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Daily News - Miner

Tensions mount over Palin's pick for attorney general

By [Rena Delbridge](#)

Published Thursday, April 16, 2009

JUNEAU — Legislators are expecting an impassioned argument today as they decide whether to confirm Gov. Sarah Palin's controversial choice for attorney general.

Many Democrats were outspoken already against the pro-gun, anti-abortion Wayne Anthony Ross, but the opposition became bipartisan and more vehement Wednesday morning after learning more about Ross' involvement Palin's pick for an open Senate seat.

Palin's office and Ross confirmed the governor consulted him before sending a list of three candidates to Senate Democrats to fill a vacant seat in that body. But a legal opinion issued Wednesday said that's not complying with state law.

Soon after, Ross told reporters in Juneau that the most important business before lawmakers was to stop worrying about what is and is not within the law and simply appoint a Juneau senator.

"It's conceivable (Ross) may be failing his first big test as an attorney general," said Sen. Hollis French, D-Anchorage. French requested the legal opinion. "In my view, it's damaging to his credentials as an independent attorney general."

The matter isn't as serious to others.

"I'm not going to make my decision based on something somebody said they heard," said Sen. Gene Therriault, R-North Pole. "Certainly, the areas of the statute that deal with this are a little bit murky. They are subject to some interpretation."

Sen. Joe Thomas, D-Fairbanks, said Ross' comments to reporters will influence votes, although he sees deeper issues.

"I did have concerns as we went along about his limited legal experience regarding

constitutional law and petroleum tax laws," Thomas said. "I asked him about that directly, and he said he had none, basically. That verified my concerns."

Thomas said he's inclined to vote against confirmation.

"I strongly believe the governor has the right to pick somebody that's of the same philosophical opinions as she is," he said. "But I also have my concerns for where the state is headed, depending on some of those opinions the attorney general may have."

He and other legislators aren't sure Ross will be confirmed. Sen. Joe Paskvan, D-Fairbanks, said the prospective attorney general's comments on Palin's Senate seat appointees should be "a cause of concern to not just the Democrats, but Republicans, as to whether the appropriate procedure is being followed."

"I expect there to be objection," Therriault said. "It could be a very close vote."

Rep. Jay Ramras, R-Fairbanks, chairs the House Judiciary Committee, which also held confirmation hearings on the Ross appointment.

"The murmurs around the building is that his confirmation is in jeopardy, but at this point, I still intend to be a yes vote for him," Ramras said. "But I think this foretells the larger than life relationship that he is going to have with the governor and with the state. We're in for a colorful, bumpy ride."

Legislators will meet in joint session today to vote on a long list of Gov. Palin's appointments to state boards and commissions.

Some are expected to prove controversial, particularly a nominee to serve on the state's fish board.

Brent Johnson of Clam Gulch doesn't sit well with some people in the Interior, who fear they would be left without regional representation on the board and who would tip the board's balance in favor of commercial, instead of sport fishing, groups.

Therriault said the appointment upsets a traditional, but not required, board balance between regions, which makes the nomination "contentious."

He said he'll make a decision how to vote after the "impassioned arguments" on the floor today.

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Senate vacancy flap entangles AG nominee**ROSS: Nominee's advice on filling seat threatens confirmation.**By SEAN COCKERHAM
scockerham@adn.com

(04/15/09 22:05:13)

JUNEAU -- Gov. Sarah Palin late Wednesday reappointed Tim Grussendorf to the open state Senate seat in spite of Senate Democrats already rejecting him for the job. The ongoing war between lawmakers and Palin over the seat is now spilling into other areas, including her choice for attorney general.

Palin's appointee for Alaska attorney general, Wayne Anthony Ross, is up for a confirmation vote of the Legislature today. Lawmakers said Wednesday that Ross' chances are being jeopardized by his role in the fight over the Senate seat, and that they now expect the vote on his confirmation to be close.

"The conversation (about Ross) in the halls today has changed as a result of the legal advice he supposedly provided Gov. Palin with respect to this Senate vacancy replacement. ... It brings the question back up again as to whether the attorney general ought to be neutral and serve on behalf of Alaskans as opposed to serving at the pleasure of the governor," said Anchorage Republican Sen. Lesil McGuire, who said she will still likely vote in favor of Ross.

The conflict is over a state Senate seat vacant since March 2, when longtime Juneau Democratic Sen. Kim Elton resigned for a job in the Obama administration. The law says Palin needs a majority of the nine Senate Democrats to approve her pick for Elton's replacement. They rejected her first two picks, Grussendorf and Joe Nelson. Palin then re-submitted the names of Grussendorf and Nelson on Tuesday night, along with that of Alan Wilson, a Juneau contractor opposed in part because he just became a Democrat on March 4. The governor said Senate Democrats could choose among them.

But legislative lawyer Pam Finley wrote a memo Wednesday saying "the governor's presenting more than one name at a time to fill a vacancy in the state Legislature does not comply with state law." Ross signed off on Palin submitting multiple names and he raised eyebrows in the Legislature with his reaction to a reporter Wednesday morning when first shown the memo calling it illegal.

"It seems to me the most important thing that can be done by the Senate is not argue with legal or illegal but to appoint somebody to represent Juneau," he said.

Anchorage Democratic Sen. Hollis French gave a speech on the Senate floor calling that a "very troubling suggestion from the attorney general that we ignore the law."

Ross also said Wednesday morning he needed to review the memo that said Palin's submission of multiple names wasn't legal. Then, late Wednesday, Palin sent a new letter to the Senate saying she wanted to "eliminate confusion" and make clear that she meant to forward the names of the three candidates in order of her preference -- not as one batch.

Palin said in her new letter that she was re-appointing Grussendorf. And said that, if the Senate

Democrats reject him again, then she was appointing Nelson. And -- if Nelson is rejected again -- Palin said she was appointing Wilson.

The Legislature's legal opinion said it was unclear if Palin could appoint someone previously rejected, although it said if state law "were interpreted in line with the clear intent that the governor appoint someone who has not already been rejected, a second appointment of Mr. Grussendorf would also be improper."

It was also not clear Wednesday night if Senate Democrats might now vote on Grussendorf -- or if he has any more support than he did when they rejected him in a closed door meeting March 31. Some opposed Grussendorf because he was a registered Republican until just a few weeks ago, although Grussen- dorf says that was a mistake by the Division of Elections and he had meant to be registered as undeclared before switching back to Democrat so that he could qualify for the appointment to the state Senate.

Grussendorf is chief of staff to Bethel Democratic Sen. Lyman Hoffman, one of the most influential senators as a budget writer. Hoffman argues Grussendorf has experience with legislative work and could be ready to step in right away. He gave a little smile when asked if Grussendorf now has enough support.

"I don't know," he said.

There are just four days remaining before the Legislature is to adjourn for the year. The issue today will be whether Ross has majority support in the full Legislature needed to be confirmed as attorney general. Ross conceded his involvement in the flap over the open state Senate seat is going to make it harder.

"I get involved in this kind of donnybrook, I probably won't get any votes from the people that disagree with me. So I may be through tomorrow afternoon, who knows?" Ross said Wednesday morning. "But I'm hoping I'll get a chance to be confirmed."

Ross said a 1987 legal opinion indicates the method of Senate Democrats' rejection of Grussendorf and Nelson wasn't valid. The 22-year-old opinion challenges existing state law on confirmations -- which is the way many currently serving in the Legislature were confirmed, including Palin appointee Rep. Wes Keller.

Palin is not pressing the 1987 legal issue, but Ross said she is giving senators a chance to reconsider the rejections, as well as consider the new name of Wilson.

"One of the things I'd like to do as attorney general is, if confirmed, is to get more dialogue going between the people and quit having barbs thrown at the governor all the time when she's trying to get representation for the people of Juneau," Ross said.

Senate Majority Leader Johnny Ellis said Ross' confirmation is now in question.

"It's an open question in the minds of most people," said Ellis, an Anchorage Democrat. "It had looked like he would have plenty of votes to be confirmed in spite of some of the feelings. But this is Exhibit A against his statement that he would be an independent attorney general and stand up for the law."

There are more Republicans than Democrats in the Legislature, though. Republican Senate President Gary Stevens said he thinks the Republicans will stick with Ross. McGuire said she still believes it is a governor's prerogative to select an attorney general.

To: All Members of the Alaska State Legislature

From: Wayne Anthony Ross *WAR*

Re: Confirmation for the Position of Attorney General

Date: 15 April 2009

I have been advised that there is now a rumor circulating that I have advocated or implied that the law should be ignored when the Senate takes up the issue of approving the Governor's appointment to fill the vacant Senate seat for Juneau. I am also advised that someone indicated on the floor of the Legislature that I made such a statement. That rumor is totally false.

Since assuming the responsibilities as Attorney General I have been kept quite busy meeting with as many of you as I can before confirmation to answer any questions you may have. I have, unfortunately, been unable to meet with all of you. I am sure you would not vote to confirm an Attorney General nominee who advocated ignoring the law. That is why I have chosen to send you this memo attesting to the fact that I never made any statement that the law should be ignored.

Despite the hectic schedule of the last few weeks, I did read a legislative attorney's opinion on the Governor's submitting names to the Senate as well as the current law, and a 1987 Informal AG's opinion upon which the Governor has relied. The legislative attorney's opinion is interesting and contains some good points. I am not sure I agree with everything therein however.

I can assure you that if and when I am confirmed, this entire area of the law will be thoroughly analyzed and I will issue a report on my findings and opinion. I look forward to the chance to do so and set the issues, raised by the current vacancy in the Alaska Senate, to rest once and for all.

Be assured again, however, that I DID NOT and would not advocate ignoring the law.

I have worked in the field of the law for almost 45 years. I love the law and I love America's and Alaska's legal system. I have vigorously and zealously represented many different clients who have had legal problems large and small. Now Governor Palin has given me the opportunity to represent our great State. I bring to the task integrity, knowledge of the law and the legal system, the desire and ability to work hard for all of the people of Alaska, and a real love of this State. One other important attribute I have is a good sense of humor, sometimes a rare commodity these days.

I truly look forward to meeting the challenge Governor Palin has given me. I also look forward to working with you in the future in the best interests of our Alaska.

I ask that you give me the chance to do so by voting for my confirmation.

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Kim Elton
Senator Lesil McGuire
Senator Gene Therriault

Senate Judiciary Committee

April 15, 2009

Honorable Wayne Ross
Attorney General
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

Dear General Ross:

According to the Daily News this morning, Sharon Leighow states that you have "signed off" on the submission by the Governor of three names, two of which have already failed confirmation, as legal under AS 15.40.350.

Is this a correct statement of your legal position on this issue?

Sincerely,

Senator Hollis French

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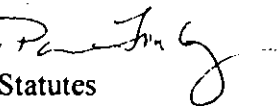
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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 15, 2009

SUBJECT: Appointment of three people to fill a vacancy in the state senate

TO: Senator Hollis French

FROM: Pam Finley 
Revisor of Statutes

You have asked about the legality of the governor's presenting three names to fill a vacancy in the state senate. The short answer is that the governor's presenting more than one name at a time to fill a vacancy in the state legislature does not comply with state law.

AS 15.40.320 requires the governor to appoint "a qualified person" to fill the vacancy. AS 15.40.330 describes the qualifications of "the" appointee. If an appointee is rejected, AS 15.40.350 requires the governor to appoint "another qualified person." None of these statutes authorize the governor to present a list of persons for legislators to select, and all of them use language implying that only one person would be appointed at a time.

However, it is not the use of the singular in the text of AS 15.40.320 -15.40.350 that is important.¹ The problem with the governor's presenting three names is that the process set out in AS 15.40.320 - 15.40.350 is one of appointment by the governor and confirmation by members of the same house and party as the predecessor in office.² If the three names are just suggestions, then the governor has not "appointed" anyone. If the governor claims to have "appointed" all three as a unit, then the appointment would violate the state constitution because our constitution authorizes only one senator per senate district. Constitution of the State of Alaska, art. II, sec. 1, and art. VI, sec. 2. Essentially, the governor is using a process whereby she submits a list of names, and the Senate Democrats choose the person, *i.e.*, make the "appointment."³ This is not the process established by AS 15.40.320 - 15.40.350.

¹ In fact, in general in the Alaska Statutes, the singular number includes the plural. AS 01.10.050(b).

² Strictly speaking, the governor's "appointment" is a "nomination" because the person does not take office until confirmed. AS 15.40.340. However, the terms "appointment" and "nomination" are often used interchangeably.

³A similar process---appointment from a list---is provided for in some statutes, except that the appointment is made by a member of the executive branch. See AS 14.40.150(b),

The situation is further complicated by the fact that two of the three names (Mr. Grussendorf and Mr. Nelson) have already been appointed to fill this vacancy and those appointments have been rejected by the Senate Democrats. The appointment of Mr. Nelson---the most recent appointee---is clearly improper because AS 15.40.350 requires the governor to appoint "another" qualified person after one has been rejected, and Mr. Nelson is the same person, not "another." It is not as clear that the same applies to Mr. Grussendorf, but if AS 15.40.350 were interpreted in line with the clear intent that the governor appoint someone who has not already been rejected, a second appointment of Mr Grussendorf would also be improper.⁴

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AS 14.42.015(d), AS 15.10.180, AS 15.13.020(b), AS 23.15.550(a)(6), and AS 44.39.030.

⁴ If the appointment of a rejected appointee were allowed, the governor could simply alternate appointments between two persons.

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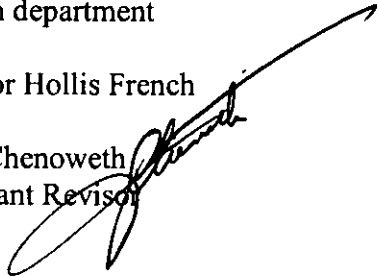
MEMORANDUM

April 14, 2009

SUBJECT: Confirmation of persons appointed to serve as head of an executive branch department

TO: Senator Hollis French

FROM: Jack Chenoweth
Assistant Revisor



As a follow-up to my memo of yesterday on filling a legislative vacancy, Kate Herring has asked for a memo that summarizes the legislature's role in the review of the appointment of persons for positions in the executive branch that are subject to legislative confirmation.

*

Constitutionally, the underpinnings of the legislature's role in the confirmation of certain executive branch appointees to hold the office are to be found in two sections of article III of the Alaska Constitution, sections 25 and 26:

Department Heads. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, *subject to confirmation by a majority of the members of the legislature in joint session*, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, *subject to confirmation by a majority of the members of the legislature in joint session*, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

(Emphasis added.)

