme Court in thirty to forty-five  
6 days. Senator Kerttulla would recall that.

7 SENATOR KERTTULLA: Yes, t's correct.

8 SENATOR KELLY: Senator Dankworth?

9 SENATOR DANKWORTH: A question, and not in that vein.

10 SENATOR KELLY: Yes, sir, go ahead.

11 SENATOR DANKWORTH: There's not very much (indiscernible)  
12 in that regard. That clarifies that. Mr. Fraties, do  
13 you have in your possession at this time any information  
14 or evidence that were used against, that would be valuable  
15 for this committee to know, that was not presented to  
16 the jury? You've explained your two points that you  
17 were going to appeal on technical grounds, but is there  
18 something that you think we might ought to know that  
19 the jury did not have an opportunity to hear? I'm  
20 assuming that your statement yesterday was that you --  
21 if I understood you, and don't let me misquote you,  
22 because you're very eloquent and can take care of yourself.  
23 I just want to make sure that if there is anything that  
24 we have an opportunity to hear it.

25 MR. FRATIES: Well, the only thing that the jury was not

1            apprised of, as I informed you Senators yesterday, was  
2            the extensive investigation that was made in Canada by  
3            the prosecutors and investigators, which turned up a  
4            wealth of information that favored Senator Hohman, because  
5            they adamantly, in no uncertain terms -- in fact, they  
6            were quite angry at the suggestion that Mr. Larson was  
7            involved in anything clandestine, and they pointed out  
8            many reasons, including the fact that there was no money  
9            available for that sort of thing, that he was not  
10           authorized to do that sort of thing, he didn't need to  
11           do that sort of thing, he was forbidden to do that sort  
12           of thing, and ad nauseam.

13           The jury did not get to hear that, simply because  
14           we did not have the wherewithal to bring those witnesses  
15           before them, and the Department of Law was privileged  
16           and, quite properly, objected to that sort of evidence  
17           being entered as hearsay, as I would have done and, as  
18           I explained yesterday, it's the objective to win your  
19           case. And this is the rules of evidence, and I live  
20           by the rules of evidence, and so do they.

21           The other thing that I did not realize at the  
22           time, and that I also argued to you Senators yesterday,  
23           is that if it is true, and I'm not a personal witness  
24           to this, but I'm informed that Mr. Hutchinson, who  
25           gave testimony regarding Mr. DeMan, and the question was

1 asked extensively as to how could Mr. Meekins, or  
2 Representative Meekins, have found out any of these  
3 things, except if he had talked to Senator Hohman.  
4 Mr. Hutchinson, I am informed, is close, personal  
5 friends with one or more of Representative Meekins'  
6 aids, and that would have been a conduit of information.  
7 It's speculative, but so is the government's case.

8 Those are the things that I know of at this  
9 time that I would wish that the jury had heard. But one,  
10 they did not hear it about Mr. Hutchinson's friendships  
11 because I didn't know about them, for whatever sig-  
12 nificance they may have had. The other they did not hear  
13 because it is a classic rule of evidence that hearsay  
14 may not be introduced in that particular form, conver-  
15 sations with these fellows, and I couldn't bring them  
16 here.

17 If that's helpful to you, Senator.

18 SENATOR DANKWORTH: Thank you, Mr. Chairman. That's the  
19 end of my question.

20 SENATOR KELLY: Are there any other questions? Senator  
21 Ferguson.

22 SENATOR FERGUSON: Can you, Senator Hohman, give the  
23 committee the dates of the alleged bribe and whether  
24 those dates coincide with any political leverage you  
25 may have had with Senate Bill 60?

1 SENATOR HOHMAN: Senator Ferguson, Mr. Chairman, earlier  
2 I made a presentation and used the chart that lined out  
3 those dates and, I think, established how ridiculous  
4 the charges and, with the committee's permission, I'll  
5 place that chart on one of the easels. (Pause)

6 While we're waiting for the placement of the  
7 chart, there was a number of questions asked of Mr.  
8 Fraties, and he responded to them quite well. Was this  
9 information placed before the jury, or that information?

10 There was a lot of information placed before the  
11 jury, and I think we have here in this stack of books,  
12 some eleven volumes, the exhibits and the transcripts  
13 that were presented at the time of the trial, State  
14 versus Hohman, and I'd like to point out also that the  
15 jury, the twelve people, who were not trained in law  
16 or courtroom procedure, were not allowed to take notes  
17 during the presentation of that material. That same  
18 jury, I think it's very significant to note, deliberated  
19 for approximately one hour, from recall, not from notes,  
20 not from a review of the evidence, and that's what they  
21 based their decision on, and that's what they determined  
22 guilt on. They were supposed to do that only if there  
23 was not a reasonable doubt. I think what they did in  
24 their decision was come up with unreasonable guilt.

25 Directly, in response to your question, Senator

1 Ferguson, the material that I passed out indicated that  
2 there were three significant dates with regard to the  
3 alleged bribery, April the 27th, April the 30th, and  
4 the period of the alleged bribery, May the 1st through  
5 the 7th. Reading from the transcript of the Free  
6 Conference Committee hearing on HB-60 that took place  
7 in these very chambers, in part, Representative  
8 Meekins the speaker, "Before you move on to another  
9 category, I've got one more in Natural Resources, this  
10 Eight Hundred and Five Thousand Dollars for the purchase  
11 of the Canadair CL-215 fire suppression aircraft and  
12 the Hundred Thousand Dollars to operate them." That is  
13 the language that provided for the purchase of the  
14 water bombers, and it was offered by Representative  
15 Russ Meekins.

16 Going on with the transcript which, incidentally,  
17 is Defense Exhibit "A", and in that stock of documents,  
18 Senator Kerttulla asked, "Is it Seven Hundred and Five  
19 Thousand Dollars plus a Hundred Thousand Dollars, or  
20 Eight Hundred and Five Thousand Dollars plus a Hundred  
21 Thousand Dollars?" Representative Meekins responded,  
22 "It's Seven Hundred and Five Thousand Dollars plus  
23 a Hundred Thousand Dollars, two sections." Representa-  
24 tive Meekins' statement. His advocacy of the purchase  
25 of these water bombers.

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At that point, as Chairman of the committee, I said, "I move and ask unanimous consent for the adoption of those sections." My notes indicate there was a silence, and then I went on, "Hearing no objections so ordered. They are adopted."

April the 27th, at Representative Russ Meekins' suggestion and advocacy, the Committee provided for the purchase of the water bombers. Unanimous consent was asked, no one on the committee objected, and the Chairman ruled that the motion was adopted and that that appropriation found placement in House Bill 60.

The committee was also presented at an earlier meeting with a memorandum from the chief staff person on that particular section that indicated that the committee concurred that we should send the bill to the printers to be put into final form, so that we could sign the committee report and submit the bill to our respective bodies, the House and the Senate, for approval and adoption prior to the time it would be sent to the Governor for his signature and introduction into law. The staff was given authority for technical changes. That happened on April the 30th.

Newspaper reports of a presentation that I made earlier did carry that very well. The reporter then, I think, assumed the role of the prosecutor and pointed

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1 out that that didn't have very much meaning because  
2 subsequent to that there was further committee action.  
3 And there's no question that that's what happened, and  
4 it's documented in that same stack of eleven volumes.

5 But Senator Kerttulla was on that committee,  
6 and I was on that committee, as were four other people,  
7 and I stand to be corrected now by Senator Kerttulla,  
8 but when I make this statement, when you move to send  
9 something to be drafted into final form, ninety-nine  
10 times out of a hundred that's all there is to the bill,  
11 and all of the members, in their minds, are content  
12 that that concludes final action except for signing  
13 the committee report and transmitting.

14 The alleged bribery, according to the official  
15 document and the material included, the language from  
16 the official document, occurred sometime during this  
17 period. The language, from the charge, Count I,  
18 Bribery, "That from on or about the first day of May,  
19 1980, through on or about the 7th day of May, 1980,  
20 at or near Juneau, in the First Judicial District,  
21 State of Alaska, George H. Hohmar, Jr. did offer to  
22 confer money upon Edward Russell Meekins, Jr., a member  
23 of the Alaska State House of Representatives, with the  
24 intent to influence Representative Meekins' vote,  
25 opinion, judgment, action, discretion, exercise of

1 discretion, in his official capacity as a member of  
2 the Alaska State House of Representatives."

3 Count II, Bribery, from the official document,  
4 Receiving a Bribe, "That from on or about the first day  
5 of May, 1980, through on or about the 8th day of May,  
6 1980, at or near Juneau, in the First Judicial District,  
7 State of Alaska, George H. Hohman, Jr., did agree to  
8 accept money, upon an agreement or understanding that  
9 his vote, opinion, judgment, action, decision, and exercise  
10 of discretion as a member of the Alaska State Senate  
11 would be influenced thereby."

12 Representative Meekins' behavior, George  
13 Hohman's behavior, occurred before the fact of the  
14 alleged bribery. It occurred back here. It's just  
15 impossible, in a temporal sense, for this thing to  
16 make sense.

17 My attorney, Mr. Fraties, indicated that nowhere  
18 did the prosecution tie George Hohman to any of these  
19 phone calls, and the reason was simple; I didn't know  
20 anything about any of these phone calls, I did not make  
21 any of these phone calls. That I've testified to under  
22 oath. And I also testified under oath, and I've stated  
23 before this committee, that I'm an innocent man in  
24 these charges, that there was never a bribe offered  
25 to Russ Meekins, there was never an acceptance on the

1 part of Senator George Hohman to take bribe money.  
2 I have never in my experience of fifteen years plus  
3 of service in the House of Representatives of this  
4 State and in the State Senate heard of anybody being  
5 offered or accepting a bribe.

6 Thank you, Mr. Chairman.

7 SENATOR KELLY: Thank you, Senator. Are there any questions  
8 of Senator Hohman?

9 SENATOR KERTTULLA: I have one.

10 SENATOR KELLY: Senator Kerttulla.

11 SENATOR KERTTULLA: Because George has probably been  
12 refreshed over this long period of time. Senator  
13 Hohman, and you may not remember it, it just occurred  
14 to me in conversation in the statements made, what was  
15 the -- and you may not remember it, because I don't  
16 remember -- what was the night that the -- I reckon it  
17 was about 9:30 at night after a very long day, as I  
18 remember it, we were in pretty strong confrontation  
19 from time to time what night was it, what was the  
20 date (I don't know you know) that the Administration  
21 came down to, the representative, Mr. Reinwand, and his  
22 testimony, as I remember it under a question, was.  
23 "We have no position in the matter of the State's  
24 purchasing these planes. The Governor's office has  
25 no position." That's roughly the words that -- that's the

1 spirit of the words anyway. And do you remember when  
2 that was? I suppose it's a matter of record someplace.  
3 I'm just curious.

4 SENATOR HOHMAN: Certainly, Mr. President, it is a matter of  
5 record, and it exists in those eleven volumes, and I  
6 think that it's a good question and one that should be  
7 discussed, along with a lot of other points. That's  
8 why I'm very interested in having someone look at those  
9 eleven volumes of evidence and see how nonsensical all  
10 this relates.

11 But to speak specifically to your question,  
12 I think it occurred on about the 7th or the 8th of May,  
13 and I have had the opportunity to read some of that  
14 material. I can't specifically place that point in  
15 time, But we attempted, if I may continue -- we  
16 attempted, I know, to get a representative of the  
17 Administration before the body to explain why they  
18 were advocating for the purchase of the CL-215. They  
19 had requested that in a Senate bill, they'd advocated  
20 for it throughout the session. It made sense at that  
21 time, to me. They're still advocating for the purchase,  
22 as I understand it, of the CL-215 because it's the  
23 best way that the department, or people in the depart-  
24 ment have found to meet the fire suppression needs of  
25 this state. And in a recent telephone call, they

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1 confirmed that last year this state spent between  
2 Two and a Half Million and Three Million Dollars in  
3 aircraft lease for fire suppression purposes.

4 At the point that we were considering this  
5 appropriation, we could have purchased two aircraft,  
6 although they were used in a two-year demonstration  
7 project in this state, for I think it was 4.7 Million  
8 Dollars. You're talking about a lot of costs that are  
9 associated with this trial; there's one very real cost  
10 in the Legislature's hesitancy to purchase these  
11 water bombers, and Representatives' effective spiking,  
12 killing of the appropriation at that point in time, 1980.

13 SENATOR KERTTULLA: You think it's around the 6th or the  
14 7th, or the 5th?

15 SENATOR HOHMAN: I think it's around the 7th or the 8th or  
16 the 9th.

17 SENATOR KERTTULLA: Okay.

18 SENATOR HOHMAN: The cost of buying those same two aircraft  
19 today, as I understand it, would be about Ten Million  
20 Seven Hundred Thousand Dollars.

21 Mr. Chairman?

22 SENATOR KELLY: I was just going to say, for the record,  
23 there is testimony that indicates that did happen on  
24 the night of the 8th.

25 SENATOR KERTTULLA: Thank you very much.

1 SENATOR HOHMAN: If there are no further questions, I'll  
2 take this ---

3 SENATOR KELLY: Are there any further questions of Senator  
4 Hohman?

5 SENATOR HOHMAN: Thank you, Mr. Chairman.

6 SENATOR KELLY: That would conclude then the testimony  
7 offered by Senator Hohman and his counsel, Gail Roy  
8 Fraties, and the Committee will now hear from our  
9 legal counsel, William T. Council of Juneau.

10 SENATOR KERTTULLA: Thank you, Mr. Chairman. Members of the  
11 Committee. It is my understanding, with apologies,  
12 that we could ask any member that was here to respond to  
13 a question after Mr. Council's testimony. Is that  
14 correct, Mr. Chairman? In other words, I could ask  
15 Mr. Fraties or Mr. Hohman or, I suppose, members of  
16 this Committee, for that matter.

17 SENATOR KELLY: Certainly, Senator.

18 SENATOR KERTTULLA: Thank you.

19 MR. COUNCIL: Senator Kerttulla, if I might begin with a  
20 reference to the record from the jury trial which is  
21 now before this committee, I'd answer your question.  
22 You might wish to look at Plaintiff's Exhibit "58",  
23 page fifty-one. I think that page will reflect that  
24 Mr. Reinwand appeared before the Free Conference Com-  
25 mittee on the appropriation for the two water bombers on

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the evening of May 8, 1980, which, as indicated on Senator Hohman's chart, was one day after the conduct which was the factual basis for the jury verdict's finding him to have committed the offenses of b. ibery.

I think it's important to this committee and to persons viewing these proceedings that I state what I perceive to be my responsibilities as special counsel to this committee.

I'm expected to marshal the evidence and the testimony that the committee has received during these hearings, and to comment upon the significance of that evidence and testimony.

I'm expected to advise the committee on the duties, responsibilities and the powers in determining what action, if any, it should recommend as a result of those jury verdicts.

I'm to advise the committee on the standards that the committee must apply to the evidence in deciding whether or not to recommend to the Senate that sanctions be imposed against Senator Hohman.

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

SENATOR KERTTULLA: Counsellor.

SENATOR KELLY: Senator Kerttulla.

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1 SENATOR KERTTULLA: That is an awesome responsibility.

2 Since we are taking a record, I would like to have a  
3 little of your background which gives you credibility  
4 in making this decision and making those recommendations.  
5 It's probably inappropriate from some points of view,  
6 but it may not be inappropriate.

7 MR. COUNCIL: Thank you, Senator. In all sincerity, I don't  
8 believe anyone can have the qualifications that would  
9 measure up to the responsibility that has been imposed  
10 upon me and that has been imposed upon this committee  
11 during its deliberations. I have been in the practice of  
12 law for some twelve years now. I have been in Alaska  
13 for ten, and during that time I have been a prosecuting  
14 attorney. I was a District Attorney in the City of  
15 Fairbanks. I was the Public Defender, a criminal  
16 defense attorney, for two years in the City of Ketchikan.  
17 And for five years I was head of the civil litigation  
18 department of the Attorney General's office for the  
19 State of Alaska. I have been engaged in the private  
20 practice of law for the last three years, here in  
21 Juneau. I hope that's responsive to your question.

22 SENATOR KERTTULLA: Thank you.

23 MR. COUNCIL: I want to make it clear that I don't believe  
24 that I owe my duties and responsibilities just to  
25 this committee.

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1           The record before this committee, the evidence  
2           and the testimony that has been presented, my statements  
3           to you, the statements of Senator Hohman's counsel,  
4           will all be part of the record that, if this committee  
5           decides to recommend action, will be forwarded to the  
6           Senate for its consideration. For that reason, I con-  
7           sider the Senate at large to be my client.

8           The final effect of the decision of this  
9           committee, and of the Senate, however, will ultimately  
10          be borne by the public and, consequently, I believe that  
11          my ultimate responsibility is identical to yours, and  
12          that responsibility is to the public, to the citizens  
13          of the State of Alaska.

14          There's little need to say again that the question  
15          before this committee is a very difficult one. It's  
16          without precedent in this state. We have no prior  
17          committee proceedings, we have no prior legislative  
18          proceedings, we have no precedents from the courts of  
19          the state to look to for guidance during committee  
20          deliberations.

21          Since there are no rules establishing the  
22          procedure that this committee is to follow, the committee  
23          had to adopt procedural rules. I submit to you that  
24          those procedural rules have fully protected Senator  
25          Hohman's rights during the course of these proceedings.