There is substantially more history as to these two sections than is available for the legislative vacancy provision. The constitution reflects what one writer has called "unity in the executive" with responsibility assigned to the governor to ensure faithful execution of the laws. The check on the executive's authority rests with the legislature through its confirmation authority. In a challenge to the scope of the legislature's ability to confirm appointees to subordinate positions, in *Bradner v. Hammond*, 553 P.2d 1 (Alaska 1976), the Alaska Supreme Court reached the conclusion that

... the appointment of executive officers is an executive function; for without such a power, the responsibility for executing executive duties would be diffused and the goal of separation of branches of government, avoiding too great a concentration of power in one branch, would be defeated.

and, further that

... under Alaska's constitution confirmation is a specific attribute of the appointive power of the executive. Other courts which have been called upon to resolve this issue have been unanimous in their holdings that *confirmation is not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.*

Bradner, at 6 - 7 (emphasis added; notes omitted).¹ What this has meant, through

¹ Key provisions of the *Bradner* decision examined executive and legislative authority:

Appellee [the executive] contends that the appointment of executive officers is an executive function. We find appellee's contention most persuasive. In addition to vesting the executive power of the state in the governor, Section 16 of Article III provides that "the governor shall be responsible for the faithful execution of the laws." In view of the responsibilities imposed by Section 16, and the authority granted by Section 1, the governor is necessarily clothed with the power to appoint subordinate executive officers to aid him in carrying out the laws of Alaska. Thus, we conclude that the appointment of executive officers is an executive function; for without such a power, the responsibility for executing executive duties would be diffused and the goal of separation of branches of government, avoiding too great a concentration of power in one branch, would be defeated.

...

Given our conclusion that under Alaska's constitution the appointment of subordinate executive officers by the governor is an

implementing legislation discussed later in this memo, is that the powers of an executive branch office subject to confirmation vest in an executive appointee once the person appointed has been issued a commission of office,² has taken the required oath,³ and, if

executive function, it is then necessary to determine the nature of the legislature's confirmation powers. Here we are in agreement with appellee's analysis that under Alaska's constitution confirmation is a specific attribute of the appointive power of the executive. Other courts which have been called upon to resolve this issue have been unanimous in their holdings that confirmation is not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.

In light of the nature of the legislature's power of confirmation, the question whether Sections 25 and 26 of Article III describe the outer limits of the legislature's confirmation authority, or whether the legislature may by statute require confirmation of other high-level, policy making officials within the executive branch, admits of but one resolution. As to this issue, we think the provisions of Sections 25 and 26 of Article III are clear and unambiguous. Thus, we conclude that Sections 25 and 26 mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government.

The lack of ambiguity in Sections 25 and 26 of Article III of the Alaska Constitution mandate that this court interpret these express provisions as embodying not only the maximum parameters of the delegation of the executive appointive authority through the legislative confirmation function but, further, that they delineate the full extent of the constitution's express grant to the legislative branch of checks on the governor's power to appoint subordinate executive officers. In our view, the separation of powers doctrine requires that the blending of governmental powers will not be inferred in the absence of an express constitutional provision.

Bradner, at 6 - 7 (notes and citations omitted; emphasis added).

² See AS 39.05.035:

Commission of office. After each appointment of a state officer, the governor shall execute a commission, which states that the person to whom it is issued is appointed and sets out the office to and the term for which the officer is appointed. The attorney general shall prescribe the form of the commission.

*

Procedurally, the legislature's role in confirmation is spelled out almost entirely in AS 39.05.080, the text of which is set out in full below:

Procedure for all appointments. Except as otherwise provided in a law relating to the positions or memberships on a specific board or

may not close its eyes to an existing fact merely because the executive has failed to transmit a communication giving it the advice. The fact that the Senate is called upon to consent to or confirm appointments presupposes an investigation upon which to base its judgment as to whether or not it should confirm or reject the named appointee. It is a matter of common knowledge that the Senate of Kansas, likewise the Senate of the United States, may, and frequently does, investigate the character, fitness, and ability of the appointee submitted for its consideration. The Senate must be permitted to investigate on its own initiative, and without communication from the Governor, the status of offices; otherwise the Governor could fill and refill them at his pleasure by simply failing to advise the Senate. No other branch of the government exercises the power of investigation to the same degree as does the legislative branch. . . . We conclude that the Senate did not go beyond its powers in making the investigation concerning the offices held by the defendants, and, having satisfied itself, that it could properly exercise its judgment thereon. While it is the usual and customary courtesy of the executive to transmit such facts to the Senate, we believe it the better view to hold that the Senate may, on its own initiative, if it so desires, ascertain the facts upon which to base its deliberate and final judgment in confirming or rejecting appointees of the Governor.

Barrett v. Duff, 114 Kan. 220, 217 P. 918, 925-26 (Kan. 1923). See also [*People v.*] *Shawver*, 222 P. [11] at 25 [(Wyo. 1924)].

We find the reasoning of the Kansas court convincing. The legislature holds broad powers of investigation necessary to its law-making activities. ***The constitutional grant of the confirmation power implies a coincident power and duty to investigate the status of the appointed offices as well as the qualifications of the individuals appointed to those offices.***

Cook v. Botelho, 921 P.2d at 1132 (citations and notes omitted; emphasis added).

commission, appointment to a position or membership shall be made in the following manner:

(1) Each governor shall present to the legislature the names of the persons appointed by that governor; each governor may present the name of a person appointed by a previous governor; only presentment that occurs during the time that the legislature is in regular session constitutes presentment under this section. The governor shall, within the first 15 days after the legislature convenes in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature, and (B) persons to be appointed to fill a position or membership the term of which will expire on or before March 1 during that session of the legislature. If an appointment is made after the first 15 days after the convening of the regular session but while the legislature is in regular session, the governor shall immediately present to the legislature for confirmation the name of the person appointed.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report, and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the regular session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the governor of its action and a vacancy in the position or membership exists which the governor shall fill by making a new appointment. The governor may not appoint again the same person whose confirmation was refused for the same position or membership during the regular session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the same position or membership during the interim between regular legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the regular session in which the appointment was presented is tantamount to a declination of confirmation on the day the regular session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, have the powers, and be charged with the duties prescribed by law for the

appointive positions or membership. However, the duration of an appointment made during the time period between regular sessions of the legislature by a person who is not still the governor on the first day of the next regular session ends on the date during the next regular session that the sitting governor presents for confirmation an appointment to the office. For the purpose of applying laws that limit the number of terms or parts of terms that may be served by a member of a board or commission, the part of the term of office that is served under an interim appointment immediately before the member is reappointed under this paragraph is considered to be merged with the part of the term of office that is served immediately after reappointment so that the two periods of service constitute only one part of a term. The duration of an appointment made during a regular session of the legislature and not presented to the legislature by the governor during that session ends no later than the last day of that session. The duration of an appointment made during an interim by a governor who is not in office at the beginning of the next regular session of the legislature ends no later than the last day of that regular session unless the governor who is in office during that session presents the person's name for confirmation. The same governor may not appoint the same person to the same position or membership if the person's appointment ends because of the governor's failure to present the person's name for confirmation.

In my view, compliance by the legislature with subparagraph (2)(B) of this section is essential. Under that subparagraph, even if a standing or special committee to which an appointment has been referred has failed to make or has withheld making a recommendation regarding confirmation of the person appointed, legislative leadership (i.e. the majority leader assigned to maintain the order of presentation of nominations in the joint session called to confirm these appointments) is duty bound not to be diverted by the committee's failure or neglect of its duty. Instead, under the statute, the majority leader must move confirmation of the nomination so that the joint session may "act on the appointments by confirming or declining to confirm by a majority vote of all the members the appointments presented." In other words, once an appointee's name has been transmitted for confirmation consideration, the legislature is obliged to act; its consideration of a confirmation cannot be defeated by a standing committee's failure to recommend concerning the appointee. The exception would, of course, be if the joint session were, by proper motion, to table consideration or if the joint session were to adjourn before consideration of the nominee's confirmation and no other provision was made before final session adjournment for further consideration of the appointment.

*

I don't know whether it is material to your deliberations, but I have been asked to speak to the role a committee of referral to which an appointee's name is assigned should play, and I'll include those observations.

AS 39.05.100 suggests that the committee -- and, by extension, the legislature collectively in its joint session -- should evaluate the appointee's qualifications. Article III, sections 25 and 26, says only that appointees must be "citizens of the United States." For persons appointed to the State Board of Education and Early Development, a so-called section 26 board in that it is at the head of a principal department or agency, AS 39.05.065(a) additionally requires that "[e]ach member . . . shall . . . have been a resident of Alaska for at least three years."⁶

Individual executive department appointees may have other qualifications specifically required by law. So, for example, AS 16.05.010 directs that the commissioner of fish and game "shall be a qualified executive with knowledge of the requirements for the protection, management, conservation, and restoration of the fish and game resources of the state." Alone among department heads, educational requirements attach to the qualifications of the commissioner of education and early development (not an appointee subject to legislative confirmation), who, under AS 14.07.145(b),

. . . shall be appointed without regard to political affiliation and shall have at least a master's degree with five years' experience in the field of education since receiving it, with at least three of the five years in an exclusively administrative position.

Under AS 26.05.160(a), the adjutant general, who heads the Department of Military and Veterans' Affairs:

. . . must be a citizen of the state and must be a federally recognized general-grade officer in the Alaska National Guard or an officer who has the qualifications to gain federal recognition as a general-grade officer either in active status or in retirement status eligible for reappointment as a general-grade officer. . . .

For the position of attorney general,⁷ because that officer has broad power under

⁶ For other regulatory boards and commissions, AS 39.05.100(a) directs in addition that

(a) A person appointed to a board or commission of the state government shall be and have been before the last general election, (1) a registered voter in the state, if the appointment is made at large or (2) a registered voter from the judicial district, if the appointment is made from a specific judicial district. . . .

These residency requirements do not apply to commissioners appointed to head the executive branch departments.

⁷ The position of attorney general was an elected post in territorial days. A proposal made in the Alaska Constitutional Convention to maintain the tradition of a popularly elected attorney general under Statehood was rejected by the delegates.

AS 44.23 to represent the state in civil actions, to prosecute criminal matters, and to administer state legal services, though it is not explicitly so provided by law, I would submit that the appointee almost surely must have, and at all times maintain in good standing, an active license to practice law in the courts of this state.⁸

Evaluation of compliance with these various formalities aside, state law also contains several references to the following standard, which, if not entirely applicable to appointments to head the executive branch departments, provides some basis for guiding the legislature as it evaluates appointments:

The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership.

AS 39.05.060(b).⁹ The specific requirements of "basic interest," "good judgment," and

⁸ See AS 08.08.210(a):

(a) A person may not engage in the practice of law in the state unless the person is licensed to practice law in Alaska and is an active member of the Alaska Bar.

and (b):

(b) The practice of law shall be defined in the Alaska Bar Rules.

and Alaska Bar Rule 63 setting out that referenced definition:

For purposes of AS 08.08.230 (making unauthorized practice of law a misdemeanor), "practice of law" is defined as

(a) representing oneself by words or conduct to be an attorney, and, if the person is authorized to practice law in another jurisdiction but is not a member of the Alaska Bar Association, representing oneself to be a member of the Alaska Bar Association; and

(b) either (i) representing another before a court or governmental body which is operating in its adjudicative capacity, including the submission of pleadings, or (ii), for compensation, providing advice or preparing documents for another which affect legal rights or duties.

⁹ This language appears in AS 39.05.060(b). It may, arguably, apply only to the governor's appointments to multimember boards and commissions (rather than individual

"knowledge and ability in the field of action" surely applies generically as a common standard for evaluation of all appointments.

After that, legislators are left to their own devices.

*

As to reasons for which legislative confirmation has been withheld, because I have generally not been involved in these discussions, either before a committee or in a caucus, I am not the best source of information; incumbent legislators who were present at past joint sessions in which appointments were challenged can better provide detail.

That said, I cannot recall an instance in which an appointee for "the principal executive officer" of a state department was not confirmed. In May 1991, Jack Phelps, one of Governor Hickel's appointees to the then-entitled State Board of Education, a section 26 board "at the head of a principal [executive branch] department," was not confirmed by a vote of 19 yeas to 40 nays. 1991 Senate Journal, pp. 1391 - 1392 (May 16, 1991). I believe that may well be the only individual whose appointment to a section 26

posts at the head of executive agencies). Substantially the same language appears in AS 16.05.221(a) with respect to appointment of members of the Board of Fisheries:

(a) . . . there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. *The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership.* The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.

(emphasis added) and AS 16.05.221(b) with respect to appointment of the members of the Board of Game:

(b) . . . there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. *The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership.* The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.

(emphasis added).

Senator Hollis French

April 14, 2009

Page 11

department executive position or a section board position at the head of a state agency was defeated, at least in the recent past.¹⁰ I do recall that the reason voiced about failure to confirm Phelps is that he was closely associated with promotion of home schooling and not particularly supportive of state public education initiatives. There may be some truth to that because the six other persons whose appointments to the State Board submitted by Governor Hickel at the same time were approved without objection.

*

Since Kate didn't provide details as to the purpose of the request, I trust this is sufficient for your purposes. If there is specific information you may require not addressed in this memo, please contact me.

JBC:plm
09-277.plm

¹⁰ In this count, I do not include members appointed to the Board of Fisheries or to the Board of Game, who are not section 25 appointees, nor are they technically section 26 appointees; I do not count appointees for other regulatory or quasi-judicial boards and commissions, although I can recall several instances of fisheries board and game board members whose appointments were rejected.

Finally, I also can very distinctly remember the defeat of the confirmation of Governor Knowles's nominee, David Norton, to a vacancy on the well-remunerated Alaska Oil and Gas Conservation Commission in May 1996 (1996 House Journal, pp. 4574 - 4575) on a 30 - 30 tie vote, principally because, in furtherance to the court's observation in *Cook v. Botelho* that the legislature has a "duty to investigate the status of the appointed offices as well as the qualifications of the individuals appointed to those offices," many legislators questioned Mr. Norton's standing under AS 31.05.009(1) as a "qualified . . . petroleum engineer" as those legislators evaluated and applied Mr. Norton's credentials.

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Kim Elton
Senator Lesil McGuire
Senator Gene Therriault

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

April 13, 2009

The Honorable Gary Stevens
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear President Stevens:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following name with regard to confirmation:

Attorney General
Wayne Anthony Ross

There were no stated objections to the named individual. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

Respectfully,

Handwritten signature of Senator Hollis French.

Senator French, Chair

Handwritten signature of Senator Bill Wielechowski.

Senator Wielechowski

Handwritten signature of Senator Gene Therriault.

Senator Therriault

Senator McGuire

Wayne Anthony Ross confirmation hearing

Tell us about yourself

What is your greatest strength going into this job

And your greatest weakness?

Who's your client as AG?