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

5           There are some standards. You, as members of  
6 the Senate, unquestionably have the power under Article  
7 XII, section 2 of the Constitution, to expel one of  
8 your fellow Senators with the concurrence of two-thirds  
9 of the members of the Senate. Based upon the history  
10 of the Constitutional Convention which wrote our  
11 State Constitution, it is my opinion that you clearly  
12 have the power to expel one of your members for a  
13 violation of law which bears directly upon his duties  
14 as a member of the Senate.

15           Yesterday Senator Hohman's attorney argued  
16 that to vote to expel Senator Hohman before he has  
17 exhausted all of his rights of appeal in the criminal  
18 proceeding would be hasty. That is a very appealing  
19 argument, and it is an argument that I believe I can  
20 address, and I believe I can make a number of additional  
21 very compelling arguments to support.

22           Senator Hohman is in the last year of a  
23 four-year term. We are already well into the session.  
24 This committee has heard from the governments of the  
25 City of Bethel and of Newtok, towns in Senator Hohman's

1 district, urging you to allow Senator Hohman to retain  
2 his position in the Senate.

3 The only testimony that I know of before this  
4 committee from Senator Hohman's district supports his  
5 retention in the Senate. Therefore, based upon that  
6 testimony, and based upon the fact that we're already  
7 well into this legislative session, why not leave  
8 Senator Hohman in to represent the citizens of his  
9 district, and let the voters decide in the next  
10 election, perhaps after the appeal process in Senator  
11 Hohman's criminal proceedings have run, whether Senator  
12 Hohman should be returned to this body?

13 Alternatively, if the public wishes to have  
14 Senator Hohman expelled, why not leave it up to the  
15 public to initiate a recall petition, as the Constitu-  
16 tion very clearly allows the public to do?

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

22 I submit to you that all of these arguments,  
23 while they may be persuasive, simply miss the point:  
24 this committee, and the Senate, have the constitutional  
25 responsibility to decide what action, if any, should be

1 taken. I want to stress, however, that it is within the  
2 Senate's power to defer action until the appeal process  
3 is run. You have the power, in other words, to do  
4 nothing and to wait and see if the recall petition is  
5 filed against Senator Hohman.

6 That will not be my recommendation to this  
7 committee.

8 Turning now to the evidence and the testimony  
9 before this committee, Senator Hohman asked that the  
10 court record of his jury trial be placed into the  
11 record of these proceedings. That record was prepared  
12 and made available on January 24.

13 The committee has also received a summary of  
14 evidence prepared by the prosecutor's office from the  
15 jury trial which resulted in the verdicts finding  
16 Senator Hohman guilty of bribery and receiving a bribe.  
17 I submit to you that that document is a fair summary of  
18 the evidence presented against Senator Hohman, and that  
19 it establishes that there is a factual basis for the  
20 jury verdicts finding Senator Hohman guilty of the crimes  
21 of bribery and receiving a bribe.

22 Senator Hohman's attorney commented at length on  
23 the proceedings at trial during his presentation to  
24 this committee yesterday and today. The focus of his  
25 comments was on the basic fairness of that jury trial.

1 His comments can be very quickly summarized.  
2 He criticized what he characterized as the excessive  
3 cost of prosecuting the case. He criticize' the fact  
4 that our Constitution provides for a strong executive  
5 branch, and he raised the specter of the executive  
6 branch, through its prosecutors, perhaps some day  
7 subjecting members of this committee to a criminal trial.

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

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

14 He criticized the witnesses that gave testimony  
15 establishing the case against Senator Hohman. He  
16 criticized the jury, saying that they were overcome by  
17 passion and prejudice in reaching their decision.

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

21 What was left out of Senator Hohman's  
22 attorney's presentation? What did he fail to discuss?  
23 The facts.

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

1           The presentation of Senator Hohman's attorney to  
2 this committee, which was virtually identical to his  
3 final argument to the jury, followed an old adage of  
4 criminal defense attorneys: when you re before a jury  
5 you try the witnesses, try the prosecutor, you try the  
6 government, you try anyone but your client, the defendant.

7           There's a single factual argument that has been  
8 made to this committee. I think the committee has  
9 heard it now, by my count, seven times, and we most  
10 recently heard it again today when Senator Hohman used  
11 the chart to my immediate left. The argument is as  
12 follows:

13           That for the jury to find Senator Hohman guilty  
14 of bribing Representative Meekins, the jury had to con-  
15 clude that he offered to give money to Representative  
16 Meekins with the intent to influence Meekins' vote or  
17 action, in Meekins' capacity as a legislator, on the pur-  
18 chase of two airplanes.

19           That in order to find Senator Hohman guilty of  
20 receiving a bribe, the jury would have to find that  
21 Senator Hohman agreed to accept money with the under-  
22 standing that his vote or action on the purchase of  
23 two airplanes, as a member of the Senate, would be  
24 influenced.

25           That Senator Hohman's conduct which the jury

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

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

The argument simply flies in the face of the facts of the case. 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. That action was taken on May 8 and 9, as I've stated, of 1980. It's in

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1 Volume 3-D of the record of the jury trial.

2 UNIDENTIFIED: Volume what?

3 MR. COUNCIL: 3-D, approximately one hundred seventy pages  
4 from the end of that volume. And, specifically, I  
5 direct your attention there to the following page of  
6 the trial transcript, pages 2571 through 76, page  
7 1278, Plaintiff's Exhibit "58" pages 22 through 54,  
8 pages 1322 through 1324 and page 1326 of the transcript.

9 SENATOR HOHMAN: Mr. Chairman.

10 SENATOR KELLY: Senator Hohman.

11 SENATOR HOHMAN: May I ask Mr. Council again for his

12 reference? I have Volume 3-D; was that the volume to  
13 which you referred, sir?

14 MR. COUNCIL: I have a paper clip, Senator Hohman, on the ---

15 SENATOR HOHMAN: I just need the page, sir.

16 MR. COUNCIL: Unfortunately, these pages are not numbered.  
17 I can only indicate to you that it is 21 of Plaintiff's  
18 Exhibit "58". It is approximately 170 pages from the  
19 back of Volume 3-D of the record from the trial.

20 SENATOR KELLY: Will you continue, Mr. Council?

21 SENATOR HOHMAN: Thank you, Mr. Chairman.

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

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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. And 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. For the record, I'm reading from page 3527, 3528 and 3877 of the transcript. And this is how one of the attorneys described the jury.

"Now, I think that most of us that have been working in these courts for a good portion of our adult lives have found that a jury is a unique fact-finding entity in that it has twelve sets of senses to study the evidence, and it has twelve life experiences with which to evaluate it. Now, this particular jury, in its composite form,

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1 has many skills. It's an administrator, it's a  
2 technician, it's investigative. It has many  
3 jobs: banking, homemaking, researching, planning.  
4 It has the wisdom of age, it has the idealism  
5 of youth, it's seen a lot, it's been around, it's  
6 suffered. It's American. It's Alaskan. And it  
7 has incorporated in its corporate personality  
8 a deeply engrained respect for the individual and  
9 for fair play."

10 Reading further from the description of  
11 the jury at trial, "Toward this sort of attack  
12 (that is, the charges against Senator Hohman)  
13 there is only one defense. And that is the  
14 American jury system. The American jury system,  
15 the greatest scheme ever devised by free men to  
16 protect their fellows against the unbridled  
17 power of government. It gives you great respon-  
18 sibility. It requires total dedication on  
19 your part."

20 The attorney that used that language to describe  
21 the jury at Senator Hohman's trial was Gail Fraties,  
22 Senator Hohman's attorney.

23 Why is it that Mr. Fraties is now saying that  
24 this case was speculative and emotional in the extreme?  
25 Why is he now saying that the jury was ruled by passion

1 and prejudice in reaching its decision?

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

4 AL Senator Dankworth pointed out yesterday in a  
5 question addressed to Senator Hohman's attorney, the  
6 argument to the effect that the jury was swayed by  
7 passion and prejudice was made to the judge, and the  
8 judge was asked to overturn the jury's verdicts. The  
9 argument was based on the short length of time that the  
10 jury took in its deliberations. The judge denied the  
11 motion.

12 I suggest to you, after you have completed your  
13 review of the evidence and the record from the trial,  
14 decide for yourselves.

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

22 Remember, if only one of those jurors felt  
23 otherwise, the jury could not have found Senator Hohman  
24 guilty.

25 When Senator Hohman was installed in his position

1 of public trust, he swore an oath, an oath required by  
2 the Alaska Constitution, to "faithfully discharge his  
3 duties as Senator to the best of his ability".

4 Senator Hohman, as does any Senator, has two pre-  
5 eminent duties, the duty faithfully to protect the  
6 interests of his constituency and the interests of the  
7 public at large, and the duty to preserve the integrity  
8 of the Senate and the public's trust in that body.

9 Without question, accepting money in exchange  
10 for his vote, and offering money to another legislator  
11 to influence that vote, strikes at the very heart of  
12 his duties to the public and to the Senate.

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

15 The Alaska Constitution provides that each  
16 house of the Legislature "may expel a member with the  
17 concurrence of two-thirds of its members". The United  
18 States Constitution has a similar provision.

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

24 It is submitted that the courts of this state  
25 will uphold the Senate's power to expel, particularly

1 when the offense, as in this case, so directly violates  
2 a Senator's sworn promise to honor and uphold his duties  
3 to the public and to the Senate. It's clear that the  
4 framers of the Alaska Constitution of this state  
5 intended that result.

6 Senator Hohman has argued that this committee's  
7 action is precipitous, and that no action should be  
8 taken until he has exhausted all of his appeal rights  
9 challenging the jury verdicts. That argument confuses  
10 the different roles of the court and the Senate, and the  
11 rights that this committee and the Senate are bound to  
12 protect.

13 The trial court and jury protected Senator  
14 Hohman's rights during the trial. The appellate courts  
15 will continue to protect his rights during the appeal.

16 He was tried and found guilty of bribery by a  
17 jury of his peers. Based upon the evidence presented,  
18 the jury found him guilty beyond a reasonable doubt,  
19 the highest standard of proof.

20 Senator Hohman was represented at trial by his  
21 attorneys. He had a full opportunity to present evidence  
22 in his behalf and to confront and cross-examine  
23 witnesses against him. The appellate courts will make  
24 certain that Senator Hohman's right to a fair trial,  
25 and his right to be judged by a jury, unswayed by passion

1 or prejudice, are protected.

2 The committee has also been mindful of Senator  
3 Hohman's rights. As the chairman of this committee  
4 has stated, Senator Hohman must be given adequate notice  
5 of all proceedings, he must be given an opportunity  
6 to be heard, the right to be represented by counsel,  
7 he must be allowed to present evidence on his own  
8 behalf, and to cross-examine witnesses against him.  
9 He has been given these rights.

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

14 But there are rights other than Senator Hohman's  
15 that must be safeguarded, rights that are not at issue  
16 and, therefore, will not be protected in the court pro-  
17 ceedings on the bribery charges against Senator Hohman.  
18 Those rights are at issue only before the Senate and  
19 this committee, and this committee and the Senate are  
20 bound to protect those rights.

21 They are the rights of the public to be pro-  
22 tected from lawmakers who would act purely upon selfish  
23 motives and contrary to the public interest, and the  
24 right of the public to have high public offices filled  
25 by persons who will not violate the public trust, and

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the right of the Senate to preserve its integrity.

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 that 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'm 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'm 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 courtroom.

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

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

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1 Senator Hohman has committed acts which constitute a  
2 breach of his oath of office, render him unfit to  
3 represent the public interest, or to serve in the  
4 Senate, and violate the public trust and duties of a  
5 Senator.

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

8 SENATOR KELLY: Thank you, Mr. Council. The Rules Committee  
9 will take a five-minute recess, at which time members  
10 of the committee may question Mr. Council.

11 (RECESS)

12 SENATOR KELLY: I call the Rules Committee meeting back to  
13 order. Let the record show that William T. Council's  
14 report will be entered onto the record. There will be  
15 copies available immediately. Are there any questions  
16 from the committee members?

17 SENATOR FERGUSON: I have one ---

18 SENATOR KELLY: Senator Ferguson.

19 SENATOR FERGUSON: Mr. Chairman, and that would be whether  
20 you would allow for a rebuttal in this case.

21 SENATOR KELLY: Yes, the Chair will allow Senator Hohman  
22 and Gail Roy Fratley to speak at this time. Senator.

23 SENATOR DANKWORTH: Mr. Chairman.

24 SENATOR KELLY: Senator Dankworth.

25 SENATOR DANKWORTH: Probably, and I don't know, I don't think

1 that would occur anyway, but I don't see any problem  
2 with the rebuttals as long as we don't get our attorneys  
3 in debates here. I think, if I understand your motion,  
4 it's just that he can respond to his questioning.

5 SENATOR FERGUSON: Yeah, that was the question.

6 SENATOR DANKWORTH: Thank you.

7 SENATOR KELLY: Senator Hohman, you have the floor, sir.

8 SENATOR HOHMAN: Thank you, Mr. Chairman. I think I'd like  
9 to defer to Mr. Fraties at this point, reserving the  
10 right to make comment later.

11 SENATOR KELLY: Mr. Fraties.

12 MR. FRATIES: Thank you, Mr. Chairman. I think that I can  
13 allay the fears that this will be an acrimonious attack  
14 on my colleague. We're all professionals in the trial  
15 courts, and I think that I could add to the list of  
16 standard tactics that my friend has expressed. But it  
17 isn't at all uncommon for the prosecutor to attack a  
18 defense counsel, in the spirit of give and take, and  
19 I take it as a compliment that my remarks to the grand  
20 jury, rather to the jury, were read into the record,  
21 because that is the way that I expect a jury to respond,  
22 and this one did not, which disappoints me. But that  
23 is exactly what I expect a jury to be, to be a defense  
24 of a person, and to be critical.

25 Your counsel has alleged that I've criticized

1 everybody in an effort to get you not to look at the  
2 facts, and yet I'm the one that has been urging that  
3 somebody be delegated to review the facts. I don't wish  
4 to be rude in any way, but I think that your advisor  
5 has been presented with an almost insurmountable problem,  
6 if he has had to review thirty-six hundred pages of  
7 transcript and several hundred items of evidence, and  
8 write his speech and come here to advise you. And if  
9 he has managed to accomplish all of that work in six  
10 days, then I have to say that it's a remarkable achieve-  
11 ment and I commend him on it.

12 If, on the other hand, he has been unable to  
13 review all of that material before he assured you that  
14 the factual basis for the conviction was there, then I  
15 would say that that is just supposition, that it is not  
16 borne out by the facts which are in fact. I was present  
17 at the trial, which he was not, and these documents here  
18 are what I have urged you to refer to, the transcript  
19 of everything that took place.

20 I may have offended by friend when I suggested  
21 that he had a conflict of interest, but that was a pro-  
22 fessional observation. It was not meant as an attack  
23 on him. I am relatively certain that he didn't read  
24 my final argument, because it is not virtually identical  
25 to what I told you here today. It was a very complete

1 description, a very complete summation, or at least I  
2 thought at the time it was, and I've further read it,  
3 and I still think so, a very complete critique of the  
4 State's case.

5 I have been characterized as having attacked  
6 the Constitution of the State of Alaska, because we  
7 enjoy a strong executive system, the prosecutor, the  
8 court system and the American way, I suppose, and I  
9 don't take that personally.

10 But I will concede here, in the light of the  
11 publicity that surrounds this trial, that I'm a very,  
12 very critical person. That's quite true. I'm critical  
13 of juries that don't do their work, I'm critical of  
14 prosecutors that take a weak case and build it up into  
15 a sensational case, and I'm critical of convictions that  
16 are achieved without sufficient evidentiary background.  
17 And I have a number of my very esteemed colleagues,  
18 including my friend at the other end of the table,  
19 that have professionally been just as critical as I  
have of trials, and will continue to be so.

21 I share that distinction with the immortal  
22 Harry Truman, who said on one occasion, as I recall it,  
23 that people were always saying that he gave people hell,  
24 but he didn't give people hell, he just told them the  
25 truth and they thought it was hell. And I've just told

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1 you the truth. If my esteemed colleague feels that I --  
2 if he feels it's hell, well, welcome to hell, because  
3 that's where I've spent the majority of my adult life,  
4 on the dark side of the street, fighting governments.

5 Now, I would wish to correct a misconception,  
6 and I'm sure it's only a misconception, perhaps by the  
7 haste of having to review thirty-six hundred pages  
8 of testimony in such a short time; but it is incorrect  
9 that the activity engaged in by Senator Hohman from  
10 May 1 to 7 was to achieve the result that would have,  
11 somehow or another, occurred on May 8. Senator  
12 Kerttulla was present, and he is aware of the fact  
13 that what was happening on May 8 was that Representative  
14 Meekins, somehow alarmed by what he perceived to be the  
15 activities of May 1 through 7, was at that point  
16 attempting to withdraw the appropriation.

17 How it can be conceived that all of this hard  
18 work and bribery by my client was meant to achieve that  
19 purpose, I do not know. But the record, again, speaks  
20 for itself.

21 I would comment very briefly on the fact that  
22 the court has denied the motion that I made is literally  
23 meaningless for the purpose of this body for the following  
24 reasons:

25 The court, quite properly, adopted the standard

1 that it always must adopt in that juncture, and I  
2 believe this can be explained to you, if it is necessary,  
3 by my colleague that is a member of your body. A court,  
4 when it's presented with a motion of that sort, to  
5 set aside a verdict and grant a new trial,  
6 necessarily judges the evidence in the most favorable  
7 light to the State and against the proponent, and only  
8 then if he cannot find that reasonable people could  
9 possibly come to the conclusion that they did, judging  
10 the evidence in the light most favorable to the State.  
11 That's the only time he can grant that sort of motion.

12 I know that opposing counsel did not wish to  
13 mislead you, but I thought that that would be necessary  
14 to clarify.

15 I urged the jury to be fair and to consider the  
16 evidence and, in my opinion, they did not do so. That  
17 is not a critique of any individual, it's not a criticism  
18 of the system. That's the truth and if it sounds like  
19 hell, as Harry Truman said, well, I still stand beside it.

20 To alleviate any concern that Senator Dankworth,  
21 my former colleague from law enforcement days, might  
22 have about my conduct in the trial, tactically, I never  
23 attack a policeman or anybody else in a trial. I never  
24 attack the police, any more than I attack prosecutors  
25 or anything else. Juries don't like it.

1           In this particular case, there was an amusing  
2           aside between Investigator Christie and myself when he  
3           became exasperated with some line of questioning and  
4           accused me of thinking that he was a great big, tough  
5           cop with a crewcut. And I told him I didn't feel that  
6           way about him at all. This is true, he's a friend of  
7           mine. My father was an FBI agent. I'm immensely  
8           proud of that. I do not attack the police, I do not  
9           attack the system.

10           I attack this case against my client, and I  
11           continue to do so. I believe in the defense case.  
12           I'm sorry that the jury did not take the time to consider  
13           it.

14           You do have an option open to you that will cost  
15           you very little time and will be entirely consistent  
16           with not only the sanctity of the Senate, but with the  
17           procedural fairness and rights of my client, as well  
18           as avoiding any embarrassment that might occur by a  
19           reversal of his case after the Senate, from my view,  
20           if it did decide to expel or had acted precipitously.  
21           There is a precedent to be set here. This is your  
22           colleague.

23           And I thank you for your courtesy.

24           SENATOR KELLY: Senator Hohman.

25           SENATOR HOHMAN: Thank you, Mr. Chairman. A question first,

1 did I understand that the legal counsel to the committee  
2 proposes that an expulsion resolution be developed by  
3 the committee and submitted to the body?

4 SENATOR KELLY: That's correct, Senator Hohman.

5 SENATOR HOHMAN: Mr. Chairman, as part of the work of legal  
6 counsel to the committee, he did supply us with a  
7 document that was in response to his request to the  
8 Department of Law, entitled "Summary of Evidence  
9 Presented in the Trial of the State vs. Hohman".

10 I'm not an attorney, and I suffered through  
11 about three weeks of trial and experience, and felt  
12 frustrated because I'm not licensed to practice law,  
13 I have no legal training, and I felt I could not express  
14 opinions, I could not participate. But I was ably  
15 represented by two qualified, very well respected  
16 attorneys, and I'm content with that, I suppose.

17 But this is a legislative hearing, and I'd  
18 like to ask some, indulge in some of the committee,  
19 and some latitude as I try to establish something that  
20 I think is very important here. So, if I may continue.

21 The document that was presented by legal counsel  
22 to the committee, in the second paragraph, page one,  
23 it says that "The evidence before the Grand Jury  
24 established," again reiterating, I'm a layman, I don't  
25 understand legal proceedings. But I would submit that

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1 it might have been the interpretation by some that  
2 evidence established certain facts, but I don't think  
3 that a Grand Jury establishes anything this way. I  
4 think what this is, in its presentation to the committee,  
5 is a bias. I feel strongly that it's a bias, and I  
6 think that there are other evidences of biases that have  
7 been involved in this proceeding, not this committee  
8 proceeding, ut the larger proceeding, the Grand Jury,  
9 for instance.

10 We have on record in Volume i, Hohman court case  
11 file, a statement in a deposition taken. The person  
12 stated, "I am on the Hohman Grand Jury. We're going  
13 to get that son-of-a-bitch this time." I don't think  
14 that justice can result from a panel that has membership  
15 with that type of an attitude.

16 I think there was another Grand Juror who stated,  
17 and I'm going to quote again from the works, this isn't  
18 from the records here, this isn't a verbatim statement  
19 by the individual, but it's verbatim from the document  
20 here. "This Grand Juror (and I leave the name blank) stated  
21 that where he worked everyone hated Senator Hohman and  
22 idolized Russ Meekins. Therefore, he could not set  
23 aside his bias. It should be noted that (again the  
24 mention of the name) this gentleman came forward on  
25 July 16, 1980." That's after the Grand Jury had been

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in session for three months.

There's still another, third person, whose bias can be documented, that prior to the forming of the Grand Jury this individual stated that somehow, sometime, someplace, the person was going to get George Hohman.

There are three people with documentable biases on the Grand Jury, and I don't know how many others there were, nor do I know how many people were influenced among the membership of that Grand Jury by the biases of these three individuals.

At some point, you know -- this is like being in a nightmare -- at some point a person has to awake and find that the sky is blue and that there is sunshine somewhere and that it doesn't always rain. The reason that I'm here, and the reason that I haven't resigned -- if I'd been guilty of these charges, I would have quietly packed up my bags during the interim between Christmas Eve and the time that the session started, and would have gone home, and the only evidence of George Hohman in the State Capitol would have been a letter on the desk of the President, which would have contained my resignation.

Sometime this nightmare has to be over, and the innocence of one Senator George Hohman will be

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1 confirmed, hopefully.

2 I don't know about the propriety of this, but  
3 I've already illustrated bias, bias, bias, bias, bias  
4 in this instance. As my attorney has indicated that  
5 the expenditure of such a huge amount of the State's  
6 cash resource, over such a long period of time, I  
7 think indicates a bias.

8 And we interviewed, during the voir dire,  
9 if that's the correct pronunciation of the period of  
10 time when you consider the qualifications of the juror,  
11 prospective juror, and whether or not they can perform  
12 their duties as a juror without bias, an individual.  
13 I'd like to read from that record.

14 "And you are presently self-employed, is  
15 that right?"

16 "I stay at home with my two children."

17 "And your husband? You're an attorney;

18 's that correct?"

19 "That's correct."

20 "And your husband is Bill Council, who is  
21 also an attorney?"

22 "That's correct."

23 "And as I recall, Mr. Council is in practice  
24 with Mr. Carpeneti; is that right?"

25 "That's correct."

1 "All right. Now, based on the information  
2 that you've obtained about this case and the  
3 related cases, either from the press sources  
4 or from conversations with friends or family  
5 members, have you formed any opinion, or do you  
6 have any impression as to the guilt or innocence  
7 of the defendant in this case?"

8 And the answer is: "I have a lot of impressions,  
9 and I have formed some opinions, and I feel it  
10 would be impossible for me to impartially weigh  
11 the evidence presented in this trial."

12 The next question: "Okay, can you tell us what  
13 your opinions are, your" and here is one of  
14 the omissions in the transcript.

15 We don't know what the question was, nor the response.  
16 But the prospective juror does clearly indicate a bias,  
17 and I think that's very fair. And I'm sorry, but I  
18 think that Mr. Council enters this situation with a bias.  
19 I think the presentation that we have here, I think  
20 that Mr. Council's behavior today reveals that he is an  
21 adjunct to the prosecutory alarm.

22 Sometime this nightmare has to be over, and  
23 at some time the purpose of justice has to be served  
24 and sometime my innocence of these charges has to be  
25 confirmed.

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Thank you, Mr. Chairman.

SENATOR KELLY: Are there any other questions or comments from the members of the committee?

UNIDENTIFIED: No, sir.

SENATOR KELLY: The Rules Committee is recessed until 9:00 a.m. Monday morning, February 1st, in the Butrovich Room.

(Whereupon the Rules Committee meeting was adjourned.)

\* \* \*

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## 1 SENATE RULES COMMITTEE

## 2 ALASKA STATE LEGISLATURE

3  
4 Twelfth Legislature - Second Session

5 February 1, 1982

6  
7 SENATOR TIM KELLY, Chairman

8 SENATOR M. E. DANKWORTH, Vice-Chairman

9 SENATOR FRANK R. FERGUSON, Member

10 SENATOR JALMAR KERTTULA, Member

11 SENATOR ROBERT H. ZIEGLER, SR., Member

12 Also in attendance:

13 SENATOR GEORGE H. HOHMAN, JR.

14 WILLIAM T. COUNCIL, Counsel for Senate Rules Committee

15  
16 \* \* \*

17 SENATOR KELLY: Let it be shown that Senators Kerttula,  
18 Dankworth, Ziegler and Kelly are present for a quorum.  
19 On Saturday, the Committee heard testimony from  
20 Senator Hohman, his attorney Gail Roy Fraties, and  
21 the recommendation of the Committee's special counsel,  
22 William T. Council.

23  
24 It is my understanding that Senator Fischer and Sena-  
25 tor Ray would like to address the Rules Committee t day.

1 Senator Fischer, you have the floor, sir.

2 SENATOR KERTTULA: Senator Ferguson, if I might -- where is  
3 Senator Ferguson?

4 SENATOR KELLY. We have called Senator Ferguson's office.

5 He is aware of the meeting, sir. He'll be up here when  
6 it is his pleasure. Senator Fischer.

7 SENATOR FISCHER: Mr. Chairman. I very much appreciate  
8 the opportunity to meet with the Committee.

9 On Saturday, in listening to the Committee  
10 proceedings, I heard Mr. William Council say that he is  
11 attorney not just for the Committee but also for the  
12 entire Senate and for the people of Alaska, and I  
13 appreciate, as one of the members of the Senate, having  
14 the opportunity to ask some questions of Mr. Council.

15 If I may, Mr. Chairman ---

16 SENATOR KELLY: Senator Fischer.

17 SENATOR FISCHER: These are questions addressed to counsel.

18 Mr. Council has mentioned that there are two ways that  
19 we can look at the case before us, before the Committee.  
20 One is to make an independent review, to look at the  
21 evidence that has been compiled in the Hohman case. And,  
22 secondly, to accept the jury verdict.

23 My question is, are we in a position of only  
24 accepting trial evidence and the the jury verdict, or  
25 can we consider facts and the issues that lie outside

1 the bribery trial itself? And I ask this because a lot  
2 of the public response as expressed in messages to me  
3 and others calling for Senator Hohman's ouster have  
4 also dealt with such issues as trip of students to  
5 England, use of authority in issuing contracts, abuse  
6 of travel requests and authorizations, a disproportionate  
7 amount of money going to the Bethel district as against  
8 other parts of Alaska and so on.

9 And what I am wondering, to what extent can we  
10 take into account other issues than the bribery trial  
11 itself in any proceeding having to do with Senator  
12 Hohman's expulsion?

13 SENATOR KELLY: Mr. Council?

14 MR. COUNCIL: Thank you, Mr. Chairman. Senator Fischer,  
15 I have advised the Committee that there are basically  
16 two questions before it. Those questions are: Did  
17 Senator Hohman engage in any conduct which would make  
18 him subject to disciplinary action by this Committee,  
19 by the Senate-at-large? The second question is, if the  
20 answer to the first question is "yes", that is that he  
21 has engaged in conduct lends him to the possibility  
22 of disciplinary action, then what should that disciplinary  
23 action be?

24 In turning to your question, this Committee and  
25 the Senate certainly could look at matters outside of

1 the record of the jury trial in Senator Hohman's case.  
2 That question was addressed at some length by the  
3 Committee in its first meeting on January 19. Senator  
4 Hohman's views were solicited at that time. The decision  
5 was made by the Committee that as to the first issue,  
6 that is is there conduct based upon which disciplinary  
7 action might be recommended by this Committee, this  
8 Committee would limit itself to the record of the  
9 trial, including the verdicts of guilty returned by the  
10 jury, including testimony that was offered by the  
11 witnesses at that trial. But certainly this Committee  
12 and the Senate could have chosen to look outside of the  
13 record on that first issue.

14 I believe that we have, as of this stage of the  
15 proceedings, given full opportunity for everyone who  
16 wished to appear before this Committee to do so and to  
17 present evidence that they thought was relevant to the  
18 decision that this Committee must make.

19 I think that we've heard at great length from  
20 Senator Hohman on this. I believe his attorney, and  
21 Senator Hohman himself, indicated on Saturday that they  
22 had put before this Committee everything they wished to  
23 present on the question before the Committee.

24 The record of this proceeding will be passed on  
25 to the Senate-at-large, if a recommendation is made, for

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1 action by this Committee, and the Senate is free to do  
2 with that record what it wishes to do in addressing any  
3 question respecting disciplinary action against Senator  
4 Hohman.

5 SENATOR FISCHER: Thank you. Mr. Chairman, if I may follow  
6 up on that. That is, of course, why I'm asking the  
7 question of what would properly be before the Senate  
8 if a resolution comes before us and what, aside from  
9 the trial itself, can be considered.

10 For instance, if the Senate determines that Mr.  
11 Hohman remaining in the Senate undermines public confidence  
12 in the State Legislature, would that, in and of itself,  
13 be sufficient grounds, would that be constitutional  
14 cause for exclusion from the Senate? This is, again,  
15 something that has been brought up and, in particular,  
16 if the courts were to set aside the jury verdict, could  
17 the Senate still decide that Senator Hohman remaining  
18 in the Legislature and the Senate would undermine  
19 public confidence and therefore expel him?

20 MR. COUNCIL: Well, if I understand your question, Senator  
21 Fischer, I won't go over again the statement that I made  
22 to this body on Saturday. I think the simplest answer  
23 to your question is that the integrity of the Senate  
24 is a recognized factor, recognized by the courts in other  
25 States, recognized by the United States Supreme Court,

1 a recognized factor that the Senate may and, in my  
2 opinion, should consider in determining what action, if  
3 any, should be taken.

4 SENATOR FISCHER: My question goes even slightly beyond  
5 that. Rather than being an ancillary issue, could public  
6 confidence be a cause in and of itself?

7 MR. COUNCIL: The answer is yes, in my opinion, Senator.

8 SENATOR FISCHER: Okay. The other question, one in which  
9 I have tried to get a written opinion through the Chair  
10 from the Attorney General, and I've talked to you about  
11 it, Mr. Council, is exactly when does a person become  
12 a convicted felon?

13 Again, a lot of my constituents have responded  
14 that a convicted felon should not be in the Senate.  
15 And then I've heard verbal statements that Senator  
16 Hohman is not a convicted felon. Could you, sort of  
17 for the record, state whether or not Senator Hohman is  
18 now a convicted felon? If he is not now, when would  
19 he be?

20 MR. COUNCIL: There's a tremendous body of law on the ques-  
21 tion, Senator Fischer, and the answer has to do with  
22 the context in which the question is asked. Certainly,  
23 for purposes of Senator Hohman pursuing his appeal in  
24 the criminal proceedings, he is not convicted. He will  
25 not be convicted, according to the rules of the court.

1 system, until the sentence is entered against him, until  
2 a written judgment of conviction is prepared and signed  
3 by the judge after Senator Hohman's attorneys have had  
4 an opportunity to review that.

5 What that means in practical effect, in this  
6 situation, is that there will be no actual judgment  
7 of conviction until around March 10th of this year.  
8 I understand that sentencing is presently scheduled for  
9 March 5. If the usual procedure is followed, it will be  
10 approximately five days after that before there is an  
11 actual judgment of conviction.

12 So, for purposes of exercising his appeal rights,  
13 he is not convicted of the charges against him. We have  
14 jury verdicts at this time, finding him guilty, but we  
15 have no judgment of conviction entered by the court.

16 For purposes of -- I don't mean to lapse into  
17 a dissertation on the law in this proceeding. I think  
18 it is way beyond the scope of the proceedings today,  
19 but in terms of impeaching the witness at a criminal  
20 trial, if the rules of a particular court allow impeach-  
21 ment based upon a conviction for a felony, then the jury  
22 verdict is sufficient. Conviction in that context means  
23 the jury verdict.

24 For terms of disciplining attorneys, conviction  
25 means a jury verdict. For disciplining judges, conviction

1 means a jury verdict.

2 There is authority from virtually every state  
3 in this union except, unfortunately, the State of Alaska.  
4 As we've stated before, this matter is without precedent.

5 For purposes of disciplining a person holding a  
6 high public office, there is authority for both proposi-  
7 tions -- that is, the verdict constitutes the conviction  
8 for purposes of initiating disciplinary proceedings;  
9 or the final judgment of conviction by the trial court  
10 constitutes that conviction for purposes of instituting  
11 proceedings.

12 I've stated my opinion of the law on Saturday.  
13 It's my opinion that whether or not Senator Hohman has  
14 at this stage been formally found convicted by the trial  
15 court is not directly relevant to the question before  
16 this Committee.

17 SENATOR FISCHER: Thank you. Mr. Chairman, two more questions  
18 One quick one.

19 SENATOR KELLY: Could I interrupt for just a minute here?  
20 I would ask that members of the Senate staff, as other  
21 legislators come into the room, please give up your  
22 seats and allow the other members of the Senate and the  
23 House to sit down. Thank you.

24 SENATOR FISCHER: Mr. Chairman, I have one quick question.  
25 Does Section 7, of Article 1, provision on due process

1 stating the right of all persons to a fair and just  
2 treatment in the course of legislative and executive  
3 investigations shall not be infringed, does that  
4 section apply to expelling a member of the Legislature  
5 under Article 2, Section 12?

6 MR. COUNCIL: I haven't addressed that question, Senator.

7 I will state that unquestionably Senator Hohman has  
8 substantial due process rights in the proceedings before  
9 this Committee and in the Senate's deliberations on  
10 the questions that are now before this Committee, if  
11 those questions actually reach the Senate-at-large.