How do you handle a conflict between your duty to the Governor and your duty to the law?

Do you believe that the legislature has the authority to conduct investigations?

Have the authority to issue subpoenas?

You can put 50 lawyers to work on any legal problem .. which would you choose?

What is the number one public safety issue facing Alaska, in your view

What is your plan about that issue

SEX ASSAULT/SAM

Where does sex assault and sex abuse of a minor fit on that list?

You are aware that we have a rate of SA that is about two and a half times the national average?

Your department will be prosecuting both APD and AST cases

Aware that of the 1379 cases reported to AST, we're only producing about 217 convicted sex offenders.

What those number suggest to me is that we must do more than focus on the defendant who is charged and who is convicted. For every one of those there are some four rapes that take place without legal consequences.

What do you plan to do to improve the prosecution rate of SA and SAM cases both in urban areas like Anchorage and rural areas like Bethel and it's surroundings

FAMILY LAW/ DOMESTIC VIOLENCE

You were a divorce lawyer. Which side did you typically represent?

Do you think it's too easy to get a restraining order?

Do you plan to introduce legislation to change that?

How would you describe the cycle of domestic violence

Who's to blame for domestic violence

You will oversee lawyers in the Child Protection System

Think we have too many, too few?

~~Ever~~ tried a case of child sexual assault

How about child pornography – ever had to defend one of those cases?

Most children are not abused by strangers – agree or disagree?

Do you think that state workers at what we used to call DFYS and now call OCS “work to destroy family unity”?

Think that DFYS workers are “frightening”?

NATIVE ISSUES / SUBSISTENCE/ANILCA

Do you think there are tribes in Alaska?

SB 148 refers to the federally recognized tribes in Alaska :

Should the state work with tribes on child custody matters

SB 96 "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, **the United States Virgin Islands**, or any territory or insular possession subject to the jurisdiction of the United States; the term "state" includes **an Indian tribe and** a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter or under the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act

Junkyard dogs? Is it your intention to "take on the feds and regain control of this state?" The feds have xx percent of Alaska: under what possible legal theory could you hope to take control of that land?

Why do Native people not support you?

Did you consider apologizing after Ted Nugent said during a fundraiser for you, "Can an Alaska Native look at me with a straight face and say he needs 20 caribou to feed dogs on a chain all day? I'd like to smash that SOB in the temple." A D N 8/26/02.

When you applied to be a Supreme Court Justice in 2007, you listed him as an example of the type of people that you can get along with.

While we're on that topic, you've put your name forward to be a judge twice, correct

I have two ratings sheets from those attempts, relating to your bar polls. For those who do not know, a bar poll is a survey conducted of other lawyers about their view of the qualifications of those who are applying to be judges.

The answers come from one to five, with one being Poor, two deficient, three acceptable, four good and five excellent. You were rated overall at 2.9 in one survey and 2.8 in the other. That's below acceptable.

According to the Judicial Councils statistics, 14% of applicants received an overall rating below 3. None were ever appointed to the bench.

LEGISLATIVE SUBPOENAS

You represented an state employee subpoena'd to testify before the Judiciary Committee

Did you file any objection to the subpoena?

File a lawsuit?

And your client did not appear

You simply did nothing

What is your view of a legislative subpoena?

MALPRACTICE AGAINST YOUR FIRM? twice

Have you ever been sanctioned by a court?

Ever had an order to show cause issued against you?

You've never been publicly reprimanded by the Bar,,are you willing to sign a waiver to release any bar complaints against you?

What is your view of DFYS (now called OCS) and their handling of child custody and child support order enforcement

Are you planning on hiring some junkyard dogs?

Are you planning on doing any house cleaning in the DOL?

RESOURCE DEVELOPMENT

What will be your role in resource development issues?

Do you have lawsuits in mind?

Changes to current statutes?

What can you tell us about the direction you intend to take the Dept?

You have campaigned in the past over fewer regulations to development –

What about – the BP spill?

FISHING

You've said you oppose IFQ's or any allocations for processors. A D N 4/4/02. Do you still adhere to that view? Will you act on it as AG?

DEATH PENALTY

You are opposed to the death penalty. Your new boss has indicated that she is in favor. How would you reconcile that difference should the death penalty be instituted in Alaska.

GAY RIGHTS

I want to ask about a letter to the Bar Association Newsletter in May of 1993, regarding the passage of a gay rights ordinance: "IT is a shame that you folks don't have some causes you could become involved in that are of benefit to society in general. Instead, you support degenerates." (Someone considered to be of a debased mentality or character)

Are homosexuals 'degenerates' in your view?

The Sup. Ct of Alaska in *ACLU v. State* held that it was a violation of the equal protection clause of our Constitution to deny the extension of job related benefits to same sex couples. Agree or disagree?

Here's some language from that case: "Irrelevant to our analysis must be personal, moral, or religious beliefs – held deeply by many—about whether persons should enter into intimate same-sex relationships or whether same-sex domestic partners should be permitted to marry. It is the duty of courts to "define the liberty of all, not to mandate their own moral code."

You claimed in a subsequent letter that you weren't calling anyone a name, that you were speaking of conduct.

None of you has done anything publicly (to my knowledge) to attempt to protect the millions of lives of innocent children killed each year through abortion, yet you collectively contribute \$5000 to the cause of sexual perversion."

**Kate Herring**

From: Larry Cohn [cohnlarry@gmail.com]
Sent: Monday, March 30, 2009 2:19 PM
To: Kate Herring
Cc: lcohn@ajc.state.ak.us
Subject: Fwd: Ross documents
Attachments: Ross2007SupremeApp.pdf; Ross2007SupremeScores.pdf; Ross2008COAScores.pdf

Hi Kate,

Here is Wayne Anthony Ross' application for the supreme court in 2007. He used the same application for the court of appeals in 2008. Also attached are his bar survey scores from 2007 and 2008. Ratings are defined as follows:

- 1 - poor
- 2 - deficient
- 3 - acceptable
- 4 - good
- 5 - excellent

The bar survey is one tool among many that Council members use. We also solicit comments in the bar survey. Comments are confidential and are not released publicly. They are typically very helpful. Survey respondents have the option of signing their comments and most do. The Council may not consider unsigned comments unless the comments are substantiated, corroborated, or acknowledged by the applicant. The Council shares each applicant's comments with each applicant after editing the comments to remove any information that might compromise the anonymity of the survey respondents. Applicants are told which comments were signed and which were not signed. Please let me know if you need more info or if you have any questions.

Larry

----- Forwarded message -----

From: Susan McKelvie <smckelvie@ajc.state.ak.us>
Date: Fri, Mar 27, 2009 at 10:07 AM
Subject: Ross documents
To: Larry Cohn <lcohn@ajc.state.ak.us>

Susan McKelvie

Research Analyst

Alaska Judicial Council

1029 W. 3rd Avenue, Suite 201

(Handwritten marks)

Anchorage, AK 99501

(907) 279-2526

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susan@ajc.state.ak.us

Table 31
Wayne Anthony Ross: Detailed Information on Responses

Wayne Anthony Ross was evaluated by 368 ABA members on at least one variable, based on their direct professional experience with him. The ratings received by this applicant were as follows: *Professional Competence* (3.2), *Integrity* (3.5), *Fairness* (3.1), *Judicial Temperament* (2.7), *Suitability of Applicant's Experience for this Vacancy* (3.0), and *Overall Rating for this Position* (2.8).

	Professional Competence		Integrity		Fairness		Judicial Temperament		Suitability of Experience		Overall Rating	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation												
No Response	3.1	7	3.1	7	3.0	7	3.0	7	2.9	7	3.0	7
Direct Professional Experience	3.2	368	3.5	365	3.1	363	2.7	362	3.0	365	2.8	364
Professional Reputation	2.8	229	3.0	225	2.5	228	2.2	231	2.5	226	2.3	232
Other Personal Contacts	3.2	26	3.6	27	2.9	28	2.7	28	2.9	27	2.8	27
Type of Practice												
No Response	3.9	10	4.2	10	3.8	9	3.6	9	3.9	10	3.8	10
Private, Solo	3.2	96	3.5	95	3.2	96	2.9	95	3.2	95	3.0	95
Private, 2-5 Attorneys	3.3	63	3.6	63	3.2	62	2.9	61	3.2	63	3.0	63
Private, 6+ Attorneys	2.8	56	3.3	55	2.6	55	2.2	56	2.5	55	2.3	56
Private, Corporate Employee	3.0	5	3.2	5	2.6	5	2.8	5	3.2	5	2.8	5
Judge or Judicial Officer	3.3	42	3.8	42	3.3	42	2.8	41	3.1	41	2.9	42
Government	3.0	74	3.2	73	2.9	72	2.5	73	2.7	73	2.7	72
Public Service Agency or Organization (Not Govt)	2.3	7	2.7	7	2.3	7	2.4	7	2.3	8	2.3	7
Retired	3.7	11	4.0	11	3.5	11	3.0	11	3.8	11	3.6	10
Other	3.8	4	3.8	4	2.8	4	2.5	4	3.8	4	3.3	4
Years of Practice in Alaska												
No Response	3.6	27	3.8	27	3.5	26	3.3	26	3.5	27	3.3	27
5 Years or fewer	3.7	12	3.8	12	3.7	11	3.5	11	3.5	12	3.5	11
6 to 10 years	3.1	25	3.3	25	3.1	25	2.8	25	3.0	24	2.9	24
11 to 15 years	3.2	34	3.7	34	3.4	33	2.9	34	3.0	34	3.0	34
16 to 20 years	3.0	44	3.4	43	3.0	44	2.8	44	2.7	44	2.8	44
21 years or more	3.1	226	3.5	224	3.0	224	2.5	222	3.0	224	2.7	224
Gender												
No Response	3.7	14	4.1	14	3.5	13	3.2	14	3.8	14	3.5	14
Male	3.3	256	3.6	254	3.2	254	2.8	253	3.2	254	3.0	256
Female	2.8	98	3.0	97	2.7	96	2.2	95	2.5	97	2.4	94
Majority of Practice Consists of												
No Response	3.8	16	3.9	16	3.4	15	3.4	16	3.7	16	3.6	16
Prosecution	3.0	23	3.1	23	2.7	23	2.6	23	2.7	23	2.6	22
Mainly Criminal	3.3	14	3.8	14	3.5	14	2.9	14	2.9	14	3.0	13
Mixed Criminal & Civil	3.1	90	3.4	89	3.1	89	2.7	88	2.9	89	2.8	90
Mainly Civil	3.1	210	3.5	208	3.0	207	2.6	206	3.0	208	2.8	208
Other	3.4	15	3.9	15	3.3	15	3.1	15	3.5	15	3.2	15
Location of Practice												
No Response	3.9	10	4.0	10	3.6	9	3.5	10	3.8	10	3.7	10
First District	2.5	17	2.7	16	2.3	17	1.8	17	2.2	17	1.9	17
Second District	4.0	2	4.5	2	4.0	2	4.0	2	4.0	2	4.0	2
Third District	3.2	316	3.5	315	3.1	313	2.7	311	3.0	314	2.9	313
Fourth District	3.0	18	3.0	17	2.8	17	2.6	17	2.9	17	2.7	17
Outside Alaska	2.8	5	3.2	5	2.6	5	2.2	5	2.4	5	2.6	5
Amount of Experience												
No Response	3.1	34	3.3	34	2.9	34	2.6	33	2.9	34	2.8	34
Substantial & Recent	3.2	147	3.6	147	3.1	145	2.8	147	3.1	146	3.0	146
Moderate	3.2	114	3.5	114	3.0	113	2.7	112	2.9	112	2.8	112
Limited	3.0	73	3.4	70	3.1	71	2.6	70	2.9	73	2.7	72

NOTE: Ratings for only those respondents who reported direct professional experience with the applicant.



Table 27
Wayne Anthony Ross: Detailed Information on Responses

Applicant Wayne Anthony Ross was evaluated by 294 ABA members on at least one variable, based on their direct professional experience with him. The ratings received by this applicant were as follows: *Professional Competence* (3.2), *Integrity* (3.5), *Fairness* (3.1), *Judicial Temperament* (2.7), *Suitability of Applicant's Experience for this Vacancy* (3.1), and *Overall Rating for this Position* (2.9).

Basis for Evaluation	Professional Competence		Integrity		Fairness		Judicial Temperament		Suitability of Experience		Overall Rating	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
No Response	3.3	3	3.0	3	2.7	3	2.3	3	2.7	3	2.7	3
Direct Professional Experience	3.2	294	3.5	292	3.1	291	2.7	291	3.1	292	2.9	295
Professional Reputation	2.7	179	2.9	178	2.5	180	2.1	181	2.6	181	2.3	181
Other Personal Contacts	3.1	25	3.4	25	3.0	24	2.7	24	3.0	24	3.0	24
Type of Practice												
No Response	2.8	5	3.4	5	2.8	5	2.4	5	2.8	5	2.8	5
Private, Solo	3.5	70	3.7	69	3.4	69	3.1	70	3.4	68	3.3	70
Private, 2-5 Attorneys	3.5	46	3.7	46	3.4	45	3.1	43	3.4	46	3.2	46
Private, 6+ Attorneys	2.7	38	3.1	38	2.3	38	2.3	38	2.4	37	2.3	38
Private, Corporate Employee	3.3	6	3.8	6	3.0	6	2.8	6	3.7	6	3.2	6
Judge or Judicial Officer	3.4	41	3.8	40	3.2	41	2.8	41	3.2	41	3.0	41
Government	2.8	73	3.1	73	2.8	72	2.5	73	2.8	74	2.6	74
Public Service Agency or Organization (Not Govt)	2.7	3	3.0	3	3.0	3	2.3	3	3.0	3	2.7	3
Retired	3.4	9	3.8	9	3.2	9	2.9	9	3.4	9	3.2	9
Other	3.0	3	3.0	3	3.0	3	2.3	3	2.3	3	2.7	3
Years of Practice in Alaska												
No Response	3.4	14	3.7	14	3.4	14	2.9	14	3.2	14	3.0	14
5 Years or fewer	2.5	11	2.7	11	2.5	11	2.3	12	2.5	12	2.3	12
6 to 10 years	2.9	19	2.9	19	2.7	19	2.4	19	3.1	19	2.7	19
11 to 15 years	3.1	33	3.5	33	3.2	33	3.0	33	3.2	32	3.1	33
16 to 20 years	3.1	30	3.5	29	3.2	29	2.8	30	3.1	30	2.9	30
21 years or more	3.3	187	3.5	186	3.1	185	2.7	183	3.1	185	2.9	187
Gender												
No Response	3.6	10	3.9	10	3.5	10	3.1	10	3.5	10	3.3	10
Male	3.3	206	3.6	204	3.2	204	2.9	204	3.3	204	3.1	207
Female	2.8	78	3.0	78	2.6	77	2.2	77	2.5	78	2.4	78
Majority of Practice Consists of												
No Response	3.7	9	3.8	9	3.4	9	3.2	9	3.6	9	3.4	9
Prosecution	2.6	26	2.8	26	2.5	26	2.3	27	2.7	27	2.4	27
Mainly Criminal	3.1	18	3.6	18	3.0	17	2.5	17	2.8	18	2.7	18
Mixed Criminal & Civil	3.2	78	3.4	77	3.1	77	2.8	76	3.0	76	2.9	78
Mainly Civil	3.3	155	3.5	154	3.1	154	2.8	154	3.1	154	3.0	155
Other	3.0	8	3.6	8	3.0	8	2.6	8	3.3	8	2.9	8
Location of Practice												
No Response	3.4	9	3.8	9	3.0	9	2.7	9	3.2	9	3.1	9
First District	2.2	13	2.5	13	2.1	13	1.8	13	2.1	13	1.8	13
Second District	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Third District	3.2	251	3.5	249	3.1	248	2.8	249	3.1	249	2.9	252
Fourth District	2.8	16	2.8	16	2.6	16	2.5	15	2.7	16	2.8	16
Outside Alaska	3.3	3	3.7	3	3.0	3	3.3	3	3.3	3	3.3	3
Amount of Experience												
No Response	3.6	26	3.6	26	3.5	26	3.2	26	3.3	26	3.2	26
Substantial & Recent	3.2	118	3.6	118	3.2	118	2.8	117	3.2	116	3.0	118
Moderate	3.1	76	3.4	74	3.0	74	2.7	74	2.9	76	2.8	76
Limited	3.1	74	3.3	74	2.8	73	2.5	74	2.9	74	2.8	75

Note: Ratings for only those respondents with direct professional experience with the applicant.