12 As I pointed out in the report, as I pointed out  
13 in my statement to this Committee on Saturday, he has  
14 -- that is, Senator Hohman has what are called procedural  
15 due process rights. That is, he must be given notice  
16 of all hearings, the opportunity to be heard, the right  
17 to be represented by counsel, the right to present  
18 evidence on his own behalf, the right personally to  
19 address this Committee, the right to cross examine  
20 witnesses against him.

21 He also has what has been called by some courts  
22 the right of substantive due process. That is, there must  
23 be a rational, factual basis; a rational, factual connec-  
24 tion between his conduct and any discipline that is to be  
25 imposed by the Senate.

1           There have been at least two more or less  
2 recent United States Supreme Court decisions on that  
3 subject, Powell v. McCormick and Bond v. Floyd. As I  
4 indicated on Saturday, it is my opinion that Senator  
5 Hohman received all due process rights to which he is  
6 entitled in the hearings before this Committee.

7 SENATOR FISCHER: My question was in part motivated by concern  
8 by many citizens that the Senate has moved very slowly  
9 in this case. And I would gather, from your response,  
10 that due process is the reason why we are here today  
11 and no action has been taken sooner.

12 MR. COUNCIL: That's certainly part of the reason the  
13 proceedings have gone according to schedule up to this  
14 point.

15 SENATOR FISCHER: Mr. Chairman, one last question of Mr.  
16 Council which is mostly toward some clarification.

17           We, on several occasions, have been presented  
18 with a view of sequences that occurred in the case here  
19 where the Free Conference Committee met and considered  
20 the inclusion of a budget item for acquisition of  
21 airplanes. It was included. The Free Conference  
22 Committee report went to the printers and subsequent to  
23 that, during the period of May 1-May 7, the indictment  
24 states that Senator Hohman was offered a bribe and  
25 offered one to Senator Meekins.

1           And then Mr. Council pointed out that subsequently  
2 the Free Conference Committee budget was re-opened and  
3 a change was made in this particular item.

4           Mr. Chairman, I've been going through these  
5 thousands of pages of testimony, and the thing that I  
6 would like to have clearly stated is what motive has been  
7 ascribed to Senator Hohman for offering a bribe to  
8 Representative Meekins after the item was included in  
9 the budget, even if it was a tentative budget, but it  
10 was unanimously included. What was the purpose, the  
11 supposed purpose, of offering a bribe to Representative  
12 Meekins at that time?

13 MR. COUNCIL: Senator, first the record from the trial  
14 indicates that there was no question but that final action  
15 on the proposed appropriation for the purchase of two  
16 airplanes did not take place until May 8 and 9 of 1980,  
17 and looking now at the citations to the record of  
18 the trial, I'll state those again for the record, they  
19 are pages 2,571 through 76, and page 2,278 of the trial  
20 transcript; plaintiff's exhibit "58", pages twenty-two  
21 through fifty-four; and additional pages of the trial  
22 transcript 1,322 through 24 and 1,326. So, I submit  
23 that the record of trial is very clear that final action  
24 did not take place on that particular appropriation,  
25 the purchase of two airplanes, until May 8 or 9.

1           The motive that has been ascribed is simply  
2           to influence the vote on including or not including  
3           that particular appropriation.

4           It is correct that as of April 27, the appropri-  
5           ation was in the bill. Subsequent to that, efforts were  
6           made to bring before the Free Conference Committee  
7           different language. And, in fact, that different  
8           language was brought before the Committee, and, ultimately  
9           on May 9, the line item reflecting an appropriation for  
10          the purchase of two airplanes was taken out of that  
11          bill, that is House Bill 60.

12          So, very simply, the motive that was ascribed by  
13          the prosecution to Senator Hohman was to influence the  
14          inclusion of the particular item in the appropriations  
15          bill.

16          SENATOR FISCHER: Was it specifically to prevent its  
17          exclusion since it was already in? That's what I'm trying  
18          to find out.

19          MR. COUNCIL: I beg your pardon? I'm not sure I understand  
20          your question.

21          SENATOR FISCHER: The item was already in.

22          MR. COUNCIL: That's correct. The motive ascribed, Senator,  
23          if I understand the question, was to keep it in House  
24          Bill 60.

25          SENATOR FISCHER: Thank you, Mr. Chairman.

1 SENATOR KELLY: Senator Fischer, thank you. Senator Ray,  
2 you have some questions?

3 SENATOR RAY: Thank you, Mr. Chairman. Members of the  
4 Committee. I was not present on Friday or Saturday, but  
5 I did have the opportunity to listen to the television  
6 presentation. And I listened twice yesterday. The  
7 first time that I listened, I felt myself becoming  
8 insensed at certain activities, and then I thought that  
9 perhaps I was over reacting. With the opportunity  
10 to look again the second time, it confirmed what my  
11 beliefs were and, as such, I feel it is almost mandatory  
12 that I at least express my thoughts on the matter.

13 With permission of the Chairman, I would like  
14 to ask Mr. Council a question, a series of questions.

15 SENATOR KELLY: Senator Ray.

16 SENATOR RAY: Mr. Council, is it true that you were in the  
17 partnership, law partnership with Mr. Carpeneti at the  
18 time he represented Mr. Meekins?

19 MR. COUNCIL: That's true, Senator, and I brought that out  
20 to the Committee, and it was brought out by Senator  
21 Hohman's attorney Gail Frattos during the course of these  
22 proceedings.

23 SENATOR RAY: I find nothing objectionable with that, sir.  
24 When you took this position with the Senate Rules  
25 Committee, were you given instructions?

1 MR. COUNCIL: I was given instructions, yes, Senator.

2 SENATOR RAY: Specific instructions or far reaching or  
3 just ---

4 MR. COUNCIL: I think it is fair to characterize the  
5 instructions as not being specific instructions. As  
6 I think has been indicated many times before, this matter  
7 is in this State without precedent. We must look to  
8 other states and to the United States Congress to  
9 determine the proceedings to be followed, the law to be  
10 applied, the role to be played by special counsel to  
11 the Committee in this instance.

12 So, the answer to the question was I was not  
13 given specific instructions in terms of exactly what I  
14 was to do, what role I was to play with this Committee.

15 SENATOR RAY: Mr. Council, when I listened to you yesterday,  
16 I took a great deal of pride in your performance, your  
17 execution of your duties. I thought that you were  
18 impassioned -- you had nothing but a cold, logical  
19 approach to the problem at hand. And, as I sat there  
20 the first time and listened to that, I was quite proud  
21 to think that I was associated at least in a far-ranging  
22 manner with the Senate and with you as you were making  
23 the presentation -- until you got to the point where you  
24 made a specific recommendation.

25 Were you instructed by this Committee to give

1 any specific recommendations, Mr. Council?

2 MR. COUNCIL: No, Senator, I was not. I hope that I made  
3 clear, I certainly intended to make clear during my  
4 comments on Saturday that it was my recommendation.  
5 I personally take responsibility for it. This Committee  
6 has the burden of making the decision. I was expressing  
7 my opinion. I certainly was not presuming to speak for  
8 this Committee or for any Senator or for the Senate  
9 itself.

10 SENATOR RAY: Were you trying to influence this Committee,  
11 Mr. Council?

12 MR. COUNCIL: To the extent that my opinion may have some  
13 influence on the Committee, yes, I was trying to  
14 influence this Committee.

15 SENATOR RAY: I find that objectionable, Mr. Council, because  
16 I don't think that there was anybody on this Committee,  
17 at least to my knowledge, that gave you specific  
18 instructions to give a recommendation. And with the  
19 knowledge of your past association with the person who  
20 is representing on the other end of it, it would seem to  
21 me that it would be discretionary for you to present  
22 yourself in a -- in a legal sense, I guess you would  
23 say -- it was not necessary, at least it wasn't in my  
24 opinion, it was not necessary for you to make the  
25 recommendation. It appeared like you, at that time,

1 were directing this Rules Committee. In other words,  
2 you were boxing in this Rules Committee. You were making  
3 a public statement to be accepted by the public as  
4 a recommendation of the counsel, and it appeared to me  
5 -- this is after watching it twice -- that that was part  
6 of your specific duties and, as such, you were giving  
7 them your recommendation.

8 I'd appreciate if you'd like to answer that,  
9 sir.

10 MR. COUNCIL: Thank you, Senator Ray, at the outset of my  
11 statement to the Committee on Saturday, I hope expressed  
12 very clearly what I perceived to be my responsibilities,  
13 with the emphasis on "I". What I perceived to be my  
14 responsibilities. I certainly did not intend to, again,  
15 as I've stated, to speak for the Senate or for this  
16 Committee or appear to be espousing the view of this  
17 Committee.

18 On the question of bias, all you can do is make  
19 your apparent biases clear. We all come in here with  
20 biases. There's no question about that. I think I have  
21 met my responsibility to make my background clear, to  
22 disclose what associations I have had in the past that  
23 might bear upon how I would analyze this particular  
24 question. I hope that I have done a professional job.  
25 I can point out, for whatever relevance it might have,

1 that I am presently engaged in a lawsuit in which some  
2 of the members of this Committee are defendants. I'm on  
3 the other side of that. They are certainly aware of  
4 that. There are other members of the Senate that are  
5 defendants in that lawsuit.

6 But all we can do, all you can do, Senator, is  
7 -- and, again, I don't presume to -- I apologize if it  
8 sounds like I am lecturing, but all we can do is make  
9 our biases clear so that the persons who are listening  
10 to what we have to say can judge for themselves what  
11 weight should be given to what it is we have to say.

12 In terms of the role that special counsel to this  
13 Committee should take, as I've indicated, this matter  
14 is without precedent. We certainly have other matters  
15 that are not at all similar to this that have been  
16 addressed by Committees, and those Committees have had  
17 attorneys, and the attorneys for the Committees may or  
18 may not have simply advised on the law. They may or may  
19 not have made specific recommendations.

20 The most immediate example that we have are the  
21 ABSCAM hearings that are, in part, still pending before  
22 the United States Congress. And if the Senator wishes,  
23 I can certainly give you records of proceedings before  
24 the U.S. Congress in which special counsel to the  
25 Committee played two roles -- he advised on the law and

1 he made a recommendation as to what action should be  
2 taken.

3 That's been the role very commonly of attorneys  
4 to Committees in this State and other states and the  
5 United States Congress, and I certainly, in my opinion,  
6 don't feel that I overstepped the responsibilities  
7 that were assigned to me by this Committee.

8 SENATOR RAY: Thank you, Mr. Counsel. That's your opinion,  
9 sir. I think that you did overstep the bounds. I think  
10 that you did and I found that it was very objectionable  
11 to me as a member of the Senate.

12 MR. COUNCIL: Well, Senator, you're certainly entitled to your  
13 opinion.

14 SENATOR RAY: And so are you.

15 SENATOR KELLY: Senator Ray, do you have anything further,  
16 sir?

17 SENATOR RAY: Pardon?

18 SENATOR KELLY: Anything further?

19 SENATOR RAY: No. I think that is sufficient, Mr. Chairman.

20 SENATOR KELLY: Senator Kerttula?

21 SENATOR KERTTULA: I do think, and I would be subject to  
22 anybody disagreeing, that in our assignments to Mr.  
23 Council, we did ask him and one of the principal reasons  
24 he was employed, from my standpoint, was to be certain  
25 that all Federal and State Constitutional rights of

1 Senator Hohman, and all legal rights of Senator Hohman  
2 as defined, were certainly accorded him. I think there  
3 was no doubt in my mind that that was one of the things  
4 as an underpinning to this. I think that's true. Does  
5 anybody argue with that?

6 SENATOR ZEIGLER: Mr. Chairman?

7 SENATOR KELLY: Senator Ziegler?

8 SENATOR ZEIGLER: I won't argue with it, no, but I think  
9 the record should be made abundantly clear that some  
10 members of this Committee were never present when the  
11 procedures of this Committee were discussed with Mr.  
12 Counsel, if indeed they were.

13 SENATOR KELLY: I'm sure your statement will go on the  
14 record, Senator Ziegler.

15 SENATOR ZEIGLER: Thank you.

16 SENATOR KELLY: The procedures of this Committee were always  
17 discussed on the record. Senator Dankworth?

18 SENATOR DANKWORTH: Mr. Chairman, just to make clear a couple  
19 of things that I think are important. I don't take a  
20 great deal of exception to what Senator Ray had to say  
21 to the degree that I think that some people might feel  
22 that counsel did not have to make a recommendation. I'm  
23 not overly impressed with whether he did or didn't.  
24 I don't think any member of this Committee is going to  
25 make a decision based on Mr. Council's recommendation

1 to it.

2 I would point out, in his defense, that I think  
3 he did an excellent job of summarizing the problems  
4 before the Committee and, secondly, I believe there was  
5 no prohibition made to him not to make his recommendation.  
6 Maybe we're derelict in not giving him those  
7 instructions, but he certainly was told not to, and  
8 I think he was, as he said, guided by very little  
9 precedent that has been set around this country. And  
10 that's what happened in ABSCAM and others, and perhaps  
11 I had the same feeling that Senator Ray and others might  
12 have that it wasn't necessary for him to give us his  
13 opinion and we can weigh it, as he says, for whatever  
14 it's worth. We certainly got the opinion of Mr. Fraties  
15 and others, so I don't think it's so -- I don't know one  
16 member of this Committee that would vote one way or  
17 the other based on our attorney's opinion.

18 But for that purpose, I just wanted to say that  
19 I feel he did an excellent job on both sides, both to  
20 Mr. Fraties, I thought he did an excellent job of  
21 laying out for us what happened in summation; and so did  
22 the attorney for the Committee.

23 Maybe it did strike me the same as Senator Ray  
24 in that probably it wasn't necessary. I don't think any  
25 damage was done as far as the proceedings of this

1 Committee.

2 SENATOR KERTTULA: Mr. Chairman?

3 SENATOR KELLY: Senator Kerttula?

4 SENATOR KERTTULA: It's also true that we did insist that  
5 Gail Fraties have a right to a statement subsequent to  
6 anything that Bill Council stated. I do think that  
7 perhaps it's appropriate concern here, but we did accord  
8 Mr. Fraties those rights, and I do associate myself  
9 with Senator Dankworth's thinking on the subject that  
10 there was no prohibition, there wasn't an expectation.  
11 I think Mr. Council, if I might frankly interject a  
12 personal thought, felt that perhaps Mr. Fraties had made  
13 some statements that needed clearing up that had quasi  
14 legal ramifications. And, to that extent, without  
15 conferring with anybody, he felt it was appropriate and  
16 necessary that he take them.

17 I didn't feel personally that it was necessary,  
18 and I don't personally feel negative about it either.  
19 It's one of those ambivalent things.

20 SENATOR KELLY: Senator Kerttula, special counsel was hired  
21 by the Rules Committee with the broad discretion to  
22 advise this Committee on the matter pertaining to  
23 Senator Hobman. I felt that counsel has done an excellent  
24 job and the Chair of this Committee is very satisfied  
25 with the performance of special counsel in this matter.

1           Are there any other Senators that would like to  
2           address the Committee at this time? Senator Hohman,  
3           you have the floor, sir.

4           SENATOR HOHMAN: Thank you, Mr. Chairman.

5           I'd like to comment, I think, in three areas  
6           this morning, areas that have been previously brought up  
7           by members of the Senate.

8           I think specifically Mr. Counsel's recommendations  
9           or behavior. They were detrimental to the interests of  
10          looking at this problem in an objective way. I think  
11          that Mr. Counsel is a very capable, able attorney and  
12          a good person. I don't have any problems with that.  
13          I think sometimes biases enter in and are displayed  
14          unconsciously and without malice.

15          But what is going to motivate this Committee,  
16          what has already very apparently motivated this Committee  
17          is public opinion, and the impact on public opinion  
18          of Mr. Council's statements is inflammatory. It's bound  
19          to excite public opinion and confirm suspicions and so  
20          forth.

21          Senator Fischer asked about the time sequence  
22          information that I presented seven times, by Mr. Council's  
23          count. And the reason that I did that is because I think  
24          it graphically displays how ridiculous the bribery  
25          charges are. It's after-the-fact influence. The answer

1 to Senator Fischer's question was that we, in fact, had  
2 not closed out the bill. That there was action  
3 subsequent to April the 30th, or during the time of the  
4 alleged bribery, May 1 through 7.

5 I think the record is clear, maybe Mr. Council in  
6 his review of the material can confirm or correct me,  
7 that Mr. Meekins, Representative Meekins, had language  
8 changes that were made. He directed staff to make those  
9 changes after we had closed out the bill and sent it to  
10 printers and before the time of the alleged bribery.  
11 Representative Meekins was playing with that bill and  
12 that language as it related to the CL-215s. I think the  
13 record will indicate that Mr. Grogan, Fiscal Analyst  
14 staff member of the Legislative Finance Division, was  
15 asked to make those changes on either the 30th of  
16 April or the 1st of May.

17 There are so many consistencies there. I think  
18 this is a jury of my peers here in the Senate, and we  
19 understand legislative process. And we understand to  
20 varying degrees how the budgets are constructed.

21 I would hope that that rather complicated,  
22 sophisticated kind of legislative maneuvering by  
23 Representative Meekins is looked at with regard to those  
24 language changes which he directed.

25 We've described that, his activity in that regard,

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1 without consulting the full membership of the body  
2 or anyone on the body of that Free Conference Committee,  
3 as a breach of ethics or a breach of conduct, legislative  
4 conduct.

5 I think it's clear, and would be clear to any of  
6 us here, that that is what he was involved in.

7 One request that we made several times during  
8 last Saturday's hearing, was that the Senate -- this  
9 Committee, hopefully, and the Senate as a body, would  
10 ask for the expeditious treatment by the appeals court  
11 or the Supreme Court of the appeal process. I think I  
12 would like to renew that request before the body today  
13 for their consideration regardless of which direction  
14 the Committee decides to go.

15 I think that's important. It's certainly  
16 important to me. I'd like to see this matter resolved  
17 as quickly as possible, but I think it is important for  
18 my constituents. There are thousands of signatures  
19 supporting not only my continuance in office for the  
20 remainder of this term, but indicating that there is  
21 unwaivering support for my re-election. And I think  
22 that my constituents should have that opportunity,  
23 choice in the '82 election. And I would appreciate this  
24 Committee's action, any action they might take in  
25 support of that request for an expedited appeal process.

1 Thank you, sir.

2 SENATOR KELLY: Senator Ziegler.

3 SENATOR ZEIGLER: Mr. Council and I discussed Senator  
4 Hohman's request before we convened this morning, and  
5 I'd like to ask Bill what, if anything, would he  
6 recommend that we do in terms of acceding Senator  
7 Hohman's request for an accelerated or expedited  
8 appellate process. I think that request is not unreason-  
9 able and I think the sooner we get this thing to the end  
10 of the road, the better off we're all going to be.  
11 So what would you suggest we do? The President write  
12 a letter, or shall we, the Senators, sign a letter to the  
13 Supreme Court, or how would we go about it?

14 MR. COUNCIL: It certainly would not be inappropriate for  
15 a letter to issue from this Committee or from the  
16 Senate. I'm not sure, of course, what impact it may  
17 or may not have on the court system. I would point out,  
18 as Senator Ziegler well understands, that there is no  
19 appeal pending at this time.

20 SENATOR ZEIGLER: I understand that.

21 MR. COUNCIL: So, technically, at least, a letter would be  
22 premature, but the Committee is meeting now and I think  
23 the court would understand that the Committee is going  
24 to act, must act now. And I see nothing inappropriate  
25 in meeting that request.

1 SENATOR ZEIGLER: Mr. Chairman?

2 SENATOR KELLY: Senator Ziegler?

3 SENATOR ZEIGLER: May I continue?

4 SENATOR KELLY: Sir.

5 SENATOR ZEIGLER: If nobody on the Committee objects, would  
6 you draft ---

7 SENATOR KERTTULA: Could I comment?

8 SENATOR KELLY: Senator Kerttula.

9 SENATOR KERTTULA: Thank you. Didn't counsel Fraties, didn't  
10 he speak very optimistically, as former counsel to some  
11 members in a previous case ---

12 SENATOR ZEIGLER: That was the Andy Warwick case, yes.

13 SENATOR KERTTULA: -- a request that it be expedited, there  
14 was a very favorable response from the State court at  
15 that time?

16 SENATOR ZEIGLER: I was just going to suggest that perhaps  
17 Mr. Council could rough draft a proposed mesage of that  
18 type and let the Committee take a look at it before we  
19 have it fired off.

20 SENATOR KELLY: The Chair sees no problem with counsel doing  
21 that.

22 SENATOR DANKWORTH: Mr. Chairman?

23 SENATOR KELLY: Senator Dankworth?

24 SENATOR DANKWORTH: I don't know, maybe the request confuses  
25 me a little bit. It's not that I necessarily object to

1 it, of this Committee getting involved in an appeal  
2 process. I suppose there is no damage done in us asking  
3 the State of Alaska to step up procedures for his appeal  
4 process, but I feel it is somewhat, perhaps prematurely, I  
5 want to say that any action that I might take as a  
6 legislator concerning this issue has not a great deal  
7 to do with whether -- about appeal process is somewhere  
8 else down the line, maybe six months or so. I have  
9 no objection, Senator Ziegler, if you'd just like this  
10 Committee to help in stepping up the process.

11 SENATOR ZEIGLER: That's all I want.

12 SENATOR DANKWORTH: I have no objection.

13 SENATOR KELLY: The recommendation from this Committee,  
14 I would imagine, Senator, would be separate from any  
15 help we might be able to give Senator Hohman in ---

16 SENATOR DANKWORTH: That's understandable. I certainly  
17 support it.

18 \_\_\_\_\_: The slightest subtleties aren't lost on the  
19 body here.

20 SENATOR KELLY: There are no further Senators that wish to  
21 comment to the Rules Committee?

22 SENATOR STIMSON: Mr. Chairman?

23 SENATOR KELLY: Senator Stimson?

24 SENATOR STIMSON: Thank you, Mr. Chairman. A couple of quick  
25 questions for Mr. Council. When you were retained, Mr.

1 Council, was there any discussion of your bias about the  
2 Hohman case?

3 MR. COUNCIL: Well, yes, there was. In the first meeting  
4 I had with members of the Committee, I think all the  
5 potential sources of bias, apparent or real, have been  
6 brought out before this Committee as of this time.  
7 That was, I think before we discussed anything else,  
8 that was the first subject of discussion.

9 SENATOR STIMSON: Did you view your role as one of being an  
10 advocate for the position that you ultimately took in  
11 relation to the Hohman case?

12 MR. COUNCIL: I think I've stated, Senator, today and also  
13 on Saturday what I viewed my role to be. I have, I think,  
14 in abundant, unequivocal terms stated what my opinion was  
15 respecting what action this Committee should take. I'm  
16 not certain that it lends -- gets us any further down the  
17 road in calling that a position of advocacy or calling it  
18 anything else. I was certainly advocating a position on  
19 Saturday, and I couldn't have made it any clearer that I  
20 was advocating a particular position.

21 The question is: Did I view my role as an  
22 advocate when I was first retained by this Committee, I  
23 think the answer is no. I did not view my role as being  
24 one of an advocate.

25 SENATOR STIMSON: Thank you. Thank you, Mr. Chairman.

1 SENATOR KELLY: Senator Dankworth?

2 SENATOR DANKWORTH: Mr. Chairman, just for the record and so  
3 as each of us vote on what we are going to do here, I  
4 want it clear, because of Senator Hohman's comment, that  
5 perhaps Mr. Council inflamed public opinion that might  
6 influence members of this body or this Committee. He  
7 made that comment late Saturday evening. Since then  
8 I've received not one communication or talked to one  
9 soul concerning any comment he had other than perhaps  
10 just someone making the comment that they felt he made  
11 a good presentation or didn't, whichever, and I don't  
12 recall. I think they were most were complimentary.

13 But, at any rate, I just want it clear to Senator  
14 Hohman particularly that any vote that I might have here  
15 won't be as a result of being inflamed by any public  
16 passion created by the attorney.

17 SENATOR KELLY: Following Saturday's hearing, I had drafted  
18 a draft report and resolution by legal services for  
19 consideration of this Committee. I'll pass out these  
20 drafts at this time for consideration.

21 SENATOR HOHMAN: Mr. Chairman?

22 SENATOR KELLY: Senator Hohman?

23 SENATOR HOHMAN: Just a question, one that was motivated by  
24 Senator Stimson's remarks. This first meeting, I know  
25 that sometimes I forget appointment and notices and so

1           forth, but the meeting during which Mr. Council's biases  
2           were discussed, was that an announced public meeting?

3    SENATOR KELLY: Mr. Hohman, my recollection is that I had  
4           made the decision that we were going to hire a special  
5           counsel to help the Senate Rules Committee in the matter  
6           of your case, sir. I had gone over several names from  
7           various sources, people that have called and everything.  
8           I called Mr. Council and asked if he would be interested.  
9           He came to my office. I asked him if he had any  
10          particular conflict of interest or any reason why he  
11          could not take on this case in an objective professional  
12          manner.

13                        He indicated that ---

14    SENATOR HOHMAN: Sir, I don't wish to get into it. My  
15          question was simply was that a public meeting or was it  
16          not?

17    SENATOR KELLY: Excuse me, Senator?

18    SENATOR HOHMAN: My question was, was that a public meeting  
19          or was that not a public meeting? And my second question  
20          would be, was I noticed of it?

21    SENATOR KELLY: Senator, the hiring of counsel for this  
22          particular investigation was not a public meeting per se.  
23          It wasn't particularly meant to be a secret meeting  
24          either. It was simply something that had to be done.

25    SENATOR HOHMAN: Thank you, sir.

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1 SENATOR KELLY: You have in front of you a draft Senate Rules  
2 Committee Report. I'll read the report.

3 "Mr. President: The Committee on Rules has had  
4 the question of possible disciplinary action against  
5 Senator George H. Hohman, Jr. under consideration and  
6 a majority of the Committee proposes a special resolution  
7 for the expulsion of Senator George H. Hohman, Jr. and  
8 recommends its adoption. Attached hereto is the report  
9 of special counsel dated January 30th, 1982 which the  
10 Committee has considered and adopted.

11 Incorporated in the record are the transcript  
12 and documents of record from the Committee hearings in  
13 this matter."

14 You also have in front of you a draft, if the  
15 Committee so desires, of a Senate Special Resolution,  
16 unnumbered at this time, expelling George H. Hohman, Jr.  
17 from the Senate of the State of Alaska.

18 Are there any comments from the Committee  
19 pertaining ---

20 SENATOR FERGUSON: Mr. Chairman, one on the Senate Rules  
21 Committee Report. Why does it say the majority of the  
22 Committee members? Why doesn't it say a unanimous  
23 decision? Why doesn't it say something else?

24 SENATOR KELLY: I think, Senator Ferguson, it's not incorrect  
25 -- isn't that standard operating procedure with most of

1 our Committee reports, that effectively a Committee cannot  
2 take action unless a majority does recommend it? So  
3 that's why the word "majority" is used.

4 SENATOR ZEIGLER: It's generally determined, Mr. Chairman,  
5 if I may, by the way the Committee members sign the  
6 report. It looks as if some of us may have been pre-  
7 judged.

8 SENATOR KERTTULA: I do think that, upon reflection here  
9 in reading it, under consideration, the Committee  
10 proposes (end of Tape 7, side A).

11 -- it will then read "under consideration"  
12 and 'the Committee proposes a special resolution for  
13 the expulsion of Senator George H. Hohman, Jr., and  
14 recommends its adoption."

15 SENATOR KERTTULA: That's the form that's used generally.

16 SENATOR KELLY: Are there any comments from the Committee?

17 SENATOR DANKWORTH: Mr. Chairman?

18 SENATOR KELLY: Senator Dankworth?

19 SENATOR DANKWORTH: If there is not any further comments,  
20 I would like to move and make a motion that the Committee  
21 adopt the Senate Rules Committee report.

22 SENATOR KELLY: There will be a show of hands on whether  
23 the Committee shall adopt the Senate Rules Committee  
24 report. Senator Ziegler?

25 SENATOR ZEIGLER: Question. Just to make sure we know where

1 we are going, I am going to vote, I believe, right now  
2 for the adoption fo the Committee report, but I want to  
3 reserve the right to make sure that I qualify my "do  
4 pass" by having some language on the Committee report  
5 itself. Do you follow me?

6 SENATOR KELLY: Any member of the Committee is free to  
7 offer a minority report if they have one.

8 SENATOR ZEIGLER: Okay.

9 SENATOR KELLY: The question before the Committee then is  
10 shall the Committee adopt the Committee report in front  
11 of us expelling George H. Hohman, Jr. from the Alaska  
12 State Senate. All those in favor, please raise your  
13 right hand. [Pause] All those opposed? [Pause]

14 By a vote of four to one, the Senate Rules  
15 Committee adopts the Senate Committee report and will,  
16 as soon as possible, introduce the Senate Special  
17 Resolution as yet unnumbered to the body.

18 SENATOR ZEIGLER: And all Committee members will have a chance  
19 to sign.

20 SENATOR KELLY: They will, sir. Is there any further  
21 business to come before the Rules Committee today?

22 SENATOR FERGUSON: Mr. Chairman?

23 SENATOR KELLY: Senator Ferguson?

24 SENATOR FERGUSON: I have a question. Will this resolution  
25 be treated as all resolutions on the Senate floor?

1 SENATOR KELLY: Senator Ferguson, a Senate Special Resolution  
2 is called for specifically by the Uniform Rules of the  
3 Alaska Legislature. It requires three readings and  
4 is to be treated like a bill.

5 SENATOR FERGUSON: Okay.

6 SENATOR KERTTULA: That is correct. It will be sent to the  
7 appropriate committee.

8 SENATOR FERGUSON: Does that include reconsideration?

9 SENATOR KELLY: Yes, sir. Any further business to come  
10 before the Committee?

11 SENATOR HOHMAN: Mr. Chairman?

12 SENATOR KELLY: Senator Hohman?

13 SENATOR HOHMAN: Just a question. What is the disposition  
14 by the Committee of my request that they support an  
15 expedited appeal process?

16 SENATOR KELLY: The Committee has asked legal counsel to the  
17 Committee, William T. Council, to draft legislation  
18 -- to draft a letter to that effect, sir.

19 SENATOR HOHMAN: Thank you.

20 SENATOR KELLY: The Rules Committee meeting is adjourned.

21 \* \* \*



ALASKA STATE LEGISLATURE  
TWELFTH LEGISLATURE - SECOND SESSION  
January 12, 1982

Partial Transcript of Proceedings

SENATOR KERTTULA: . . . I have the responsibility of the question of Senator Hohman's retention by the Senate, staying in place. I assign that responsibility to the Rules Committee. That question is assigned to the Rules Committee, and all backup materials.

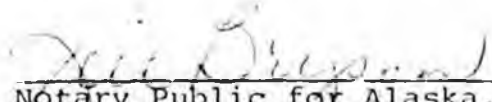
\* \* \*

End of Transcript

C E R T I F I C A T E

I certify that I am a Notary Public in and for the State of Alaska, and that the foregoing, consisting of one page, is a true and correct partial transcript from the cassette tape of the 12th day of January, 1982 proceedings before the Senate of the Alaska State Legislature, Twelfth Legislature, Second Session.

DATED: January 18, 1982.

  
\_\_\_\_\_  
Notary Public for Alaska. My  
Commission expires: 5/15/84.



Official Business

# Alaska State Legislature

## Senate

### Office of the President

197

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State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

TO : MEMBERS OF THE SENATE  
FROM: SENATOR JAY KERTTULA  
SENATE PRESIDENT  
DATE: JANUARY 12, 1982

I have been counseled that the following is an acceptable proceeding for Senate disposition of the Hohman jury decision.

1. The Senate President should charge the Rules Committee or appoint an investigative committee charged with holding hearings regarding discipline of Senator Hohman.
2. The committee should decide whether there should be Senate action based upon the jury decision against Senator Hohman; i.e., since he has been convicted whether he should be expelled.
3. The committee should use as its primary evidence a certified copy of the jury verdict and indictment and transcript of the trial. If it chooses, the Senate may appoint legal counsel to the committee.
4. The committee must afford Senator Hohman reasonable notice and the right to defend, including the right to appear in person and by counsel and the right to call witnesses.
5. The committee will decide any limitations on the scope of the inquiry.
6. If a majority of the committee votes to expel Senator Hohman as a member of the Senate, it must draft and introduce a special resolution calling for the Senator's expulsion.
7. This resolution will be calendared. A 2/3 vote of the Senate is required for expulsion.
8. It may be possible for Senator Hohman to challenge the legality of the Senate's actions. It is therefore important that he be given adequate notice (i.e. 5 days) and adequate opportunity to defend.

# Alaska State Legislature

## Senate

Office of the President

Pouch V  
State Capitol  
Juneau, Alaska 99811



Official Business

### MEMORANDUM

TO : RULES COMMITTEE  
 SENATOR TIM KELLY, CHAIRMAN  
 SENATOR ED DANKWORTH  
 SENATOR FRANK FERGUSON  
 SENATOR BOB ZIEGLER

FROM : SENATOR JAY KERTTULA  
 SENATE PRESIDENT

DATE : JANUARY 15, 1982

From conversations via telephone calls to East Coast lawyers who have handled legislative ethics cases, we have come up with a number of concerns.

If the case is reversed on appeal and Senator Hohman has already been expelled, there is the possibility that he will try to regain his seat. If the decision of the Senate of committee is based on the jury verdict, a reversal would mean there was no longer any basis for it and it would be open to challenge. The Senate needs an independent basis for its decision, either by conducting its own investigation or by actually reviewing the trial transcript. If the Senate acts on an independent basis, its decision would be virtually incontestable (i.e., a court could not review it).

The question can be referred either to a specially appointed or standing committee. The Senate should draft a resolution giving jurisdiction and authority to the committee and setting up rules for it. The resolution need not speak to what evidence is available to the committee (i.e. the transcript, verdict or indictment). The chairman or a vote of the committee can rule on the scope of evidence that it will hear.

The resolution or other statement of purpose of the committee should be limited. The resolution may say something to the effect that "Sen Hohman may adduce evidence to refute the contention that this conviction should not keep him from being an elected representative," i.e. that this kind of crime is not the sort which should lead to expulsion or other disciplinary action. The AG will be happy to help draft this.

The AGs mentioned that too many closed-door conferences might lead to the impression that the Senate was holding a kangaroo court and thus would create a point for appeal.

In their research they did not find a case exactly like this. In the U.S. Senate the committees have allowed a broad scope of evidence to be presented, so that a Senator can relitigate the question of guilt or innocence if he chooses. However, Senators (particularly Harrison Williams) have been cooperative in stipulating to limited testimony. In the House, they do not rely on the judgment of conviction but obtain the trial transcript. They do not allow the member to go beyond the transcript to introduce evidence, but none has wanted to go beyond the transcript either, usually because the evidence is too embarrassing. Here there is a closer question of guilt or innocence, and it may be worth Senator Hohman's while to go into it. It was the opinion of at least one of the AGs that it would be perilous (for purposes of appeal) to try to restrict the testimony too far once it had been opened. In the case of Rep. Myers, the House designated part of the transcript that it wanted to use and Myers designated the part that he wanted, so that the evidence was agreed upon before the hearing.