(3)

Alaska Judicial Council Application for Judicial Appointment

Position(s) for which you wish to be considered:

Alaska Supreme Court Justice

Date: 24 June 2007

I. Public Information (Questions 1-24)

Personal

1. (a) State full name* Wayne Anthony Ross
Name as it should appear on bar survey: Wayne Anthony Ross
* Unless otherwise specified, this is how your name will appear on the bar survey.
- (b) Have you ever used or been known by any other name? If so, please identify
No
2. How long have you been a resident of the State of Alaska immediately preceding the date of this application? **
 39 years months
Total years months
3. How long have you been engaged in the active practice of law immediately preceding the date of this application? **
 39 years months
Total years months

Nonlegal Education

4. State names and dates of attendance of all colleges and professional schools (other than law schools) ever attended and degrees and dates conferred. List any honors.

University of Wisconsin - Milwaukee 1960-1962
Marquette University, College of Business Administration 1962-1965, BS Degree
Production and Personnel Management

** See AS 22.10.090; see also 1984 Inf. Op. Atty. Gen. (July 19; 366- 624-84).

Legal Education

5. List all law schools, dates attended and degrees conferred. If you did not receive a degree from any law school, please indicate.

Marquette University Law School 1965-1968; JD 1968

6. (a) Did you receive any honors in law school or belong to any honorary societies or groups?
 Yes No If yes, please give details.

Moot Court Team 1967

(b) Have you taken any CLE (continuing legal education) courses during the past five years?
 Yes No

Please describe or list. Please do not attach individual certificates of attendance.

See attached.

Military

7. Have you served in the armed forces (reserves or otherwise)? Yes No

If so, please provide the following information:

(a) Dates of service: 1986-1997; 2001-present

(b) Branch of service: Alaska State Defense Force

(c) Rank at time of discharge: Colonel (O-6)

(d) Type of military discharge: Still serving as Area Defense Counsel (as needed)

(e) Awards or citations:

Alaska State Service Medal; Alaska State Defense Force Achievement Medal; Alaska State Defense Force State Service Medal (2x); Alaska State Defense Force Drill Attendance Ribbon; Alaska State Defense Force Training Achievement Ribbon

(f) Have you ever been refused admission to or released from any of the armed services for reasons other than honorable discharge? Yes No If so, state the details.

6 (b) Have you taken any CLE (continuing legal education) courses during the past five years? Please describe or list.

- The Best Looking Guy in Fairbanks: Bank Robber Dick Woodrung and the Law
- Motion Practice: Tactics, Strategies and Tips
- Ethics: The Game Show
- Prelude to the Presidency: A Historical Presentation
- What to do When the Media Calls
- New Service Members Civil Relief Act
- Annals of the Law: Fairbanks Lawyer Tom Margum
- Legal Ethics: Name that Movie... Name that Rule
- A Judiciary for Alaska: Celebrating the Alaska Constitutional Convention
- Using a Joint Property Division Spreadsheet
- CINA Off the Record
- The Joy of Settlement
- CLE for Lawyers and Judges Who Handle Domestic Relations Cases
- New and Improved Property Division Program
- Family Law Litigation
- Anchorage Inns of Court (various programs)

Nonlegal Employment

8. Describe major nonlegal working experience. If you had a business or association that has been discontinued, please note whether there are unpaid debts or claims pending litigation.

I have worked continuously since I was 12 years of age (except for four weeks in 1968 when I drove to Alaska). I averaged 20-30 hours per week in college and law school and 40-60 hours per week during the summers. I worked for the City of West Allis, Wisconsin, Department of Forestry and Public Grounds; Sears; U. S. Post Office; and Kohls Food Stores. Since graduating from law school all my employment (other than brief periods of State Military active duty) has been in the legal field although I hold an Alaska Assistant Guides License (No. 1519).

Legal Experience

9. Describe chronologically your legal employment since admission to law school. Please provide dates, name of employer, name of supervisor or person who can verify employment, addresses, the reason you left the position, and a brief description of type of practice (i.e., insurance defense, criminal, appellate, general, litigation, etc.) for each position listed below.

The Council will ask for comments from your current and former employers about your employment and your judicial qualifications. You may choose to list other persons as character and professional references in response to Question 20 of this application.

If the supervisor or contact person asks (in writing) that the letter be shared with the governor, the Council will send designated letters for each nominee. The applicant should not request a copy of the letter from the reference. References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

Current Employer: Self-employed: Law Offices of Ross and Miner, P.C.

Supervisor or name of contact person who can verify employment: Edward L. Miner (partner)

Current address of this person: 327 East Fireweed Lane

City Anchorage State AK Zip 99503

Dates of Employment: From October 1977 To present

Description: General practice of law. Also had offices in Glennallen and Cordova in the late 70's and early 80's.

Previous Employers: *(In chronological order, most recent first)*

Employer: Law Offices of Edward J. Reasor and Associates

Supervisor or name of contact person who can verify employment: Edward J. Reasor

Current address of this person: unknown

City _____ State PA Zip _____

Dates of Employment: From July 1973 To September 1977

Description: General practice of law.

Reason for Leaving: To open my own office.

Employer: State of Alaska Court System

Supervisor or name of contact person who can verify employment: State of Alaska

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From July 1969 To June 1973 (approximate)

Description: Court Trustee and Family Court Master

Reason for Leaving: To enter private practice of law.

Previous Employers (continued)

Employer: State of Alaska Department of Law

Supervisor or name of contact person who can verify employment: State of Alaska

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From July 1968 To June 1969

Description: Assistant Attorney General

Reason for Leaving: Did not want to move to Juneau.

Employer: _____

Supervisor or name of contact person who can verify employment: _____

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From _____ To _____

Description: _____

Reason for Leaving: _____

Employer: _____

Supervisor or name of contact person who can verify employment: _____

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From _____ To _____

Description: _____

Reason for Leaving: _____

Employer: _____

Supervisor or name of contact person who can verify employment: _____

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From _____ To _____

Description: _____

Reason for Leaving: _____

Employer: _____

Supervisor or name of contact person who can verify employment: _____

Current address of this person: _____

City _____ State _____ Zip _____

Dates of Employment: From _____ To _____

Description: _____

Reason for Leaving: _____

10. For the past five years, please indicate (approximately) the following:

(a)	Percent of your practice that was:	Civil	<u>70</u>
		Criminal	<u>25</u>
		Other	<u>5</u>
			= 100%

Comment: _____

(b)	Percent:	State	<u>90</u>
		Federal	<u>5</u>
		Other	<u>5</u>
			= 100%

Comment: _____

(c)	Of practice in state courts, percent:	Supreme Court	<u>2</u>
		Court of Appeals	<u>2</u>
		Superior Court	<u>80</u>
		District Court	<u>16</u>
			= 100%

Comment: _____

(d) Frequency of appearance in court:
 Regularly Occasionally Infrequently Not at All
 Comment: _____

(e) Number of trials (by court or jury) you conducted in the past 5 years:
 None 1-5 6-15 16-30 31 or more
 Comment: I am able to settle 95% of my cases without a trial.

(f) Percent of these trials which were: Jury 10 Non-Jury 90
 Comment: _____

(g) Approximate number of appellate matters handled: 5
 Comment: _____

(h) Approximate number of arbitrations or administrative hearings:
 None 1-5 6-15 16-30 31 or more
 Briefly describe type of matters heard:
 Personnel hearings, UCMJ matters.

(i) Have you undertaken any *pro bono* work through a *pro bono* legal service provider (e.g. Alaska Legal Services, Alaska Network on Domestic Violence and Sexual Assault, etc.) during this period? Yes No
 Describe:
 Approximately 10% of the work I do is pro bono, although not through legal service providers. Instead, I provide free legal service to Veteran Service organizations. I also charge Veterans only 2/3 of my normal hourly rate.

- 11. List all the courts and administrative tribunals in the United States or elsewhere to which you are or have been admitted to practice, and the dates of admission.

Wisconsin Bar (1968);
 Alaska Bar (1969);
 Federal District Court, Eastern District of Wisconsin (1968);
 Federal District Court, Alaska (1969?);
 9th Circuit Court of Appeals; United States Supreme Court (1982)

Public Service

- 12. List bar associations, and sections and committees of which you are or have been a member or officer.

AK Bar Association ('68-present) (Family Law Cmte, '73-'78; Vice Chairman, '73-'74) (Hearing Officer, Fee Arbitration Cmte, '81-'87, '94-'01) (Discipline Hearing Cmte, '91-'94) Anchorage Bar Association ('69-present) (Member, Cmte for U.S. Constitutional Bicentennial Celebration, '87) Wisconsin Bar Association ('68-'89, '91-present) (AK Chapt Chairman, '97-present)

- 13. List legal publications, if any (give title, subject and date of publications). Please include publications you have co-authored and the name(s) of the co-author(s).

I have no formal legal publications. However, I have many published articles. A list is attached.

- 14. Have you ever applied for a judgeship? Yes No

Please list dates and judgeships applied for, as well as whether you were nominated by the Judicial Council and appointed.

Judgeship	Date	Nominated By Council (Y/N)	Appointed By Governor (Y/N)

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13.

WAYNE ROSS' PUBLISHED ARTICLES
Eff. 27 March 2007

"Abuse touches all walks of life within our society", The Anchorage Times, 4 November 1990.

"A 'Citizen Of The World' may be an undesirable citizen", The Anchorage Times, 17 January 1988.

"Action of adults toward children hold lasting memories", The Anchorage Times, 19 April 1992.

"A goodbye to my longtime friend", The Anchorage Chronicle, 10 - 17 October 2002.

"A 'good name', an asset beyond value", The Anchorage Times, 28 February 1988.

"Ah, it's the amenities in life", The Anchorage Times, 9 October 1988.

"Alaskans must meet challenge of subsistence regulation", The Anchorage Times, 31 December 1989.

"Amendments unfair to individuals", The Anchorage Times, 6 August 1986.

"America Lost A Good One When We Lost Joe Foss", Soldier of Fortune, April 2003.

"ANCSA amendments Bad For State, And Its Citizens", The Cordova Times, 5 June 1986.

"ANCSA deserves the Golden Fleece award", The Anchorage Times, 26 April 1987.

"An 'early retirement' doesn't offer dragons to slay, battles to fight", The Anchorage Times, 3 June 1990.

"Animal activists real enemy", The Anchorage Times, 2 December 1990.

"Another look toward 1991", The Anchorage Times, 15 May 1986.

"Anti-Gun laws do not aid the law-abiding", The Anchorage Times 5 February 1989.

"Applicant earns an 'A For Effort' on resume", The Anchorage Times, 26 August 1991.

"A promise is to be honored", The Anchorage Times, 16 August 1986.

"A reputation with a shadow, The Anchorage Times, 7 June 1987.

"Arm the pilots and the passengers", The Anchorage Chronicle, Aug. 29 - Sept. 4, 2002.

"Arms misuse threatens rights", The Anchorage Times, 24 February 1991.

"A road to Cordova would give more Alaskans access to the little-known treasure", The Anchorage Times, 20 August 1989.

"Assault weapons are being confused with automatic firearms", The Anchorage Times, 30 April 1989.

"As soon as I head out of town, the snow should start falling", The Anchorage Chronicle, 28 November 2002.

"At Ease - The Flying Jeep", Army Motors, Volume 104, Summer 2003.

"A tribute to Barbara on Mother's Day", The Anchorage Times, 10 May 1987.

"Average citizen finds legal system inaccessible", The Anchorage Times, 16 April 1989.

"Base subsistence priority on need", Voice of the Times, 8 August 2001.

"Battle lines are being drawn for subsistence war", The Anchorage Times, 11 March 1990.

"Bears will be bears - Can we allow it?", The Anchorage Times, 12 August 1990.

"Before you go hunting remember to vote", The Anchorage Times, 26 August 1990.

"Belief in Santa Claus isn't just for little kids", The Anchorage Times, 25 December 1988.

"Best choice to keep young", Anchorage Daily News, 6 August 1992.

"Burgers are best for a 'Trencherman's' lunch", The Anchorage Times, 11 December 1988.

"Bush achievements many", Anchorage Daily News, 29 August 1992.

"Buy American-made products in 1992", The Anchorage Times, 29 December 1991.

"Campaign provides a real education", The Anchorage Chronicle, 5 September 2002.

"Candidates' book is more than Alaska history", The Anchorage Times, 23 October 1988.

"Candidates do not agree on gun control issue", The Anchorage Times, 25 September 1988.

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- "Can our best afford public service?", The Anchorage Times, 8 January 1989.
- "Chastity, adultery relegated to Dark Ages", The Anchorage Times, 23 February 1992.
- "Christmas time sparks thoughts on old friends", The Anchorage Times, 16 December 1990.
- "Commitment is needed before practice", The Anchorage Times, 19 June 1988.
- "Community service isn't as recalled", The Anchorage Times, 21 June 1987.
- "Defending the guilty: Our judicial system at its very best", The Anchorage Times, 4 January 1987.
- "Determining when one man's refuse is another man's refuge", The Anchorage Times, 6 October 1990.
- "Do you have the attributes and desire to run for office?", The Anchorage Times, 9 July 1989.
- "Duty- a sense of obligation, obedience and respect", The Anchorage Times, 15 March 1987.
- "Equality for women still has considerable distance to go", The Anchorage Times, 11 October 1987.
- "Elders pass wisdom to young during hunt", The Anchorage Times, 12 January 1992; The Message, March 1992; Gun-News, Volume 9 - Number 1.
- "Fall hunting is a family occasion", The Anchorage Times, 14 August 1988.
- "False! False! False!", Supplement to The Anchorage Daily News, 6 November 2000.
- "False reports of child sexual abuse devastate families and children", The Anchorage Times, 28 July 1991; Speak Out For Families, December 1993.
- "Family unit suffers from bureaucratic maze", The Anchorage Times, 22 May 1988.
- "Family vacations offer fun and frustrations", The Anchorage Times, 24 April 1988.
- "Fr. Boyle taught schoolboys lessons on discipline", The Anchorage Times 13 March 1988.
- "Father's death helps him understand what a happy death means", The Anchorage Times, 22 September 1990.
- "Fighting for Old Glory on battlefield of art", The Anchorage Times, 31 May 1992.

40

- "Friends sometimes have to sit in the front of the canoe", The Anchorage Times, 3 July 1988.
- "From Civil War typewriter to the modern computer", The Anchorage Times, 22 April 1990.
- "Game permits seem to be for the lucky few", The Anchorage Times, 23 July 1989.
- "Getting old is not for me", The Anchorage Chronicle, 27 March 2003.
- "Goodbye my friend", The Anchorage Chronicle, 3 October 2002.
- "Governor Cowper doesn't understand the issue", The Anchorage Times, 1 July 1990.
- "Governor's duties clear on lands issues", The Voice of the Anchorage Times, 2 January 2001.
- "Grass roots political meetings: a learning experience", The Anchorage Times, 27 March 1988.
- "Gun law goes overboard with restrictions", The Anchorage Times, _____ 1990.
- "Gun shows generate substantial revenue", The Anchorage Times, 14 February 1988.
- "Gun 'waiting period' proposals unworkable", The Anchorage Times, 17 July 1988.
- "Handling clients charged with drunken driving challenges lawyers", The Anchorage Times, 15 July 1991.
- "Happy Birthday, AGCA!", AGCA News & Views, March-April 2007.
- "Heading For The Rhine", Army Motors, Volume 63, Spring 1993.
- "Helping neighbors in Middle East takes precedence over peace", The Anchorage Times, 13 January 1991.
- "Hi Hopes still waiting for nomination", The Anchorage Times, 6 October 1991.
- "Hollywood version of cops and robbers may be outcome for Hillside", The Anchorage Times, 17 November 1991.
- "Horsepower limits on river unfair to many boat owners", The Anchorage Times, 31 July 1988.
- "Housing shortage redefines luxurious", The Anchorage Times, 27 January 1991.
- "How long has it been since you had your last physical exam?", The Anchorage Times, 27 January 1991.

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"Hunter didn't like look of Simpson Bay 'Welcome Wagon'", The Anchorage Times, 17 December 1989.

"Hunters in danger of losing all hunting rights", The Anchorage Times, 28 January 1990, The Message, January 1992.

"Hunting in Alaska the bureaucratic way means staying home", The Anchorage Times, 2 August 1987.

"Hunting should not involve harassment", The Anchorage Times, 20 October 1991.

"In failing to resist lawlessness, we may lose what we value most", The Anchorage Times, 3 May 1992; Washington Arms Collectors Gun-News, Vol 8, Number 10 (October 1992).

"Is the justice system based on presumption of innocence?", The Anchorage Times, 29 October 1989.

"It is time we quit crying over the oil spill", The Anchorage Times, 17 September 1989.

"It's easier to throw a sacrifice to the wolves than fight the News", The Anchorage Daily News, 22 July 1992.

"It seems it's becoming 'We Vs. They' on Alaska issues", The Anchorage Times, 24 May 1987.

"It's National Convention time once again", The Trunk Line, August 2000.

"I wish Anchorage papers followed Milwaukee", The Anchorage Times, 15 June 1982.

"Joe Foss - America lost a good one", Voice of the Times, 8 January 2003.

"Join A Militia - Break The Law?", Soldier Of Fortune, April 1995.

"Judges leave attorney scratching his head?", The Anchorage Times, 9 February 1992.

"Katie Couric is going to be disappointed", The Anchorage Chronicle, 6 April 2003.

"Katz Decision limits citizens' participation", The Anchorage Times, 12 April 1987.

"Key to finding party candidates lies in understanding political process", The Anchorage Times, 21 October 1990.

"Kids and Guns, A Different Perspective", The Message, February 1994; Anchorage Daily News, 27 March 1994, 1994; The Firing Line, March 1997.

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- "KKK 'Art' project gets 'A' for courage", The Anchorage Times, December 1991.
- "Lawyers don't deserve such a bad reputation", The Anchorage Chronicle, 30 January 2003.
- "Laws that ban firearms are exercises in futility", The Anchorage Times, 5 March 1989.
- "Legislative leadership", The Anchorage Times, 6 November 1988.
- "Lesson In Hunting Concerns Life", The Message, October 1991.
- "Lesson in hunting not just about killing but concerns life itself", The Anchorage Times, 8 September 1991; The Congressional Record, 9 October 1991.
- "Little Will", Alaska Bar Rag, May 1979.
- "Looking back, Westchester Lagoon might never have had its park", The Anchorage Times, 30 June 1991.
- "Macie's .458 saved him and killed him", The Anchorage Times, 10 December 1989.
- "Macie's Gewehr", Reisen Der Wild Nis, (Germany) 1991.
- "Macie's Gun, Part One", The AGCA News & Views, November-December 2005.
- "Macie's Gun, Part 2", The AGCA News & Views, Jan-Feb 2006.
- "Man's best friend lives up to her name even in death - A 'Lady' to the end", The Anchorage Times, 24 March 1991.
- "Marriage not measured in years", The Anchorage Times, 19 May 1991.
- "Maybe this is how I got started in gun collecting?", National Firearms Museum Quarterly, September 2005; The M.V.A.C.A. Guardian, October 2005; The Dallas Arms Collectors News, December 2005; The Ohio Gun Collectors Association newsletter, March 2006.
- "Media hypocritical in Quayle coverage", The Anchorage Times, 28 August 1988.
- "Military Appreciation Day shows off The New Army", The Anchorage Times, 11 June 1989.
- "Modern Turkey Hunting", Alaska Bar Rage 1979.
- "Muffling doesn't change facts", Anchorage Daily News, 10 October 1992.

"Murkowski now holds state reins; he should drive to long-term fiscal health", The Anchorage Chronicle, 10 April 2003.

"MVPA Affiliate Profiles - Alaska Territorial Cavalry (Motorized)", Supply Line, May 2005.

"My feet are frozen to the ground of Alaska", The Anchorage Times, 6 December 1987.

"My 'other woman' will probably outgrow blue jeans and sweatshirts", The Anchorage Times, 20 May 1990.

"New Year's resolutions", The Anchorage Times, 3 January 1988.

"Never give a sucker an even break", The Anchorage Times, 2 June 1991.

"New York City residents and their gun Law", The Anchorage Times, 6 May 1990.

"Nickel' of life should bring more than instant gratification", The Anchorage Times, 19 March 1989.

"1991' amendments further cause of native sovereignty", The Anchorage Times, 15 February 1987.

"No small world if you're from Munich", The Anchorage Times, 1 December 1991.

"Nothing like a wife to pop the ol' ego", The Anchorage Chronicle, 21 Nov 2002.

"NRA introduces Robinson as new president", The Anchorage Chronicle, 15 May 2003.

"NRA members come from all walks of life", The Anchorage Times, 3 September 1989.

"'One Man Band' gave a beat to Cordova's nights", The Anchorage Times, 29 July 1990; Alaska Bar Rag, November-December, 1990.

"One of Alaska's most popular fishing sites is threatened", The Anchorage Times, 19 July 1987.

"One out of three bills pass muster", The Anchorage Times, 7 April 1991.

"On joggers and gerbils' heartbeats and handyman talents", The Anchorage Times, 15 October 1989.

"Opportunity missed?", The Anchorage Times, 20 November 1988.

"Our liberty requires our vigilance", The Anchorage Times, 29 March 1987.

44

- “Our senior citizens’ stories should be saved for future”, The Anchorage Times, 26 November 1989.
- “‘Outdoorsmen’ and ‘naturalists’ must begin a dialogue”, The Anchorage Times, 12 November 1989.
- “Parochial schools foster priceless values”, The Anchorage Times, 1 February 1987.
- “Parties can set own rule”, Anchorage Daily News, 12 September 1992.
- “Point”, The Anchorage Times, 15 February 1987.
- “Politically correct is not for me!”, The Anchorage Chronicle, 15 August 2002.
- “Principles worth NRA election defeat”, The Anchorage Times, 21 April 1991.
- “Proponents of abortion are doomed to lose”, The Anchorage Times, 14 May 1989.
- “Puck was right! What fools these mortals be!”, The Anchorage Chronicle, 13 March 2003.
- “Real culprits in FDIC suit deadbeats, not defendants”, The Anchorage Times, 5 May 1991.
- “Republican voters cheated”, The Anchorage Times, 22 January 1989.
- “Resource Management would aid subsistence”, The Anchorage Times, 25 February 1990.
- “Response to a Man Disliking My Poem”, Gun Week, 10 July 1981.
- “Ridiculous Subsistence regulations”, The Anchorage Times, 2 April 1989.
- “Right to firearms not about duck hunting”, The Anchorage Times, 22 September 1991.
- “Runaway children: Solving the problem before its too late”, The Anchorage Times, 18 January 1987.
- “Running to keep up with Judge Butcher”, The Anchorage Times, 17 May 1992.
- “Sail battleships around the World once more”, The Anchorage Times, 11 February 1990.
- “Seeking to reach a liberal’s heart”, The Anchorage Chronicle, 6 February 2003.
- “Share one of life’s joys with a youngster”, The Anchorage Times, 6 August 1989.

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"Shooting his buddy's leg leaves more than 2 scars", The Anchorage Times, 18 November 1990.

"Small town lawyering holds big surprises", The Anchorage Times, 22 March 1992.

"Smoking for enjoyment should remain a matter of choice", The Anchorage Times, 11 August 1991.

"Sometimes You've Just Gotta Do It Yourself", Soldier of Fortune, August 2002.

"Spanking for misbehavior isn't necessarily abuse", The Anchorage Times, 26 January 1992.

"Steady, true friendships warm the heart", The Anchorage Times, 11 September 1988.

"Subsistence ruling levels the playing field", The Anchorage Times, 7 January 1990.

"Tax cap would reduce quality of life for Alaskans", Alaska Military Weekly, 2 November 2000.

"\$10 solution to Park Service bears - Wayne Anthony Vs. Bill", The Anchorage Times, 9 September 1990.

"The Alaska Land Use Council needs Governor's leadership", The Anchorage Times, 10 April 1988.

"The Alaska State Guard stands ready to serve in time of need", The Anchorage Times, 1 March 1987.

"The Ballad of Harlon's Retreat", Gun Week, 10 July 1981.

"The Cacklers and Emperors may soon be but a memory", The Anchorage Times, 8 November 1987.

"The City Of Brotherly Love", Alaska Bar Rag, August-September 1982.

"The Din Of WAR", The AGCA News & Views, May 2005.

"The Din Of WAR", The AGCA News & Views, September 2005.

"The greatest dad in the whole world", The Anchorage Times, 5 June 1988.

"The Legend of Cuttin' Cowper", The Anchorage Times, 2 February 1987.

"The Little 'Buffalo': A Collector's Reminiscence", Alaska Bar Rag, November 1978; Gun Week, 22 October 1982; The Message, October 1987.

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"The long arm of the IRS reaches from Utah", The Anchorage Times, 25 October 1987.

"The \$1,000 Mouse", Alaska Bar Rag, August 1979; Alaska Outdoors, November-December 1982.

"The Other Side Of The Controversy Over The Taking Of Ducks and Geese", All Alaska Weekly, 4 December 1987.

"The Right To Be Wrong", The Anchorage Chronicle, 6 March 2003.

"The solution may be worse than the problem", The Anchorage Times, 1 October 1989.

"The Special Session highlighted misguided political leadership", The Anchorage Times, 15 July 1990.

"The Ultimate Restoration", Army Motors, Volume 64, Summer 1998; MEV Newsletter, Third Edition, Sept-Nov., 1996.

"They also serve who only stand and wait", The Anchorage Chronicle, 16 January 2003.

"Those Independence Day memories - past and future", The Anchorage Times, 5 July 1987; Wild Sheep, Summer, 1987..

"Those nickel-plated, engraved '49-ers' were real guns", The Anchorage Times, 25 March 1990.

Those rights that are constitutionally guaranteed us", The Anchorage Times, 10 December 1989.

"To cover its shortcomings, State heaps abuse on oil companies", The Anchorage Times, 28 May 1989.

"Today's military balance same as 1787", The Anchorage Times, 11 August 1987.

"To disagree doesn't mean to be disagreeable", The Anchorage Times, 8 April 1990.

"Tuesday I'll have no problem picking best choices on ballot", Anchorage Daily News, 28 October 1992.

"Ultimate safety cannot be provided to citizens", The Anchorage Times, 18 May 1988.

"Urban subsistence depends on State jobs", The Anchorage Times, 8 March 1992.

"U.S. justice system isn't always just or fair", The Anchorage Times, 5 April 1992.

"We'd have heroes if media lightened up", The Anchorage Times, 3 November 1991.

"'We Vs. They' mentality must end", Tundra Drums, 27 May 1993.

"What do I want for Christmas? My list has things that money can't buy", The Anchorage Times, 24 December 1989.

"Where is the respect for law enforcement?", The Anchorage Times, 19 February 1989.

"Where is the support the Governor promised?", The Anchorage Times, 30 August 1987.

"Where there's a wheel there's a way", The Anchorage Times, 16 June 1991.

"'White Eagle' provided exciting adventures", The Anchorage Times, 17 June 1990.

"Williams' new policy punishes all", The Anchorage Chronicle, 12 September 2002.

"Woe the conviction of an innocent man!", The Anchorage Chronicle, 9 January 2003.

"Would Florida's firearm legislation work in Alaska?", The Anchorage Times, 25 October 1987.

"You may not benefit from proposed tort reform", The Anchorage Times, 20 December 1987.