It was recommended that the committee not take final action until the sentencing is completed and the judgment of conviction is entered, since there is no technical conviction until then. The judge can overturn the jury verdict and may do so in a case where the evidence was close. This will take at least until March, since Sen. Hohman's probation officer just asked the court for more time to prepare her report and there are various post-trial motions pending. The AGs noted that it will take a long time for committee counsel to prepare for a hearing anyway if the committee decides to allow evidence beyond the transcript. The AGs had heard of only one case where the legislature proceeded before the judgment was entered, but there the representative resigned so there was no legal challenge.

As to the possibility of suspension until the appeal is over, neither the AGs nor Billy Berrier found any instance of it in their research. In two cases the legislature moved for suspension until the issue was decided, but in both cases (NY and Pennsylvania) the issue was resolved before the legislators were actually suspended. The AG points out that there are serious constitutional problems with suspension, since it effectively disfranchises the voters of the district and may be a violation of the federal voting rights act.

The AG expressed no opinion on whether Sen. Hohman may run for office again if convicted, and they don't want to be called upon publicly for an opinion until they figure it out. The Senator may only

run if he can vote; he loses the right to vote when convicted of a crime of moral turpitude, which bribery undoubtedly is; but he loses the right to vote as of the day when he is convicted. However, there is a legal technicality lurking in all of this which turns upon when exactly the date of conviction is. It may be either (1) upon entry of judgment (this spring) or (2) upon completion of his rights of appeal (one year easily). Depending on the definition Sen. Hohman may or may not be able to run for office again in November. The AG is, naturally, looking into it.

Their final recommendation, which you may not appreciate, is that the appropriate Senators talk to him until he sees the light and resigns.

I would add only one note of my own, about suspension: the fact that there are no known instances of suspension does not mean the Senate cannot or should not try it, but it does mean that some constituent in Bethel tie you up in litigation for a long time while the court tries to figure out what's going on. I would refer the question to Legal Services to get an opinion on what the result would be if the constituents are deprived of representation for the length of this session or longer.

For the record, the people talked to were:

John Saxon, Senate Ethics Committee, (202)224-2981

John Swanner, House Committee on Standards and Conduct,  
(202)225-7103

E. Barret Prettyman, Jr., Special Counsel to the House  
Committee for ABSCAM, Hogan & Hartson, (202)331-4685

JK/aj

FILED  
STATE OF ALASKA  
FIRST JUDICIAL DISTRICT  
APR 30 6 04 PM '81  
CLERK OF DISTRICT COURT  
BY B N  
DEPUTY CLERK

In the Superior Court of the State of Alaska  
First Judicial District, Juneau, Alaska

STATE OF ALASKA

Plaintiff

v.

GEORGE H. HOHMAN, JR.

*6/2/32*

Defendant(s)

TWO COUNT

INDICTMENT

FOR

COUNT I  
BRIBERY

Violation Section A.S. 11.56.100

COUNT II

RECEIVING A BRIBE  
A.S. 11.56.110

No. 1311-81-464 Cr

The Grand Jury Charges:

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 State 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.

DATED at Juneau, Alaska this 20<sup>th</sup> day of April, 1981.

A True Bill

*David W. Koch*  
CHIEF PROSECUTOR

*[Signature]*  
GRAND JURY FOREMAN

*[Signature]*  
ASSISTANT ATTORNEY GENERAL

WITNESSES EXAMINED BEFORE THE GRAND JURY:

Edward Russell Meekins, Jr.  
Thomas L. Bergstrom  
Geoffrey Haynes  
Russell Smith  
Betty Gaines  
J. H. Hogan  
Kim Moore  
Helen Irene Dickson  
Robert Lewis Kocsis  
Nancy Harvey  
Peter Lawrence Kelley  
Eric Eckholm  
James M. Wilson  
Ray Settles  
Sharon Traylor  
Carl F. Brady  
Theodore G. Smith  
William B. Sumner  
Sigurd Einar Larsen  
Richard Wien  
John Holmquist  
Richard L. Rude  
Robert Schlaefli  
Robert L. Grogan  
Kim Arthur Hutchinson  
Walter I. Griffith

Robert Acres  
Sally Lee Nelson  
Linda Rogers  
Lindy Cheek  
Jerry A. Kvasnikoff  
Norman Israelson  
Richard W. Halford  
Arthur Francis Kelly, II  
Sandra W. Kelly  
Ule Dean Bivins  
Darryl Johnston  
Maurice Christie  
Conrad F. Necrason  
Emmett L. Wilson  
George Diener  
Carolyn Martin  
Joseph Merrill  
Michael DeMan  
Alex Miller  
Fred Barbee  
Thomas Rachal  
Cheryl Plowman  
Kelly Lang  
Robert J. Frascati  
Richard G. Berg  
William Haw

*Lewis Diachmer BN*

STATE OF ALASKA )  
FIRST JUDICIAL DISTRICT ) SS

I, the undersigned, certify that this is a true and full copy of an original document on file in the Trial Courts, First Judicial District, State of Alaska.

Witness my hand and seal of this court  
13<sup>th</sup> day of January, 1982  
at Juneau, Alaska.

Clerk of the Trial Courts  
By: *Lala P. Sigel*  
Deputy

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GEORGE H. HOHMAN, JR., )  
 )  
Defendant. )

No. 1JU-81-464 CR

Verdict No. 1

We, the jury, find the defendant, George H. Hohman, Jr., Guilty of bribery (guilty) (not guilty) as charged in Count I of the Indictment.

DATED at Juneau, Alaska, this 24 day of December, 1981.

Kurt Fredrickson  
Foreman of the Jury

12-24-81  
B. Howe  
D. Kutz

STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

I, the undersigned, certify that this is a true and full copy of the verdict on file in the Trial Courts, First Judicial District, State of Alaska.  
Witness my hand and seal of this court  
13th day of January, 1982  
at Juneau, Alaska.

Clerk of the Trial Courts  
By: Lak. P. Vigil  
Deputy

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GEORGE H. HOHMAN, JR., )  
 )  
 Defendant. )

No. 1JU-81-464 CR

Verdict No. 2

We, the jury, find the defendant, George H. Hohman,  
Tr., (not guilty) Guilty of receiving  
(not guilty) (guilty)  
a bribe as charged in Count II of the Indictment.

DATED at Juneau, Alaska, this 24 day of December,  
1981.

[Signature]  
Foreman of the Jury

12-24-81  
D. Home  
D. Kurb

STATE OF ALASKA  
FIRST JUDICIAL DISTRICT ) SS

I, the undersigned, certify that this is  
a true and full copy of an original document  
on file in the Trial Courts, First Judicial  
District, State of Alaska.

Witness my hand and seal of this court  
13th day of January, 1982  
at Juneau, Alaska.

Clerk of the Trial Courts -  
By: [Signature]  
Deputy

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 in order 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 a reasonable period of time 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 19, 1982

  
Senator Tim Kelly  
Chairman

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF BETHEL, THE YUKON-KUSKOKWIM DELTA AND THE STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of Bethel and the Yukon-Kuskokwim Delta for sixteen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems unique to this Region and its People as well as understanding of the problems facing all Alaskans in this time of State-wide transition; and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years to resolve many of the problems related to the transition of a culture into the Twentieth Century; and

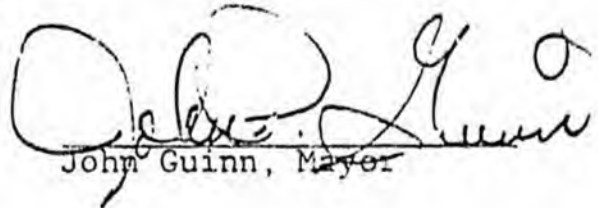
WHEREAS, Senator Hohman has tirelessly assisted Bethel in planning to meet the demands of the future for Bethel, the Region and the State of Alaska; and

WHEREAS, the City Council of the City of Bethel recognizes and appreciates the support that Senator Hohman has provided the City and the Region throughout the years,

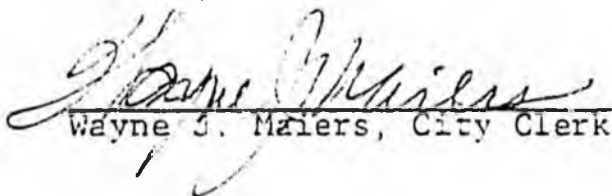
THEREFORE BE IT RESOLVED that the City Council of Bethel, Alaska, requests the members of the Senate Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future; and

BE IT FURTHER RESOLVED that the City Council of Bethel, Alaska, respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the Citizens of Bethel, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past sixteen years.

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY, 1982.

  
John Guinn, Mayor

ATTEST:

  
Wayne J. Malers, City Clerk

APRIL 27, 1980April 27, 1980, (FCC-80 on HB 60, Tape No. 13, Side 1 (179)-(1901))

MEEKINS - Before you move on to another category, I've got one more in Natural Resources. This \$805,000 for the purchase of the Canadair CL-215 fire suppression aircraft and the \$100,000 to operate them.

KERTTULA - Is it \$705,000 plus \$100,000, or \$805,000 plus \$100,000?

MEEKINS - It's \$705,000 plus \$100,000. Two sections.

HOHMAN - Move and ask unanimous consent for the adoption of those sections. (Silence) Hearing no objections, so ordered. They are adopted.

Ref. Defense Exhibit A

## NOTE:

FROM THE STATE PROSECUTION EVIDENCE OFFERED, THE "ALLEGED" BRIBERY WAS TO INFLUENCE BEHAVIOR (THE REPRESENTATIVE'S VOTE, OPINION, JUDGMENT, ACTION, DECISION AND EXERCISE OF DISCRETION) OF THE WEEK BEFORE.

APRIL 30, 1980FCC ON HB 60

Sent to the printers to be put in final form for Committee review then to be signed off by the Free Conference Members and sent to respective bodies for final passage.

Staff then given authority to make technical changes.

MAY 1 - 7, 1980COUNT 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 State 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.

Ref: Hohman Court Case File,  
Page 1, Vol. 1, 1981

APRIL

27

water  
bombers

Motion  
to adopt  
unanimous  
consent

no objection !!

Aircraft  
purchase  
provided

30

HB-60

closed



printers

MAY 1-7

\* \*

ALLEGED  
BRIBERY

to influence

Vote  
opinion  
Judgement  
action  
decision  
discretion

behavior



# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL  
JUNEAU, ALASKA 99811

January 28, 1982

William T. Council, Esq.  
Special Counsel  
Committee On Rules  
Alaska State Senate  
319 Seward Street, Suite 203  
Juneau, Alaska 99801

Re: Summary of Evidence Presented in  
the Trial of State v. Hohman

Dear Mr. Council:

At your request, we have prepared the attached summary of the state's evidence presented in the trial of State v. Hohman, No. 1JU-81-464 Cr., including transcript references. We have considered your request in light of our obligations under the Code of Professional Responsibility, and believe it to be appropriate that we comply. See, in particular, Disciplinary Rule 7-107(I).

In order to prepare this summary in an expeditious manner and to keep it as concise as possible, we have necessarily omitted reference to a number of specific pieces of evidence that were presented in the state's case. We would refer you to the final argument of Assistant Attorney General Timothy Petumenos (Tr. 3479-3526 and 3578-92) for a more complete summary of these details. In addition, in light of the fact that we did not receive a copy of the trial transcript until the afternoon of January 24, the references made to that transcript may not be the best ones, although they certainly support the summary of evidence we have prepared.

A couple of additional points should also be mentioned. First, the evidentiary support for telephone calls and other business records is cited as plaintiff's exhibits 56-56F. Those exhibits consist of seven summary charts of certain events set out in the records and presented in chronological order. The charts were admitted into evidence in accordance with Alaska Rule of Evidence 1006 and appear in Volume III-D of the exhibits presented at trial, about 170 pages from the end of that

William T. Council, Esq.  
Special Counsel

January 28, 1982  
Page 2

volume. The charts in exhibits 56-56F are the most concise source of evidentiary support for the records presented and contain within them specific references to the other exhibits that establish the underlying foundation for each item of evidence summarized by the chart.

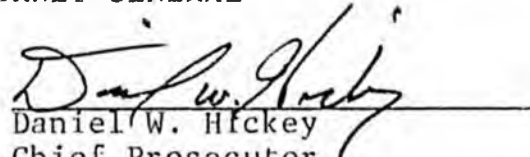
Second, an important piece of evidence regarding a meeting on April 30, 1980, between Senator Hohman, Michael DeMan, Sigurd Larsen and Robert Kocsis, does not clearly appear in the transcript presented to us. Evidence of that meeting, through the testimony of Kim Moore, appears at Tr. 2058-61. Unfortunately, the transcript does not contain the contents of the prior testimony of Ms. Moore elicited at the trial of State v. DeMan, No. 1JU-81-477 Cr., and played for the jury in State v. Hohman. (Tr. 2060.) During that earlier testimony it was much clearer that the participants in the meeting were Senator Hohman, as well as DeMan, Larsen and Kocsis. The jury was instructed that it could consider prior testimony as substantive evidence for the truth of the matter previously testified to. (Instruction No. 8.)

We hope that this summary of evidence has been responsive to your request. If you have any questions, feel free to contact us.

Very truly yours,

WILSON L. CONDON  
ATTORNEY GENERAL

By:

  
Daniel W. Hickey  
Chief Prosecutor

DJG:lb

1 IN THE ALASKA STATE SENATE COMMITTEE ON RULES

2 ALASKA STATE LEGISLATURE

3 IN THE MATTER OF )  
4 GEORGE H. HOHMAN, JR., SENATOR )  
5 \_\_\_\_\_ )

6 SUMMARY OF THE EVIDENCE PRESENTED IN  
7 THE TRIAL OF STATE V. HOHMAN

8 On May 2, 1980 Representative Edward Russell  
9 Meekins, Jr., came to law enforcement authorities for the  
10 State of Alaska and alleged that he had been offered a sum  
11 of money by Senator George H. Hohman, Jr., in return for his  
12 vote and assistance on a proposed appropriation then pending  
13 before the Alaska State Legislature. A special grand jury  
14 was convened in Juneau to investigate this allegation. The  
15 context within which the allegation arose was the legislature's  
16 consideration of House Bill 60, a supplemental capital  
17 budget which was pending before a free conference committee  
18 in April and May, 1980. The subject of the bribery was a  
19 proposed appropriation within HB 60 for the purchase of two  
20 Canadair CL-215 fire fighting airplanes.

21 The evidence before the grand jury established,  
22 among other things, that four private conversations occurred  
23 during which Senator Hohman offered to share, with Representa-  
24 tive Meekins, a sum of money if the appropriation passed.  
25 Those conversations took place on May 1, twice on May 2, and  
26 again on May 7. The evidence consisted of the sworn testimony  
27 of many witnesses as well as the business records, of airline  
28 companies and telephone companies, and other documents.

29 After lengthy delays as the result of petitions to  
30 the Alaska Supreme Court to obtain the testimony of a witness  
31 who had refused to testify, the grand jury returned a two-  
32 count indictment against George Hohman for bribery under AS  
33 11.56.100 and bribe receiving under AS 11.56.110. Three  
34 other individuals were also indicted on bribery or perjury

DEPARTMENT OF LAW — CRIMINAL DIVISION  
ATTORNEY GENERAL, STATE OF ALASKA  
POUCH KC, JUNEAU, ALASKA 99811  
PHONE (907) 465-3428

1 charges.

2 On December 24, 1981, after a three week trial, a  
3 jury of twelve persons returned verdicts of guilty on both  
4 counts of the indictment against Senator Hohman. The defendant's  
5 motion for a judgment of acquittal or, in the alternative,  
6 for a new trial, was denied by the superior court. This  
7 document summarizes the evidence adduced during that trial.

8 Introduction

9 During the 1980 session of the Alaska State Legis-  
10 lature a free conference committee was formed to consider  
11 House Bill 60, a supplemental capital budget. The members  
12 of the free conference committee from the House were Russ  
13 Meekins, Co-Chairman, Jim Duncan, and Joe Montgomery. The  
14 Senate members were George Hohman, Co-Chairman, Jay Kerttula,  
15 and Glen Hackney. (Tr. 1255.) The size of this supplemental  
16 capital budget was many times larger than any previous  
17 capital budget, about 550 million dollars. (Tr. 1239.) The  
18 committee's work during April and May of 1980, proceeded by  
19 fits and starts. On a number of occasions appropriations  
20 were tentatively approved, only to have numerous changes  
21 made. (Tr. 1264-65.)

22 Among the hundreds of appropriations proposed  
23 during consideration of HB 60, there was included a 2.1  
24 million dollar request submitted by the Administration for  
25 leasing fire suppression aircraft by the Department of  
26 Natural Resources. The Administration had originally proposed  
27 a 5 million dollar supplemental capital appropriation for  
28 the purchase of two Canadair CL-215 airplanes in Senate Bill  
29 345, but had changed that request to 2.1 million dollars for  
30 leasing in response to criticism of state purchase of aircraft.  
31 During the course of the committee's work a two section  
32 appropriation in a total amount of \$805,000 was included and  
33 was to be used as a down payment for the purchase of the  
34 planes with maintenance and operation to be contracted out

1 to private enterprise. That approach became known as the  
 2 "hybrid" proposal because although it complied with the  
 3 Administration's desire to purchase the airplanes, it also  
 4 satisfied concerns expressed by some legislators that the  
 5 state ought not to be in the business of running airplanes.  
 6 The hybrid language was, however, still product-specific in  
 7 that it specified Canadair CL-215 aircraft. (Tr. 1252-63.)