"Your lips tell me 'No! No!' but there's 'Yes! Yes!' in your Legislation", All Alaska Weekly, 6 June 1986.

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15. Have you ever held public or political office, elective or appointive? Yes No

If so, state office, manner selected, and when and where held.

16. Please provide the Council with information that you would like the Council to consider about other legal and nonlegal organizations and clubs of which you are a member, including civic, charitable, religious, educational, social and fraternal organizations. Please indicate whether you participate in the organization's activities, or simply hold a membership. Your involvement in the community is one of the criteria the Council uses in its evaluations. The Council does not use affiliation with a particular group as a criterion except to the extent that it might raise questions of conflict of interest or would affect an applicant's ability to impartially apply the law.

See attached.

17. Indicate (Yes or No) whether you have ever:

(a) been arrested, charged with, pled guilty or *nolo contendere* to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting or investigative agency in connection with any matter in any jurisdiction, including all traffic offenses, unless the fine was less than \$50 and there were no other sanctions?

Yes No

(b) failed to answer any summons or other legal process served upon you personally at any time? Yes No

(c) as a member of any armed forces, been the subject of any charges which may have resulted in disciplinary action or court martial? Yes No

16. **Current:**

- Alaska Gun Collectors' Association, Inc.** (1972-present) (Charter Member) (Master-at Arms, 1972-1973) (Secretary, 1983-1985) (President Emeritus, 1989-2004) (Director, 1994-1996, 2001) (President, 1973-1977, 1979-1981, 1985-1989, 2005-present) (Life Member, Card Number 1)
- Alaska Outdoor Council** (1985-present)
- Alaska Peace Officers' Association** (1970-present)
- Alaska Professional Hunters' Association, Inc.** (1981-present)
- Alaska Right to Life, Inc.** (1972-present) (Founder Member) (Member, Board of Directors, 1972-1976) (Vice President, 1972-1975)
- Alaska Territorial Cavalry, Motorized** (Founder member, 1991-present) (Secretary and Newsletter Editor, 1991-1998, 2000-2006) (Life Member #1)
- Alaska Veterans Memorial Museum** (Founder Member, 2003-present)
- American Society of Arms Collectors** (2003-present)
- Colt Collectors Association** (1982-present)
- Dallas Arms Collectors** (Life Member, 1989-present)
- 49th Territorial Guard Regiment, Inc.** (Member, 1987-1997, 2007-present) (President, 1987-1994, 1995-1996)(Director, 2007; Vice-President, 2007-present)
- Fraternal Order of Alaska State Troopers** (2005-present)
- German Club of Alaska** (1981-1994, 2001-present)
- Gun Owners Action League** (1987-present)
- Military Vehicle Preservation Association** (1989-present) (Member, Board of Directors, 1994-1996) (Vice President, 1994-1996)(life Member - 2005-present)
- National Lawyers Association** (1995-present)
- National Rifle Association of America** (1964-present) (Life member since 1975) (Benefactor member since 1984) (Member, Board of Directors, 1980-1992, 1994-present) (Second Vice President, 1988-1990) (First Vice President, 1990-1991) (Member, Executive Committee, 1984-1992, 1998-present) (Member, Education and Training Committee, 1980-1982) (Member, NRA Legal Affairs Committee, 1982-1988, 1996-present; Chairman, 1983-1987; Vice Chairman 1996-present) (Member, NRA Gun Collectors Committee, 1980-1992, 1994-96, 1997-present; Vice Chairman, 1982-1987; Chairman, 1987-1992, 1997-present) (Member, Committee on Hearings, 1987-1988) (Vice Chairman, President's Committee on Section 501[c][3] Status, 1986) (Member, Special Committee on Hunters' Funds for the ILA Task Force, 1987-1988) (Member, Ad Hoc Committee on NRA Member Organizations, 1987-1988) (Chairman, President's Task Force on Prayer Breakfasts, 1990) (Member, Ways and Means Committee, 1990-1991) (Member, Officers Compensation Committee, 1990-1991) (Member, Hunting and Wildlife Conservation Committee, 1991-1992) (Member, Legislative Policy Subcommittee on State and Local Guidelines, 1991-1992) (Member, Ethics Committee, 1994-present, Vice Chairman 1995-96, Chairman, 1998-present) (Member, Ad Hoc Committee on the Militia, 1995) (Member, President's Ad Hoc Committee to Investigate Violations of Association Policy, 1995) (Member, President's Special Committee to determine the feasibility of providing financial compensation for NRA Presidents, 1995) (Member, Ad Hoc Committee to investigate memberships and upgrades sold at a reduced rate, 1997) (Member, Nominating Committee, 1981-82; Vice-Chairman, 1998-1999)(Member, Special Committee to study the Pros and Cons of A Regional Quarterly Board Meeting, 2001)(Chairman, Alaska Host Committee, 2005).
- Ohio Gun Collectors Association** (1980-present) (Honorary Life Member, 1990-present)
- Pioneers of Alaska, Anchorage Igloo No. 15** (2000-present)
- Smith and Wesson Collectors Association** (1975-present)

Former:

Alaska Junior Miss Scholarship Pageant, Inc. (Member, Board of Directors, 1973-1980)
(Judges' Chairman, 1973-1977) (Vice President, 1977-1980)
Alaska Legal Services Third Judicial District Campaign Leadership Committee (2000)
Alaska National Guard Historical Holding (1989-1997)
Alaska National Guard Museum Fund, Inc. (Director, 1991-1999) (Chairman, 1996-1999)
Alaskans United Against The Tax Cap (2000)
Alaskans for Recriminalization of Marijuana Advisory Committee (1990)
Alaska State Rifle and Pistol Association (1980-1992) (Vice President, 1983-1988) (Secretary and Executive Officer, 1988-1989) (NRA Liaison Officer, 1989-1992)
Alaska Supreme Court Advisory Committee on Children's Rules (1972-1973)
American Bar Association (1968-1990) (Membership Chairman, Family Law Section, 1975-1976)
American Judicature Society (1970-1979)
Anchorage Clearinghouse Christian Ministries (Member, Board of Directors, 1992)
Anchorage Committee for the White House Conference on Children (1970)
Anchorage Council on Prevention of Alcohol & Drug Abuse (1984)
Anchorage Crime Commission (Committee on Prosecution, 1981)
Anchorage Veterans Monument Committee (Director, 1998-2001)
Armed Services YMCA of Alaska (Advisory Committee Member, 1995) (Director, 1995-2003) (Program Committee Member, 2000-2003) (First Vice Chairman, 2001-2002) (Chairman, 2003)
Association of Family Conciliation Courts (1977-1978)
B.P.O.E., Lodge No. 1351 (1991-2003) (Vice-Chairman, Americanism Committee, 1991-1995)
Commonwealth North (1986-2002)
Congress of Racial Equality (1991-1992)
Cystic Fibrosis Foundation (1984-1987) (Member, Board of Directors, 1984-1987)
Holy Family Cathedral Parish Council (1971-1975) (Vice President, 1972-1975)
Izaak Walton League of America (1990-2000)
Law Enforcement Alliance of America (1992-2002)
Law Enforcement Committee on Alcoholism (1969-1970)
National Council of Juvenile Court Judges (1971-1986)
National Firearms Museum Fund (Director, 1982-1994; 1997-1998)
National Republican Lawyers Association (1985-1994)
Navy League (1988-1998)
Sierra Club (1985-1986)
Spenard Bar Association (1975-1977) (Vice President, 1976-1977)
State Guard Association of the United States (1987-1997) (Member, Board of Directors, 1992-1994)

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- (d) had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? Yes No
 If your answer is "yes" to any part of this question, state the facts in detail. Give the name and place of the court or agency, dates of the beginning and end of any action or proceeding, case numbers, and the judgment or other disposition.

- 18. (a) Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes No
 In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a State Tax Office? Yes No
 If so, give particulars, including case numbers.

- (b) Have you ever been sued by a client? Yes No
 If so, give particulars, including case numbers.

Mitford vs. Ross (Fed Ct) 90-35055 - Fee dispute. A former client claimed he was incompetent when he signed the fee agreement. The Federal Court dismissed his claim and awarded Rule 11 sanctions against Mitford and his attorney.
 Owen vs. Ross - (State Ct) 3AN-99-6068 - Fee dispute. Settled for \$500 nuisance value.

- (c) Have you ever been a party in any other legal proceeding? Yes No
 If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings. Do not list proceedings in which you were sued only in a representative capacity (e.g. guardian ad litem, or as Commissioner of Natural Resources).

See attached.



18 (c) If so, give the particulars. Include all legal proceedings in which you were a party in interest, including petitioner or respondent in dissolution or divorce proceedings; a material witness; a named co-conspirator or correspondent; and subject or witness in any grand jury proceedings.

Case #	Party	Case Description	Result
3AN-78-4094CI	Plaintiff	Failure to pay legal fees.	Judgement in favor of plaintiff.
A88-0336CV	Defendant	Appeal - client failed to pay legal fees	Judgement in my favor.
A90-35055CV	Defendant	Fee dispute.	Judgement in my favor.
3AN-91-4807CI	Defendant	Husband sued wife and me (as her attorney) because she taped one of his phone conversations.	Court dismissed husband's claim.
3AN-91-6326CI	Plaintiff	Failure to pay attorney's fees.	Defendant signed confession of judgement.
3AN-93-11614CI	Plaintiff	Negligent work on vehicle.	Judgement in favor of plaintiff.
3AN-93-11668CI	Plaintiff	Failure to pay for structural flaw in vehicle.	Case settled in my favor.
A95-0053CV	Plaintiff	Voting - Civil rights issue	Filed Petition for Writ of Certiorari: Denied Position vindicated by similar case in California
A97-0272CV	Plaintiff	Constitutional rights - campaign contributions	Judgement affirmed in part and reversed in part.
3AN-97-4543CI	Defendant	Seizure of vehicle.	Release of vehicle in accordance to stipulated agreement.
3AN-97-6805CI	Plaintiff	Failure to pay for appraisal services.	Default judgement in my favor.
3AN-99-10332CI	Plaintiff	Failure to pay legal fees.	Default judgement in my favor.
3AN-02-9718CI	Plaintiff	Failure to honor vehicle warranty.	Defendant honored warranty.
3AN-06-4411SC	Plaintiff	Failure to pay debt.	Default judgement in my favor.

19. State the nature and disposition of any of the following actions which apply to you:

(a) Are there any unsatisfied judgments against you? Yes No
Have you ever defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree?

Yes No

In each case, list the name and address of the creditor, the court which rendered the judgment, the case number, the date, the amount of the judgment, and the circumstances on which such claim was based.

Has property owned by you been either judicially or non-judicially foreclosed?

Yes No

Please state the circumstances and outcome of any such unsatisfied or default judgment, or of any foreclosure.

(b) Have you ever made an assignment for the benefit of creditors? Yes No

Have you ever filed any petition in bankruptcy? Yes No

If so, state the circumstances, case number, and the outcome.

References and Counsel Questionnaires*

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- * **Please Note:** Letters of reference from these persons are confidential and will not be given to the applicant. If the reference asks (in writing) that the letter be shared with the governor, the Council will send designated letters and counsel questionnaires for each nominee. The applicant should not request a copy of the letter from the reference. (You should not list the Chief Justice of the Alaska Supreme Court.)

References or letters not solicited by the Council are considered public (with few exceptions) and will be sent to the governor for all nominees.

20. (a) List the names, addresses, **including zip codes**, and **phone numbers** of two persons whom the Judicial Council may contact who can discuss your general character and background.

Name: Rex Close
Address: 31520 West Glenn Highway, Milepost 102.1
City/State/Zip: Sutton, AK 99674 Phone: 907-552-2482

Name: Ken Overvold
Address: P.O. Box 110709
City/State/Zip: Anchorage, AK 99511 Phone: 907-346-2887

- (b) List the names, addresses, **including zip codes**, and **phone numbers** of three other persons whom the Judicial Council may contact who can discuss your professional competence and qualifications for a judicial position.

Name: David Baranow
Address: 2020 Abbott Road, Suite 4
City/State/Zip: Anchorage, AK 99507 Phone: 907-522-2136

Name: Colleen Baxter
Address: 310 K Street, Suite 200
City/State/Zip: Anchorage, AK 99501 Phone: 907-264-6747

Name: Timothy Peters
Address: 1500 West 33rd Avenue, Suite 100
City/State/Zip: Anchorage, AK 99503 Phone: 907-770-1616

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References and Counsel Questionnaires (continued)

(c) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that have gone to trial. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent trials they presided over.) List only those cases which have gone to trial within the past three years. Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: Kim Jaime **Case Number:** 3AN-05-5656
v. Mark Jaime **Judge Name:** Mark Rindner

Attorneys Involved:

Name: <u>Steven J. Priddle</u>	Name: <u>Wayne Anthony Ross</u>
Address: <u>700 Hollywood Drive</u>	Address: <u>327 E. Fireweed Ln., Ste. 201</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Cera Choi **Case Number:** 3AN-03-10163
v. Adam Choi **Judge Name:** Sharon Gleason

Attorneys Involved:

Name: <u>John Pharr</u>	Name: <u>Wayne Anthony Ross</u>
Address: <u>733 West 4th Avenue, Ste. 308</u>	Address: <u>327 E. Fireweed Ln., Ste 201</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Anita Gomez **Case Number:** 3AN-03-11226
v. Greg Mercer **Judge Name:** John Reese/Peter Michalski

Attorneys Involved:

Name: <u>Lanae Austin</u>	Name: <u>Wayne Anthony Ross</u>
Address: <u>525 West 3rd Avenue, Ste. 107</u>	Address: <u>327 E. Fireweed Ln., Ste. 201</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99503</u>
Name: <u>William Ford</u>	Name: _____
Address: <u>745 West 4th Avenue, Ste. 302</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

References and Counsel Questionnaires (continued)

(d) List the names, addresses, including zip codes, and suite numbers where applicable, and phone numbers of each attorney involved in your three most recent cases that did not go to trial but in which you did significant work. Please do not list cases pending in the trial courts. (Applicants who are currently judges should list the three most recent cases they presided over that did not go to trial but in which they did significant work.) Please include the judge's name and case names and numbers. (Attach additional pages if necessary.)

Case Number 1

Case Name: Cheryl Young v. Michael Young Case Number: 3AN-07-5618CI Judge Name: Mark Rindner

Attorneys Involved:

Name: Dorne Hawxhurst Address: 545 West 15th Avenue City, State, Zip: Anchorage, AK 99501 Name: Wayne Anthony Ross Address: 327 E. Fireweed Ln., Ste. 201 City, State, Zip: Anchorage, AK 99503

Case Number 2

Case Name: Autumn Novak-Buechner v. Daniel Buechner Case Number: 3AN-06-12294CI Judge Name: Craig Stowers/Michael Spaan

Attorneys Involved:

Name: Phyllis Shepherd Address: 800 East Dimond, Ste. 3-620 City, State, Zip: Anchorage, AK 99515 Name: Wayne Anthony Ross Address: 327 E. Fireweed Ln., Ste. 201 City, State, Zip: Anchorage, AK 99503

Case Number 3

Case Name: State of Alaska v. William Cohen Case Number: 3AN-06-10996CR Judge Name: No judge assigned

Attorneys Involved:

Name: Brittney Dunlop Address: 310 K Street, Ste. 520 City, State, Zip: Anchorage, AK 99501 Name: Wayne Anthony Ross Address: 327 E. Fireweed Ln., Ste. 201 City, State, Zip: Anchorage, AK 99503

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Writing Sample

21. Attach one example of a brief, memorandum of law, or legal opinion or similar example of legal writing (10-20 pages in length; 15-25 pages for appellate positions) prepared solely by you within the last five years. Please choose a sample that reflects your ability to do legal research and analysis. If you do not have a good sample of this length, include an excerpt from a longer writing. Make sure the sample contains sufficient facts to make it understandable. (Some reply briefs may not meet these requirements.) I do not write lengthy briefs or memorandums solo. Like the current justices, I regularly utilize law clerks if writing extensive briefs. I have attached an example or two of briefs done solely by me. Please do not submit: (a) coauthored writing samples, (b) samples with confidential information unless redacted to remove such information, (c) longer writing samples.

22. Has any **public** sanction been imposed against you in response to a complaint, charge or grievance brought against you as an attorney or a judge? Yes No
Have formal grievance procedures been brought against you? Yes No
See Bar Rule 22(b) & (e) concerning public grievance procedures against attorneys, and AS 22.30.011(b) and .060(b)(3) concerning public grievance procedures against judges.
Have you ever been held in contempt of court? Yes No
In each case, state in detail the circumstances and the outcome.

Additional Comments (Non-Confidential)

23. Please make any additional comments that you wish to bring to the Council's attention about your experience and suitability for this judgeship.

See Attached.

23. I believe that I can bring a substantial amount of experience in a large number of areas to this position. I have been continuously employed since I was twelve years of age. My longest period of unemployment was the period of four weeks beginning after graduation from law school, admission to the Wisconsin Bar, my marriage, and our honeymoon drive to Alaska. I started as a newspaper delivery boy with the Milwaukee Journal, and since then have worked at the following jobs through high school, 4 and 1/2 years of college, and law school:

Bagger for Kohl's Food Store (one of my then bosses was Herb Kohl who is now US Senator from Wisconsin), Grounds Tender for the Milwaukee County Park Commission, Grounds Tender for the City of West Allis (Wisconsin) Department of Forestry and Public Grounds, "Momback"¹ for the City of West Allis Sanitation Department, chain link fence repairer and painter for the City of West Allis, Shoe Salesman for Sears (I had to face "da feet" every day), and Mail Handler for the United States Post Office. As a newsboy, I earned \$6-\$10 per week, plus tips, for working part time every day of the week. I started for the City of West Allis at, I believe, \$1.10 per hour. Eventually I was making the princely sum of \$2.65 per hour. As a shoe salesman, I made \$2.10 per hour or 8% commission, whichever was more. When I started in private practice, I was billed at \$45 per hour. When hourly rates were raised to \$60 per hour, I had a real problem realizing that anybody could be worth \$1 per minute! Now I am billing almost \$4 a minute. It took me 1/2 a week when I began working to earn as much as I now make per minute. As a result of my experiences in earning a living while paying for my way through school, I have a real empathy for the average wage earner who finds himself or herself involved in my beloved legal system. That system is simply too expensive for the average person and I would like to work with the other justices and court administration to streamline court procedures and thereby reduce the expense of being involved in legal process. This State could use more judges who have had to make a payroll regularly, who know the real value of money, and understand the cost of litigation.

I was the first and only member of my generation in our family (including cousins, brother, and sisters) to attend and graduate from college. I taught courses at UAA entitled "Juveniles and the Law" (1973-74) and "Introduction to Criminal Justice" at the University of Alaska, Anchorage, for several semesters. I've been a guest lecturer at Marquette University Law School, the University of Alaska, Anchorage, and at Wayland Baptist College and I served as a member of the Board of Trustees (Secretary) for Lumen Christi High School from 1999 to 2001. One of our sons is a teacher, another is teaching for the USMC at Annapolis, and my wife is a former teacher. As a result, I have a deep appreciation for education, and the cost of such education.

I've been a member of the Alaska Peace Officers Association since 1970, have a daughter in law enforcement (Spokane Police Department) and, as stated, I have taught courses in criminal justice. In years past, I have represented Correctional Officers seeking to improve their lot with the DOC, as well as other police officers, and I believe that I have a good knowledge of the criminal justice system.

As a Family Court Master, I learned children's procedures and as a Court Trustee, I helped

¹A "Momback" is the guy that stands on the back of a garbage truck and signals the driver "C'mon Back". As a result of that job, I can no longer enjoy eating white rice.

Who could
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Verify this?

establish the computerized collection of child support that has developed into the Child Support Services Division of today.

I served as a Federal appointee to the Alaska Land Use Council Advisors' Committee as Vice-Chairman and Chairman and learned about land use in Alaska including management plans, and RS2477 problems. My firm handled the first McDowell case which guaranteed Alaskans equal hunting and fishing rights under our Constitution. I have traveled extensively in the Bush, and have conducted a number of trials there. I know and understand the problems of rural Alaska and Alaskans.

Alaska has an extensive population of military personnel and Veterans. I serve as Area Defense Counsel for the State Defense Force. I have served as a director for various veterans groups. Several years ago, I was told that I was the first civilian defense counsel to win a Court Martial case at Elmendorf Air Force base in 20 years. One of our sons is a Major in the USMC, having served in Iraq on 3 occasions. As a result, I understand the large percentage of Alaskans who have served or are serving now.

I have served on the Board of Directors of the National Rifle Association of America for over 20 years with people of widely divergent backgrounds. For example, I serve with Roy Innis (Executive Director of the Congress of Racial Equality) who has stayed in our home on occasion, Ted Nugent (Rock Star), and Charleton Heston (Actor). My clientele, too, is widely divergent. This has provided a plethora of experiences to a fellow like me who came from a quiet, Mid-Western background. As a result, I believe I understand people quite well and appreciate their varied background and philosophies. I am a good listener and have a good sense of humor, attributes that are too often lacking in today's society.

I enjoy writing, have an English Minor, and have written many published articles. A list is attached to this application.

I was told that when I was admitted, I was the 232nd attorney in Alaska. Now we have over 2800 practitioners. I have seen many changes over the years, the most notable being the increase in women attorneys. When I attended law school, there were only one or two females in my entire class. Now I understand that the number of women practicing law is approaching 50%. The increase in numbers of women involved in our profession is one of the real beneficial changes I have noticed over the years.

I believe that I have a reputation for honesty and integrity. I have had an enjoyable and stable life. I have been married to the same wonderful wife for 39 years and we have raised 4 great kids, all of whom are doing well. We have 3 sons (a teacher, a career Infantry officer, and an Engineer) and a daughter (a Policewoman). Alaska has been good to all of us and in the closing years of my legal career, I would like to try and give something back to the legal system I love.

I would appreciate your consideration.

Wayne Anthony Ross

Additional Comments (Continued)



24. Please indicate whether you prefer to be interviewed in public session or in private session. Your choice of a public or private interview has no bearing on the Council's determination of your qualifications or on the questions the Council may ask. You may change your request in writing at any time before the interview starts. No Preference.

Public Interview

Private Interview

25. Please prepare a brief biographical statement (*limited to 150 words*) about your background, legal education, and legal experience. Please do not list personal information about minor children. Your picture and a copy of this statement will be scanned and posted on the Council's website after the application deadline. In its Bar survey, the Council will invite attorneys to review the information if they wish to become more familiar with your background and experience. Use the form on the following page for your biographical statement. Please leave the box at the top empty. The Council will use this space for your scanned picture. *To be fair to all applicants, the Council will strictly enforce the 150 word limit.*

If you object to the posting of your picture on the Council's website, please indicate your objection below. If you object, we will not post your picture, although you still must submit twelve photographs of yourself with your application.

If you check this box we will not post your picture on the website.



Biographical Statement

Name Wayne Anthony Ross

Position(s) for which you wish to be considered:

Alaska Supreme Court Justice

Date: 24 June 2007

Former Assistant Attorney General, Court Trustee and Standing Master. Bachelor of Science degree from Marquette College of Business Administration and a Juris Doctoris degree from Marquette Law School (Milwaukee). Admitted to the Wisconsin Bar in 1968 and to the Alaska Bar in 1969. Mr. Ross has operated his own law firm in Alaska for 30 years with an emphasis on family law, criminal defense, wrongful termination, and plaintiff's personal injury. Has taught courses at UAA on Juvenile Law and Introduction To Criminal Justice. Member of Alaska, Wisconsin, and Anchorage Bar Associations. Area Defense Counsel, Alaska State Defense Force. Former member of the late (and great) Spenard Bar Association. Served as Chairman of the Alaska Land Use Council Advisors Committee. Member - Alaska Peace Officers Association since 1970. Assistant Guide, gun collector, lodge owner. Former columnist for the Alaska Bar Rag, Anchorage Daily News, and Alaska Chronicle. Twice Knighted (Poland and Vatican).

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Certification and Waiver

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete; and that I am a citizen of the United States and of the State, and will be eligible to be licensed to practice law in Alaska at the time of expected appointment (Ak. Const. Art IV; § 4).

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain and examine my personnel files from current and past employers, including all files maintained by the Alaska Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Alaska Bar Association and the Alaska Judicial Conduct Commission. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Council all confidential and non-confidential documents, records and information concerning me that the Council may request.

Wayne Anthony Ross
Signature of Applicant

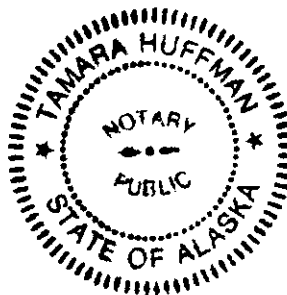
Wayne Anthony Ross

Typed Name

25 June 2007
Date

Subscribed and sworn to before me this 25 day of June, 2007.

Tamara Huffman
Notary Public, State of Alaska
My Commission expires: 6/26/10



**America's Newspapers****JUBILATION AND FEAR - INDIAN COUNTRY****Anchorage Daily News (AK) - Saturday, July 5, 1997****Author: Tom Kizzia Daily News Reporter ; Staff**

One weekend last December, the sky above northern Cook Inlet buzzed with small planes. Native leaders and seven dance troupes from around the state were flying to a potlatch at the last isolated Dena'ina Indian village in Alaska's most populated region.

A banner was hung in the high school gym: "Welcome to Tyonek's Victory Celebration."

It was a double-barreled celebration.

The 9th U.S. Circuit Court of Appeals had just ruled, in a case involving the northern Indian village of Venetie, that village-based tribes in Alaska may have territorial jurisdiction over "Indian country." Only weeks earlier, a federal judge had upheld Tyonek's claim to be a historical tribe, the end of a 15-year legal battle.

"We were celebrating recognition of our sovereignty," said Tyonek council president Peter Merryman. "We had it all the time, but now they recognized it."

On an alcohol-free weekend, the villagers and their guests danced all night.

"The jubilation that greeted this Indian country decision was amazing to me. It was like a rebirth," said John Sky Starkey, attorney for the Association of Village Council Presidents in the Yup'ik region around Bethel.

But jubilation was far from universal.

In Juneau, the Legislature set to work assembling a \$1 million legal fund to fight the Venetie decision. Critics said tribal governments would ultimately hurt Natives, economically and socially, and would segregate Alaska into Native and non-Native camps.

"When I first came up here 30 years ago, everyone was proud to be an Alaskan," said Anchorage attorney and sportsmen's advocate Wayne Anthony Ross. "Now the impression is people are being taught to be more proud of being a Native than of being an Alaskan."

With state lawyers predicting chaos and Rep. Al Vezey, R-North Pole, calling tribal sovereignty an "absolute evil" during a House floor debate, the battle over tribal government in Alaska was far from over.

For now, all attention is on the state's appeal to the U.S. Supreme Court. Beyond that, both sides are talking about carrying their case to Congress. But thoughtful leaders on both sides are also beginning to worry about the difficulties that victory for their side would bring.

There may be no return to the political landscape that existed in rural Alaska before the Venetie decision.

Supreme Court to listen

Last November, Native rights lawyers won a stunning victory at the 9th Circuit. But now they face reinvigorated legal opposition and a Supreme Court that has not appeared inclined to expand the powers of Indian tribes.

In June, the Supreme Court agreed to hear the state's challenge of the Venetie decision. The state succeeded in getting the court's attention with a fusillade of legal arguments, supported by briefs from the Legislature, Sen. Ted Stevens, R-Alaska, and 20 other states.

**NewsBank**^{inc.}**America's Newspapers****GET OUT OF TOWN - INDIAN COUNTRY****Anchorage Daily News (AK) - Wednesday, July 2, 1997****Author: Tom Kizzia Daily News Reporter ; Staff**

Tribal police officers escorted Jimmy Boan past the bell in front of the Moravian church and out of the village. In all directions, the tundra and the sea were a single flat line of white. The only civilization was at Boan's back.

An airplane waited. Boan didn't want to go.

He had been banished.

He was a white man living in Kipnuk with his Eskimo girlfriend -- until two years ago, when the Yup'ik tribal court expelled him as a troublemaker. Tribal officials said he pointed guns at people, brought in drugs and refused to follow the rules in the conservative, straight-laced village on the Bering Sea coast.

Boan said he was targeted because he refused to comply with an unconstitutional search of his baggage at Kipnuk's airport. He said they were after his girlfriend because she dared to criticize tribal leaders. He told the council they had no right to expel an American citizen.

They surrounded his house with snowmachines at night and cut off his electricity. When he finally left, he took a civil rights complaint to state and federal officials.

In Indian country, no issue cuts to the heart of self-determination like the power to decide who gets to live there.

For Indian country advocates, it is a fundamental right under federal Indian law and an essential tool of local control.

"Why do some of the villages have crime problems? It's because they leave it to an outside source -- they want the troopers to take care of them instead of taking on those problems themselves," said John Amik, administrator of the Kipnuk Traditional Council.

For Indian country opponents, the power to expel allows a tribe to set itself up as a foreign nation inside Alaska's borders.

"We moved out there for my girls to learn their language," said Boan, who now lives in Bethel. "I said, 'If this is the way you people are, I don't want them to learn your culture.'"