8 During free conference committee consideration of  
 9 HB 60 the Governor's request concerning fire suppression  
 10 aircraft was discussed on April 11, 12, 26, 27 and May 8 and  
 11 9, 1980. The hybrid proposal was first presented on April  
 12 26 by Bob Grogan, a fiscal analyst for the Legislative  
 13 Affairs Agency. (Plaintiff's Ex. 58.) Mr. Grogan had  
 14 worked up the proposal as a "compromise" at the direction of  
 15 Representative Meekins. (Tr. 1256-64.)

16 On April 27, Senator Hohman moved and asked unanimous  
 17 consent for the adoption of the hybrid language for the  
 18 purchase and private lease of Canadair CL-215's, and the  
 19 proposal was adopted. (Plaintiff's Ex. 58, p. 21, Vol. III-  
 20 D.) Shortly thereafter the committee tentatively approved a  
 21 final list of appropriations to be included in HB 60 and  
 22 sent it to the Legislative Affairs Agency for typing and  
 23 technical amendments, although as indicated by Senator  
 24 Hohman during his testimony at trial, a substantial amount  
 25 of work was still to be done by the committee. (Tr. 3246-  
 26 47.)

27 The First Conversation - May 1

28 Late in the afternoon of May 1, Representative  
 29 Meekins met with Mr. Grogan to discuss the CL-215 appropria-  
 30 tion and decided that a change in the language of the appropria-  
 31 tion would assist in resolving the lease versus purchase  
 32 issue. This language change was made pursuant to a previous  
 33 termination by the committee that permitted changes as  
 34 long as they did not affect the dollar amount or purpose of

1 an appropriation. (Tr. 1277.) The language change, which  
2 became known as the "discretionary" language, removed the  
3 reference to a specific type of airplane and allowed the  
4 Department of Natural Resources to spend the money in its  
5 discretion for fire suppression. (Tr. 1270-75.) Mr. Grogan  
6 subsequently sought the advice of Jay Hogan, director of the  
7 legislative finance division, who agreed that the amendment  
8 discussed with Representative Meekins was a technical one  
9 since the amount of the appropriation and the recipient of  
10 the appropriation would not be changed. Mr. Grogan, with  
11 the approval of Mr. Hogan, agreed to draft "discretionary"  
12 language, with the understanding that Representative Meekins  
13 would inform the committee of the change at the next free  
14 conference hearing. (Tr. 1276-77; 2614-22; 2860-61.)

15 The change in language requested by Representative  
16 Meekins was the result of discussions he had had with a  
17 number of legislators who had reviewed the working draft of  
18 HB 60. In particular, Representative Meekins had spoken  
19 with Joe Montgomery, as well as Rick Halford and Bill Sumner.  
20 Meekins knew that Halford and Sumner had a great deal of  
21 experience with aircraft and he respected their opinions in  
22 matters dealing with airplanes. Both Halford and Sumner had  
23 strongly criticized the air worthiness and other capabilities  
24 of the CL-215s. (Tr. 1265-68.) Senator Sumner's conversation  
25 with Representative Meekins had, in fact, taken place at  
26 about 2:30 p.m. on the afternoon of May 1, just a couple of  
27 hours before Meekins discussed a change in the language with  
28 Bob Grogan. (Tr. 1268.)

29 During Senator Sumner's conversation with Russ  
30 Meekins at 2:30 p.m. on May 1, Senator George Hohman was  
31 present. Senator Sumner argued very strongly that the CL-  
32 215 appropriation should be deleted and that other planes  
33 should be leased. Representative Meekins expressed sympathy  
34 for Senator Sumner's concerns. (Tr. 1269.) Senator Hohman

1 made no comment at the time. (Tr. 1268-69.) Within the  
 2 next two hours following the Sumner conversation with Meekins  
 3 and Hohman, there were a number of phone calls made between  
 4 California, Juneau and Anchorage. The telephone calls with  
 5 California were to and from the home and office of one  
 6 Sigurd E. Larsen, the North American sales representative  
 7 for Canadair CL-215 airplanes. The calls made to and from  
 8 Anchorage were with phones associated with Arthur F. "Chip"  
 9 Kelly, a Western Airlines employee who had also been employed  
 10 as a part consultant by Larsen and Canadair, and to General  
 11 Conrad Necrason, Kelly's father-in-law, and the head of the  
 12 Alaska National Guard, the agency that was originally slated  
 13 to operate and maintain the CL-215 aircraft for the State of  
 14 Alaska. The calls made to and from Juneau were from Senator  
 15 Hohman's office or from Michael DeMan's room at the Baranof  
 16 Hotel, where he was staying at the time. (Plaintiff's Ex.  
 17 56A and B, Vol. III-D.). One of those calls was placed by  
 18 Michael DeMan to General Necrason. DeMan requested that  
 19 Necrason lobby Joe Montgomery, who had become, earlier that  
 20 day, adamantly opposed to the CL-215s. General Necrason  
 21 refused to do so. (Tr. 1266; 2763.)

22 At 7:23 p.m. on May 1, Michael DeMan called  
 23 Larsen's home in California from the Baranof Hotel, and  
 24 spoke for eight minutes. (Plaintiff's Ex. 56B, Vol. III-D.)  
 25 An hour and a half later, at a fundraiser for Representative  
 26 Jack Fuller, Senator Hohman called Representative Meekins  
 27 aside and brought up the subject of the airplanes. Senator  
 28 Hohman said that before a decision was made, he ought to  
 29 make a phone call because there was a possibility of substantial  
 30 campaign donations in it for him and Representative Meekins.  
 31 Representative Meekins was surprised by the statement and in  
 32 trying to reject the request in a tactful manner stated that  
 33 it wouldn't be possible to do that because he had already  
 34 made a change and it was too late to do anything about it.

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1 Representative Meekins then told Senator Hohman about the  
2 language change he had discussed with Bob Grogan. (Tr.  
3 1279-83.) An hour and a half later Michael DeMan called  
4 Chip Kelly's home in Anchorage from the Baranof Hotel, and  
5 spoke for twelve minutes. (Plaintiff's Ex. 568, Vol. III-  
6 D.)

7 The Second Conversation - Morning of May 2

8 Representative Meekins was disturbed by the conversa-  
9 tion with Senator Hohman. The next morning, May 2, he  
10 decided that he should tell the Speaker of the House, Terry  
11 Gardiner, and went to the speaker's office to do so. (Tr.  
12 1284-85). However, before he was able to talk to Representative  
13 Gardiner alone, Senator Hohman entered the office and motioned  
14 Representative Meekins aside. Senator Hohman brought up the  
15 subject of the airplanes and said "it's twenty thousand, ten  
16 thousand for you and ten thousand for me." The two legislators  
17 walked into the hallway and stopped in front of the cloakroom.  
18 Senator Hohman then brought up the subject again and said  
19 that they had to do two things. He said that they had "to  
20 hold the language in regards to the airplane appropriation,  
21 and do the pollution control thing". Representative Meeki's  
22 asked him what he meant by pollution control but didn't  
23 understand his reply. The Senator then said something about  
24 thirty thousand dollars but corrected himself and repeated  
25 the twenty thousand dollar figure. (Tr. 1286-88.)

26 Representative Meekins was extremely disturbed and  
27 related the conversation with Senator Hohman to his aides,  
28 John Crandall and Mike Doogan, and to the governor's executive  
29 assistant, Jerry Reinwand, and the Attorney General. (Tr.  
30 1289-92.)

31 About an hour after the conversation, calls were  
32 made from Senator Hohman's office to Sigurd Larsen's home  
33 and office in California. At about that time Rob Kocsis,  
34 Senator Hohman's aide, talked to Nancy Harvey (now Meekins)

1 an administrative assistant to the Free Conference Committee  
2 on HB 60. Kocsis told her that it was very important that  
3 the language in HB 60 relating to the CL-215s be left as it  
4 was at that time. (Tr. 2001; 2005.) A half hour later Rob  
5 Kocsis, at Senator Hohman's request, called Ted Smith,  
6 Director of the Division of Forest, Land and Water Management,  
7 in Anchorage. (Tr. 3269; Plaintiff's Ex. 56C, Vol. III-D.)  
8 Kocsis read Smith the discretionary language and asked him  
9 what he would do if the appropriation passed without the  
10 specific reference to Canadair CL-215s. Smith told Kocsis  
11 that he still intended to purchase the CL-215s (Tr. 2372-  
12 73; 1925-1933.)

13 The Third Conversation - Afternoon of May 2

14 Later in the afternoon on May 2, at about 5:00  
15 p.m., as a result of his meeting with Attorney General  
16 Gross, Representative Meekins went to Senator Hohman's  
17 office. In the Senator's inner office, with the doors  
18 closed, Representative Meekins told him that "I want to get  
19 something straight with you. I don't want anything to do  
20 with the purchase or lease or whatever of the bombers. I  
21 think its illegal, it's immoral, it's wrong, I don't want to  
22 participate. I don't want anything to do with it. I don't  
23 want to get involved." (Tr. 1302-03.) A discussion ensued  
24 about the airplanes and Representative Meekins also said  
25 "it'll come back to legally bite us." Senator Hohman then  
26 responded by saying that "it can be done in such a way that  
27 there would be little risk." (Tr. 1304.)

28 Senator Hohman also said that all they had to do  
29 was to hold the language and that would be worth twenty  
30 thousand split three ways, and the pollution control thing  
31 would be worth ten thousand. Senator Hohman said that "the  
32 department is about ready to do something that ... a certain  
33 person would very much appreciate, and his appreciation  
34 would show itself to the tune of twenty thousand dollars".

1 Senator Hohman said that the appropriation for the purchase  
2 of the airplane's "yields" twenty thousand and the pollution  
3 control thing "yields" ten thousand. (Tr. 1305-06.) At  
4 this time Representative Meekins was not aware that the CL-  
5 215s, with additional equipment, were capable of spreading  
6 chemicals over oil spills to eliminate oil pollution.  
7 Sigurd Larsen was in fact pushing that aspect of the CL-215s  
8 very hard and went to Alaska in late April to educate legislators  
9 on the oil spill capabilities of the aircraft. (Tr. 2188-  
10 97.)

11 During the conversation, Representative Meekins  
12 continued to reject the offer saying that it was illegal and  
13 wrong. He also said that he already had twenty thousand  
14 dollars in his campaign and didn't need the money. Senator  
15 Hohman responded and said "You have twenty thousand dollars?  
16 Well, I'm forty thousand dollars in the hole." (Tr. 1307.)

17 At some point in the conversation the Senator  
18 called his aide, Rob Kocsis, to come into the room. The  
19 reason that Kocsis was called was because there was a question  
20 about what language was in the bill and what it needed to  
21 be. The Senator said that holding the language would be  
22 easier than some other move, and that Rob Kocsis knew all  
23 about the language. When Kocsis came into the office he  
24 showed Meekins the draft containing the product-specific  
25 "hybrid" language for purchase and private lease of the CL-  
26 215s. Meekins told him that that was the old draft and it  
27 was not what they were talking about. At this point Representa-  
28 tive Meekins got up and walked out of the office. Senator  
29 Hohman followed him out and said "Rob doesn't know anything  
30 about this." (Tr. 1306-08.)

31 The Fourth Conversation - May 7

32 During the next several days, Representative  
33 Meekins met with a number of his advisors and also with  
34 private counsel. On May 6 Meekins again met with the attorney

1 general, who had just returned to Juneau that day from a  
2 brief trip. At that meeting prosecuting attorneys from the  
3 criminal division of the Department of Law were called in.  
4 Representative Meekins related the substance of his conversations  
5 with Senator Hohman, agreed to cooperate in an investigation  
6 and was asked to wear a hidden microphone to record a further  
7 conversation with Senator Hohman. He agreed to attempt to  
8 have an additional conversation with the Senator in order to  
9 find out whatever additional information he could about the  
10 third person with whom the money was to be split but was  
11 unwilling to wear a recording device. (Tr. 1308-12.)

12 Representative Meekins was unsure how to approach  
13 Senator Hohman since he had rejected the offer only a few days  
14 earlier. It was agreed that Representative Meekins should again  
15 tell Senator Hohman about legislative opposition to the CL-  
16 215 appropriation and that he was becoming afraid. In the  
17 late afternoon of May 7, Meekins again talked privately with  
18 Senator Hohman in the senator's inner office. With Representa-  
19 tive Montgomery's approval, Representative Meekins told the  
20 Senator that Joe Montgomery still felt very strongly about  
21 the airplane appropriation and that he (Meekins) was nervous  
22 and was worried that it was going to get out. The Senator  
23 responded "No, your ass isn't hanging out at all." The  
24 Senator said that he would just swear that he didn't know  
25 anything, and that he (Meekins) would say he didn't know  
26 anything and nothing would ever happen. (Tr. 1313-15.) The  
27 senator also said that he didn't solicit this, that someone  
28 had just come into his office and approached him. (Tr. 1315.)

29 Representative Meekins then expressed concern that  
30 the third person was a legislator and indicated that he felt  
31 that some legislators couldn't be trusted. At this point  
32 Senator Hohman said "No, no, it's not a legislator, its just  
33 a person who happened to be sitting next to another person  
34 on an aiplane." Senator Hohman indicated that one person

1 got off the airplane to stay in Juneau and the other person  
 2 continued on. Also, Senator Hohman said that the person who  
 3 continued on was willing to pay large sums of money, if  
 4 certain things happened and the person who got off the plane  
 5 and stayed in Juneau was the intermediary with whom the  
 6 money would be split and that that person was trustworthy.  
 7 (Tr. 1315-16.)

8 Representative Meekins also told Senator Hohman  
 9 that he was concerned about twenty thousand dollars going  
 10 into a campaign account because the law says one person can  
 11 only make a thousand dollar donation. Senator Hohman then  
 12 said "No, it doesn't have to go into the campaign." Senator  
 13 Hohman then hesitated and held out his hands as though he  
 14 was holding something and said "it'll just be a sack full of  
 15 money." (Tr. 1317-18.)

16 The conversation ended with Senator Hohman saying  
 17 that if it did get in, in a couple of months down the road  
 18 there would be some money coming in and at that time Repre-  
 19 sentative Meekins would have a decision to make as to whether  
 20 or not he was going to accept the money. The meeting on the  
 21 afternoon of May 7 was the last private meeting between  
 22 Representative Meekins and Senator Hohman. (Tr. 1319.)

23 Evidence Independent of the Conversations

24 Immediately after this fourth conversation with  
 25 Senator Hohman, Representative Meekins went "to a prearranged  
 26 meeting to describe exactly what had transpired". (Tr.  
 27 1320.) On May 9 Representative Meekins met with prosecuting  
 28 attorneys from the Department of Law and investigators from  
 29 the Department of Public Safety and gave a comprehensive  
 30 statement concerning all of the meetings with Senator Hohman.  
 31 He told them about the description that Senator Hohman had  
 32 given of the third person as someone who had been sitting on  
 33 an airplane with someone else who was "willing to pay large  
 34 sums of money if certain things happened" and who "continued

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on, presumably to Seattle". (Tr. 1316.)

What Representative Meekins did not know at the time, and what was only discovered later through an investigation by the grand jury, was that on April 29, Senator Hohman's longtime friend and business associate, Michael DeMan, had met with Sigurd Larsen in Anchorage at a breakfast meeting at the Sheraton Hotel. That meeting had been arranged by Chip Kelly, DeMan's neighbor, for the purpose of asking DeMan to assist in legislative efforts concerning the sale of the airplanes. Larsen had flown to Anchorage the day before specifically for the purpose of this meeting. Larsen asked DeMan to introduce him to legislators, including Senator Hohman, and to help him with the legislation for the purchase of the CL-215s. (Tr. 2193-97.) During the course of the breakfast meeting DeMan made a phone call from the pay phone at the Sheraton Hotel which was billed to his home phone. DeMan phoned Senator Hohman's office and left the following message:

Phone Message for: Sen.  
M. Mike DeMan  
telephoned.  
Message: Would like to meet w/ you Wed. 4/30  
afternoon re: H.B. 60 5,000,000 fire  
suppression Sig Larsen Canadair (builds planes)  
lv message [at] # if answer is no,  
phone: 688-9092 Date: 4/29 Time: 10:45

(Plaintiff's Ex. 56, Vol. III-D.) That night DeMan called Senator Hohman's office at 10:16 p.m. for 4 minutes, asked one of Senator Hohman's aides, Kim Moore, about the CL-215 appropriation and asked to speak to the Senator. He called again at 10:56 p.m. for 10 minutes. (Plaintiff's Ex. 56B, Vol. III-D.)

The next day, April 30, just one day before Senator Hohman first approached Representative Meekins, DeMan and Larsen flew from Anchorage to Juneau on Alaska Airlines Flight 62. DeMan stayed in Juneau and Larsen continued on to Seattle a few hours later in order to return

1 to Los Angeles the following day. Larsen did, however, come  
2 into downtown Juneau for a short period and went to the  
3 Senate Finance Room with DeMan to be introduced to Senator  
4 Hohman. (Tr. 2206-10; 2531.) That day DeMan and Larsen had  
5 a closed door meeting with Senator Hohman in his inner  
6 office. Rob Kocsis entered the meeting a short while later.  
7 (Tr. 2058-61.) Michael DeMan has persistently maintained  
8 that he never spoke with Senator Hohman about the CL-215  
9 appropriation or about Sigurd Larsen. He has also maintained  
10 that he never tried to set up an appointment with Senator  
11 Hohman about the planes and that he did not assist Larsen  
12 with the legislation. (Tr. 2577-80.) He was previously  
13 found guilty of perjury by a jury at his own trial for  
14 testifying under oath before the grand jury to these facts.  
15 (Tr. 2580-81.) Senator Hohman likewise maintains that he  
16 "never talked to Michael DeMan about the CL-215's". (Tr.  
17 3255.)

18 As salesman for the CL-215s, Larsen stood to gain  
19 a fifteen thousand dollar commission for each plane sold, or  
20 a total of thirty thousand dollars for the sale of the two  
21 planes proposed in HB 60. (Tr. 2167.) Larsen visited  
22 Senator Hohman's office on several occasions. (Tr. 1860;  
23 2036-40; 2057.) However, as of May, 1980, Larsen had only  
24 contacted Senator Hohman's office, or any of the members of  
25 the free conference committee for HB 60. Larsen was acting  
26 on the advice of Senator Hohman's office and was guided by  
27 their recommendations. Larsen had even told Ted Smith that  
28 he could be contacted in Juneau either at his hotel or at  
29 Senator Hohman's office. (Tr. 2374-75.)

30 During his stay in Juneau, in late April, Michael  
31 DeMan had lunch with Kim Hutchinson, among others, at Lew  
32 Dischner's table at the Baranof Hotel. During the course of  
33 that lunch, DeMan mentioned that he was helping a neighbor  
34 in securing passage of legislation to purchase CL-215 aircraft

1 and that he stood to make money if the legislation passed.  
2 At that time, DeMan mentioned the figure twenty thousand  
3 dollars and also indicated that "George" was also interested  
4 in the legislation. (Tr. 2994-98.)

5 Final Action On The Appropriation

6 The day following the May 7 conversation between  
7 Representative Meekins and Senator Hohman, Michael DeMan  
8 again flew to Juneau and attended a lengthy free conference  
9 committee meeting on the CL-215s. (Tr. 2571-76.) During  
10 that hearing Representative Meekins moved to delete the  
11 "hybrid" language and called the committee's attention to  
12 the discretionary language that had been drafted by Bob  
13 Grogan. (Tr. 1278; Plaintiff's Ex. 58, p. 22-54.) Rob  
14 Kocsis, who attended the hearing, said he thought it was a  
15 serious "breach of legislative ethics" for Meekins to request  
16 such a change in the language of the draft bill. (Tr. 1967-  
17 68.) In response to a series of questions by the state to  
18 demonstrate that there was nothing improper or out of the  
19 ordinary in Representative Meekins' actions, Kocsis also  
20 testified that the fact that a similar request was made by  
21 Senator Kerttula would not surprise him and offended him.  
22 (Tr. 1991-92.)

23 During the free conference committee hearing of  
24 May 8 Senator Hohman requested the administration's position  
25 on the CL-215s and ultimately Jerry Reinwand appeared before  
26 the committee. Mr. Reinwand made a rather terse statement  
27 before the committee indicating that the administration had  
28 problems with the appropriation. (Plaintiff's Ex. 58, p.  
29 51; Tr. 1322-24.) The next day, May 9, there was a motion  
30 to delete the appropriation made by Representative Meekins  
31 and Senator Hohman asked for unanimous consent. (Tr. 1326.)  
32 HB 60 was passed out of committee that day without any  
33 appropriation for CL-215s. That night Michael DeMan flew  
34 back to Anchorage. (Tr. 2571; Plaintiff's Ex. 56F, Vol. III-D.)

1 Subsequent Legal Proceedings

2 In mid-May 1980, a grand jury was convened and an  
3 investigation was undertaken. The grand jury heard testimony  
4 from over 50 witnesses, and reviewed thousands of pages of  
5 documents, including travel records, phone records, and  
6 various pieces of legislation. Senator Hohman's aides, Kim  
7 Moore and Helen Dickson, were subpoenaed, but before they  
8 testified they had a meeting with the Senator and Rob Kocsis.  
9 Moore and Dickson were advised not to volunteer information  
10 before the grand jury, but just to answer specific questions.  
11 (Tr. 2065-67; 1941-42.) The grand jury indicted Senator  
12 Hohman on charges of bribery and bribe receiving. Michael  
13 DeMan was indicted on 11 counts of perjury. Chip Kelly was  
14 indicted on six counts of perjury. Sigurd Larsen was indicted  
15 on three counts of perjury and two counts of bribery.

16 After a lengthy trial in September and October of  
17 1981, Michael DeMan was convicted of five counts of perjury.  
18 As a result of rulings by the superior court, Larsen and  
19 DeMan were granted transactional immunity in order to obtain  
20 their testimony in State v. Hohman. The indictments against  
21 them were dismissed over the objection of the state. In the  
22 case of Michael DeMan the convictions for perjury were  
23 vacated, again over the objection of the state.

24 During their testimony in State v. Hohman, Michael  
25 DeMan and Sigurd Larsen continued to deny any involvement in  
26 or knowledge of a bribery scheme relating to the CL-215s.  
27 Sigurd Larsen also had given the same testimony in State v.  
28 DeMan, and verdicts of guilty were returned on five counts  
29 of perjury. In Senator Hohman's trial yet another jury  
30 considered their testimony denying any involvement in or  
31 knowledge of a bribery scheme.

32 In addition, Senator Hohman testified that he was  
33 not a party to a bribe. During the course of his testimony  
34 a number of contradictions and inconsistencies were apparent.

1 He admitted, for example, that he talked to Representative  
2 Meekins on May 1 at the Fuller fundraiser and attempted to  
3 explain that he brought up the subject of the planes because  
4 he wanted to show off his knowledge as a result of a "crash  
5 course" he took on the merits of the CL-215s. However, the  
6 Senator took this "crash course" after April 27, when he  
7 believed the appropriation was already finally adopted as  
8 part of HB 60 at a time when according to his present version  
9 of events he had no reason to be concerned about the appropri-  
10 ation and certainly no reason to involve another legislator  
11 in a bribe. The Senator said that most of the information  
12 he had on the planes on May 1 came from Rob Kocsis. (Tr.  
13 3248-3251.) Kocsis, however, testified that May 2, 1980,  
14 was the first time he had ever seen the appropriation. (Tr.  
15 1913.) Additionally, Senator Hohman stated during the on-  
16 record proceedings of the free conference committee on May  
17 8 that he had not read the backup material for the appropriation.  
18 (Tr. 3318, 3320-22.)

19 Senator Hohman also said that on May 1 he discussed  
20 with Meekins possible campaign contributions as a result of  
21 the CL-215s (Tr. 3146) even though he had no reason to do  
22 so. (Tr. 3263.) Ultimately, he had no explanation for why,  
23 out of all the many appropriations involved in HB 60, he  
24 discussed the CL-215s with Representative Meekins and mentioned  
25 that there might be campaign contributions. (Tr. 3261.) If  
26 Senator Hohman knew about the merits of the planes on May 1,  
27 and about any potential campaign contributions, he could  
28 have only obtained that information from Michael DeMan and  
29 Sigurd Larsen, who had flown together to Juneau and had met  
30 with him the previous day. However, Senator Hohman maintained  
31 that he never talked with Michael DeMan, Sigurd Larsen, or  
32 anyone at Canadair. (Tr. 3261.)

33 Finally, and most importantly, Senator Hohman  
34 acknowledged that on June 3, 1980, he was told by Attorney

1 General Gross that an investigation was pending and was  
2 urged to get an attorney. Shortly, thereafter, Senator  
3 Hohman told Chuck Kleeschulte, a reporter for the Juneau  
4 Empire, that he had never met privately with Representative  
5 Meekins to discuss the CL-215s. That statement appeared in  
6 a newspaper article on June 4 and Mr. Kleeschulte confirmed  
7 that it was made to him during testimony given at trial.  
8 (Tr. 3454-57.) Senator Hohman testified, however, that he  
9 indeed had had four private meetings with Representative  
10 Meekins concerning the airplane appropriation at the times,  
11 on the dates and in the places testified to by Representative  
12 Meekins.

### 13 Conclusion

14 The argument presented by the state to the jury at  
15 the conclusion of the trial, based on all of the evidence  
16 presented, was as follows: You should not convict Senator  
17 Hohman simply because you find Representative Meekins'  
18 testimony to be credible and the Senator's not, even though  
19 as a matter of law the testimony of one person is sufficient  
20 in and of itself to support a conviction. Rather, you  
21 should convict Senator Hohman because:

22 1) Critical aspects of Representative  
23 Meekins' testimony consists of details  
24 concerning the bribery scheme and the  
25 identity of its participants that he  
26 learned from his conversations with  
27 Senator Hohman and which he had no  
28 other way of knowing;

29 2) These details are corroborated by  
30 wholly independent evidence, largely  
31 in the form of unimpeachable business  
32 records;

33 3) The defense did not attempt to  
34 explain how Representative Meekins knew  
the things he did independent of the four  
private conversations he had with Senator  
Hohman;

4) Other participants in the bribery scheme  
or its cover up were unable to get their  
stories straight before the grand jury and  
became committed to contradictions between  
each other's testimony, under circumstances

1 where there would not be contradictions  
2 in the absence of a motive to conceal; and

3 5) Other participants are lying about  
4 the specifics of various events and  
5 about claims of a failure to recollect,  
6 under circumstances where only someone  
7 involved in such a scheme would have a  
8 reason to lie.

9 George Hohman was convicted by jury verdict on both counts  
10 of the indictment.

11 DATED at Juneau, Alaska, this 2<sup>nd</sup> day of January,  
12 1982.

13 Respectfully submitted,

14 WILSON L. CONDON  
15 ATTORNEY GENERAL

16 By: *Daniel W. Hickey*  
17 Daniel W. Hickey  
18 Chief Prosecutor

19 and

20 *Dean J. Guaneli*  
21 Dean J. Guaneli  
22 Assistant Attorney General

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STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GEORGE HOHMAN, )  
 )  
 Defendant. )

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JAN 26 1992

Office of Special  
Prosecutions and Appeals

Case No. 1 JU 81-464 CR.

ORDER DENYING DEFENDANT'S MOTION FOR  
ACQUITTAL OR IN THE ALTERNATIVE FOR NEW TRIAL

This Court, having considered defendant Hohman's December 30, 1981 Motion for Acquittal or in the Alternative for New Trial, and accompanying affidavit of counsel, and having further considered plaintiff State of Alaska's January 6, 1982 opposition thereto, and having further considered defendant's request for oral argument and/or a hearing thereon, and being duly advised in the premises,

HEREBY ORDERS that:

(1) Defendant's Motion for Acquittal or in the Alternative for New Trial is DENIED.

(a) To the extent that defendant's alternative motions are based on the length of time of the jury deliberations in this case, the motions are denied with prejudice. Although the presentation of evidence in this case took over two weeks, the indictment herein set forth only two counts alleging felonies, and the case presented the jury with straightforward questions of witness credibility. Under the circumstances, this Court concludes that the length of jury deliberations herein does not reflect jury passion or prejudice which would require setting aside the jury verdicts in this case. See deMars v. Equitable Life Assurance Society, 610 F.2d 55, 65 (1st Cir. 1979) (where a verdict was returned after only thirty minutes of deliberations, the Court of Appeals noted that "We do not

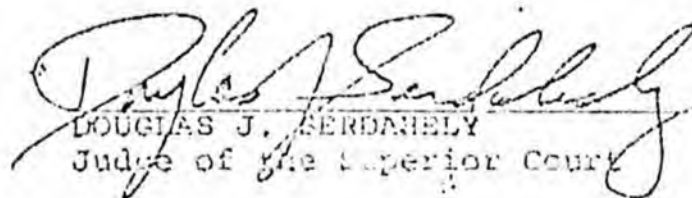
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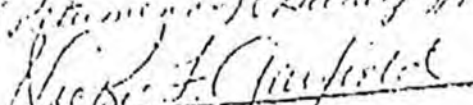
think that passion or prejudice is measured by the time a jury takes to arrive at its verdict."). This Court further concludes herein that reasonable men could differ on the question of whether the defendant's guilt on both counts had been established beyond a reasonable doubt, within the meaning of Criminal Rule 29 and the standard set forth in Gray v. State, 525 P.2d 524, 526 (Alaska 1974).

(b) To the extent that defendant's alternative motions are based on the allegation of juror misconduct, the motions are denied without prejudice. Defendant's motion and supporting affidavit of counsel do not allege any specific instance of juror misconduct. If defendant discovers evidence of juror misconduct, defendant may renew this aspect of his alternative motions at such time. The Court, of course, presently intimates no view as to the merits of any such motion and/or the procedural propriety or timeliness of any such motion.

(2) Defendant's request for oral argument and/or a hearing on the foregoing alternative motions is DENIED. To the extent that defendant's request for a hearing pertains to the allegation of juror misconduct, the Court denies the request without prejudice.

DATED at ANCHORAGE, ALASKA this 26<sup>th</sup> day of January, 1982.

  
DOUGLAS J. SERDAHELY  
Judge of the Superior Court

I certify that on 1/26/82  
a copy of the above was mailed  
to each of the attorneys  
and/or individuals at their  
addresses of record.  
*(Attorneys) (Hickey) (Sibby)*  
  
Vicki F. Garfield  
Secretary to Judge Sordahely

A RESOLUTION OF THE CITY COUNCIL OF Newtok REQUESTING THE MEMBERS OF THE SENATE RULES COMMITTEE AND THE ALASKA STATE SENATE TO TAKE APPROPRIATE ACTION TO ALLOW SENATOR GEORGE HOHMAN TO CONTINUE TO REPRESENT THE CITIZENS OF \_\_\_\_\_, THE YUKON-KUSKOKWIM DELTA AND STATE OF ALASKA.

WHEREAS, Senator George Hohman has been a strong advocate for the people of Newtok and the Yukon-Kuskokwim Delta for seventeen years; and

WHEREAS, Senator Hohman has demonstrated a complete understanding of the problems facing all Alaskans in this time of State-wide transition, and

WHEREAS, Senator Hohman has worked diligently with insight and compassion throughout the years, to resolve many of the problems related to the transition of a culture to the Twentieth Century, and

Whereas, Senator Hohman has tirelessly assisted City of Newtok in planning to meet the demands of the future for City of Newtok the Region and the State of Alaska, and

WHEREAS, the City Council of the City of Newtok recognizes and appreciates the support Senator Hohman has provided throughout the years,

NOWHEREFORE BE IT RESOLVED, that the Newtok City Council requests the members of the Rules Committee to carefully consider the effect of their decision on the people of the Delta and their future, and

BE IT FURTHER RESOLVED, that the Newtok City Council respectfully requests the Senate Rules Committee and the Alaska State Senate to take appropriate action to allow Senator George Hohman to continue to represent the citizens of Newtok, the Yukon-Kuskokwim Delta and the State of Alaska as he has done so admirably for the past seventeen years.

PASSED AND APPROVED:

John Charles  
MAYOR

ATTEST:

Bernice Johnson  
CITY CLERK

1/21/82  
DATE

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

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

REPORT OF SPECIAL COUNSEL

On January 19, 1982, pursuant to referral by the Senate President, the committee commenced hearings to determine if there is cause for the Senate to take action against Senator George H. Hohman, Jr. 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.

Evidence Before the Committee

During the first hearing on January 19, the committee decided to receive, as evidence on the facts and circumstances which resulted in the jury verdicts, the record of the jury trial leading to those verdicts. In addition to the full record of the proceedings at Senator Hohman's jury trial, a summary of the evidence in that record supporting the jury's verdicts prepared by the Criminal Division of the Alaska Department of Law is part of the record in these proceedings. The committee has also heard testimony from Senator Hohman and other witnesses on his behalf and from his attorney.

It is submitted that after a review of the trial record it must be concluded that there is a substantial factual basis for the jury's verdicts. Accordingly, there is no reason why those verdicts should not be accepted by this committee in establishing Senator Hohman's guilt of the crimes of bribery and receiving a bribe. It is also submitted that the facts set out in the trial record constitute a separate basis from which to conclude that Senator Hohman committed those crimes.

#### Senator Hohman's Duties and Violation of Those Duties

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". Alaska Constitution, Article XII, Section 5; AS 24.05.060. 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.

#### Recommended Sanction

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". Alaska Constitution, Article II, Section 12. In a similar fashion, the United States Constitution provides that "each house may . . . with the concurrence of two-thirds [of its members] expel a member". U.S. Constitution, Article I, Section 5, Clause 2. 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". In re Chapman, 166 U.S. 661 (1897). See also, U.S. v. Brewster, 408 U.S. 501 at 522 and 541 (1972). 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. Alaska Constitutional Proceedings at 3868 - 3869.

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 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. Before voting to recommend or impose any sanction, the committee and the Senate must ascertain that there is a "rational evidentiary basis" for the action taken. Bond v. Floyd, 385 U.S. 116 (1966); Powell v. McCormack, 395 U.S. 486 (1969).

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.

Based upon the evidence presented at trial, and alternatively, based upon the jury's verdicts finding Senator Hohman guilty of bribery, it is the recommendation of the committee's counsel 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 the further recommendation of committee counsel that this committee propose a resolution for the expulsion of Senator Hohman. The jury's verdicts, and independently of those verdicts the evidence before this committee, clearly establish that Senator Hohman has intentionally violated the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body.

January 30, 1982



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William T. Council  
Special Counsel