The ultimate power

Banishment was a traditional practice in many Alaska Native cultures before white civilization came, anthropologists and Native elders say.

In a world without prisons, it was the final solution for people who would not bend to the will of the community. After time alone in the wilderness, the exile might return, presumably contrite, or try to negotiate his way into another village. In times of war between tribes, banishment was a death sentence.

In the Lower 48, the power to exclude people and businesses from Indian reservations colors all relations between a tribal government and the outside world. It invigorates commercial and civil regulation: anyone crossing into Indian country agrees to play by the local rules or leave.

The Supreme Court has said a tribe "agrees not to exercise its ultimate power to oust the non-Indian as long as the non-Indian complies with the initial conditions of entry."



Before the federal appeals court recognized Indian country last November in Venetie and Arctic Village, tribal governments in Alaska appeared to have no clear authority to exclude anyone.

That was the legal hang-up in Alaska's best-known banishment case, in the Dena'ina Indian village of Tyonek across Cook Inlet from Anchorage.

In 1982, the Tyonek traditional council attempted to expel two white families, invoking a 40-year-old rule that read in part: "Any white men except government men or outsider coming in is allow to stay only 24 hrs. if weather permits them to go."

Tyonek's lawyers protested that it was really an issue of outsiders living in tribal housing without permission from the tribal council. But the white families' lawyers called it a "racial purification law." For many urban Alaskans, the Tyonek case became a powerful and damning symbol of Native sovereignty.

The eviction suit and a countersuit ground through the federal courts for more than a decade, climbing all the way to the U.S. Supreme Court.

"We thought Tyonek was going to be the case on Indian country and tribal status," said Kari Bazy-Garber, who picked up the lawsuit in midstream and remains the village council's attorney.

Years of wrangling in the Tyonek case eventually focused on whether tribes in Alaska could be recognized under federal law. But the lawsuit was finally resolved last October, in Tyonek's favor, without the court having to face the difficult question of Indian country and the power to enforce that 24-hour ordinance.

Some Native rights lawyers say that's just as well. Aware of the publicity at stake in the Native sovereignty movement, they acknowledge that the power to exclude can paint tribes in an unfavorable light.

"I think there were some aspects to that case that made it not sympathetic," said Heather Kendall-Miller, a lawyer for the Native American Rights Fund. Kendall-Miller represented Venetie in the tax case that won recognition of Indian country in Alaska. "It's hard to be a sympathetic case to educate a state, when the issue involves what many people would consider racism."

Only serious power

Uncertainty over Indian country has not kept traditional councils from invoking the banishment tradition in rural Alaska. In fact, given the state's refusal to recognize tribal criminal authority, many villagers consider banishment the only serious power a village has to enforce its rules.

Two dozen expulsions have been debated by Indian tribal courts in the Interior in the past five years, according to William Walters, tribal court facilitator for the Tanana Chiefs Conference in Fairbanks. Eleven people were banished, most of them Indians.

"Tribes believe there's been Indian country here all along and have been acting accordingly," Walters said.

Most of the cases involved people shipped out of their own villages because they threatened domestic violence or refused to comply with local alcohol rules, he said. In a case involving a non-Indian who abused village elders, the threat of expulsion proved sufficient.

"It's not really for punishment, but to protect the health, safety and welfare of the tribe," Walters said. "The power is very rarely invoked, and in my experience there's always been a series of events that have been very disturbing to the community."

On the Kuskokwim Delta, a Native bootlegger who had been in and out of state courts brought booze home to the village of Quinhagak whenever he got out of jail, said village tribal administrator Anthony Caole. It was a hard decision, but the council finally ordered the bootlegger put on a plane, Caole said.



"Whenever he brought in alcohol, we had domestic violence, people drunk in public, people hurting themselves," he said. "The state didn't fix the problem, so we had to do something."

After a year, Caole said, the bootlegger's family asked that he be allowed to return. He has been back several months, performing community service projects. So far, there have been no repeat problems, Caole said.

Charges of racism

The power to exclude is used most often within the tribe. But when white people are banished, it can catch the outside world's attention.

In two cases that made newspaper headlines -- the 1995 expulsion from Kipnuk and the 1982 case in Tyonek -- non-Natives claimed to be the victims of racism and the cynical abuse of tribal law.

Such charges fell like sparks on dry tinder.

In Kipnuk, Jimmy Boan contends the dispute arose partly because his Yup'ik fiancée, Mary Tirchick, dared to speak out against the tribal council's leaders, questioning how they spent government grants and accusing them of hiring close relatives for all the best jobs. As a result, he said, the council cracked down on them during the tribe's airport searches for booze -- until Boan declared the whole search unconstitutional and refused to comply.

"If they had any proof of me selling drugs or booze," he said recently, they should have called in the Alaska State Troopers. "They said I was white guy and didn't belong there. They said they didn't have to listen to what the U.S. government said."

He stormed out of a court hearing before five tribal judges, complaining he wasn't allowed to cross-examine his accusers. He said he didn't bother to appeal, since the appeal would have ended with the traditional council.

"Everyone in that village is afraid of the tribal council," Boan said.

"Ridiculous," responded John Amik, the Kipnuk Traditional Council administrator.

"The only reason Jim Boan was kicked out was because of his actions that are against the rules and regulations of the community," Amik said. "All he wanted to do was whatever he wanted, freely, without respecting our laws."

Village leaders say Boan argued with neighbors, waved guns angrily and spurned tribal efforts to intervene when his behavior got out of bounds. Yup'ik tradition calls for leaders to counsel violators, Amik said, to "talk to a person over and over until they understand. . . . State statutes say they can't charge someone unless they see it (happen). We try to keep things from happening, before they occur."

In tribal court, Boan would have had a chance to cross-examine, but he kept interrupting while witnesses tried to tell their stories, Amik said.

"I think the larger issue was one of Mr. Boan not being willing to march to their drummer," said trooper Dan Donaldson, who found himself in the middle of the dispute.

Exile is a familiar custom in Kipnuk, a coastal village with 600 residents, though it hadn't been seen in a while. Amik's 75-year-old father, Luke Amik, who holds Kipnuk's elected chief-for-life position, said two brothers were banished years ago for keeping an especially good source of blackfish to themselves. Others were expelled, and later allowed to return, for making homebrew or consistently taking another person's dog team without asking.

The Boan expulsion triggered a small constitutional crisis. The traditional council cut off electricity to Boan's house for several months. Power was restored only after a state Superior Court judge ruled the local utility was subject to regulation by the Alaska Public Utilities Commission, which had received a complaint. Amik said the council couldn't find a lawyer at the time to argue that the utilities commission lacked jurisdiction in Indian country.



Donaldson said Kipnuk had a few "hotheads" but most of the leaders seemed "very intelligent and level-headed and willing to compromise."

On the other hand, a trooper investigation into village complaints against Boan never led to charges, Donaldson said. In February, however, Boan was sentenced to 20 days in jail for shoving Amik, spitting on him and punching him in the face when they ran into one another at a store in Bethel.

"Any time anyone from the Kipnuk Traditional Council came into Bethel, he would harass them," said former assistant district attorney Jim Valcarce, who prosecuted Boan. "He wanted to let them know they weren't welcome on his turf."

As for complaints about violations of his civil rights in the airport search, Donaldson said, the troopers applied a version of the Clinton administration policy known as "Don't ask, don't tell."

"We were supportive of the traditional council's effort to stop the flow of alcohol and drugs into their community," Donaldson said. "If that's their goal, it's righteous."

The Federal Bureau of Investigation also looked into Boan's charges and forwarded the results to the United States attorney and the civil rights division of the U.S. Justice Department, according to Anchorage FBI agent Bill Bounds.

The investigation has not been made public, but federal officials didn't step in. It would have been an especially tough call given the uncertainty about tribal powers in Alaska, said U.S. Attorney Bob Bundy.

"In Indian country, they have authority to throw anybody out. If there's no Indian country, people are free to exercise the right to travel," he said. "I don't even come close to knowing the answers to a lot of this, and I don't think anybody does."

Alaska Attorney General Bruce Botelho said the state usually doesn't intervene when adults complain that a government agency has violated their civil rights.

"I have fairly limited lawyer resources," Botelho said. "The policy call is largely dictated by whether an individual is able to vindicate his rights by himself" through a lawsuit.

"That's the typical weak response of a weak administration," said Wayne Anthony Ross, an Anchorage attorney and sovereignty opponent. Ross contends that the state should intervene in villages like Kipnuk where civil rights may be abused.

"They've taken it upon themselves almost vigilante style to search people. That's totally improper. The state needs to teach the village how to search for alcohol without trampling on other people's constitutional rights," Ross said. "There are Native lawyers who say the constitution doesn't apply in the village. That's as outrageous as bringing alcohol into a village that has outlawed it."

Trespassing or racism?

In Tyonek, villagers still wince at the mention of the expulsion case that started in 1982.

For years, they say, they were called racists when they left the village. In Anchorage, they say, they were refused hotel rooms and ordered out of taxis. Wear a Tyonek hat, the local saying goes, if you want to get in a fight in Anchorage. But they still insist they were misunderstood, that the case was about trespassing, not race.

"If I go to your house I've got to have permission to come into your house," said traditional council president Peter Merryman. Visitors to Tyonek should show the same respect, he said.

Erna "Bernie" Puckett, on the other hand, still insists it was a case of racial discrimination, at least on the part of a few village leaders. She winces, too, recalling her family's two-year battle to remain in their home in the village, including vandalism and anonymous late-night calls.



Puckett had worked at the Tyonek school for several years as a substitute teacher and tutor while her family lived in a nearby logging camp. When the camp closed, the family received village council permission to move into Tyonek and finish the school year. The Pucketts rented a house from a tribal member, who later sided with them in court. When the principal offered her the job of school secretary, they decided to stay beyond the agreed-upon year.

"The stories I could tell. I would not want anyone else to go through what I went through," said Puckett, who lives in Wasilla now. "It was discrimination. It wasn't OK for me as a white person to have the secretarial job."

Council members said the tribal housing was needed for tribal members in the village of 250 people. But others said the eviction was about the school job.

Jobs were few in Tyonek. Some tribal officials felt the school secretary should be a villager, according to Puckett.

For two years Puckett hung on to her job and her house, until troopers advised her to go.

"I want to think it was just a handful of people," Puckett said. "I had people come to my door saying they were not part of it, they didn't think it was right."

Puckett said her family has many happy memories of Tyonek. Her children starred in sports at the local high school. One of her sons is now married to a Yup'ik woman and lives in Dillingham, she said.

Some Indian country opponents continue to see the Tyonek case as a cautionary tale -- if not of anti-white racism unleashed by Native sovereignty, then of a village clique invoking the tribe's ultimate power of exclusion to achieve a small and divisive end.

In Tyonek, villagers refused to comment on any internal differences of opinion. But as the lawsuit evolved into a challenge to Tyonek's ability to govern itself under tribal law, the village closed ranks.

"They were just trying to protect what little they had," said Bazy-Garber, the council's lawyer.

Tyonek once had a lot: a 29,000-acre land reserve, withdrawn by the federal government for the village in 1915 to fend off encroachments by commercial fishing traps. The reserve paid off in the 1960s with the discovery of Cook Inlet oil.

Leasing on the reserve made Tyonek rich by rural standards of the time -- though the council had to sue the Bureau of Indian Affairs to get control of a \$12 million bank account. Some of the money was used to help launch the Alaska Federation of Natives. The village also built its own school and 60 houses for tribal members. The council passed a law that the new houses could not be leased or sold without council permission.

Those housing rules became central to the Tyonek banishment case.

The courts finally decided Tyonek has the right to set rules for tribal housing and that tribal officers enforcing those rules are immune from discrimination lawsuits. This was an internal tribal matter, the court said, whether or not Tyonek was in Indian country. The only remaining question was whether Tyonek had been a tribe in 1982, before the BIA issued a formal list of tribes. The U.S. District Court ruled last October that it had been.

In December, with a "Victory Celebration" banner still hanging in the log community hall from a weekend-long potlatch, council president Merryman told visitors that Tyonek's motivation has been to defend itself against the encroaching outside world.

That was the motivation in 1915, when Tyonek's land was protected in a federal reserve. That was what Tyonek's lawyers said they were attempting in 1982, when the 24-hour rule for whites hit the newspapers.

And that is the motivation cited today in Kipnuk -- and in Akiachak and Venetie, and many of the other villages



hoping Indian country will give them the tools they need to defend their way of life.

Merryman said the people of Tyonek don't want to see their corner of Cook Inlet swallowed by the white Western society, as happened to their Dena'ina cousins across the Inlet in Kenai.

The village has shrunk in the past decade, from 250 to 150 residents. Some of the tribal houses are boarded up, their owners moved away to find work. But coal fields, natural gas development, state land disposals and the industrial plans of Tyonek's own village corporation all will bring people to the west side of the Inlet, Merryman said.

"We need to keep control over here," Merryman said. "Everybody knows the west side is going to be a boom town."

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**NewsBank**^{inc.}**America's Newspapers****TWO DESTINIES, ONE LAND - INDIAN COUNTRY****Anchorage Daily News (AK) - Sunday, June 29, 1997****Author: Tom Kizzia And Don Hunter Daily News Reporters ; Staff**

One morning last summer, at the height of the king salmon run, Granville Brinkman awoke to find himself in Indian country.

The avid angler was staying in a big private camp on the Kanektok River in Southwest Alaska, where dozens of similar camps crowd gravel bars when the salmon run thick. Anglers from around the world pay guides thousands of dollars a week to cast into the clear, cold water.

But for the 540 Yup'ik Eskimo residents of Quinhagak, whose ancestors have lived near the river mouth for centuries, the tourist boom has been a bust. It has meant no money for the tribe -- just competition for fish and drinking water polluted by fishermen's feces.

Now the village is doing something about it -- and making history in the process. Quinhagak's leaders are coolly asserting jurisdiction as a sovereign Native American tribe over outsiders camped on the riverbanks they call Indian country.

Brinkman, a Seattle businessman, was alone in camp last June when the entire Eskimo tribal council showed up in boats with a summons to tribal court.

"I just went up there to fish," Brinkman said. "All of a sudden there was a problem."

Last November, all of Alaska suddenly found itself in Brinkman's boots. A federal appeals court upended conventional wisdom, ruling that village tribes in Alaska may have jurisdiction over their traditional lands.

Now the U.S. Supreme Court is considering whether to uphold that decision. But as sportfishermen near Quinhagak have discovered, this is not just a dispute among lawyers. In the eyes of many rural Alaska Natives, Indian country already exists on the Kanektok River and in pockets across the state.

Villages are setting up tribal courts, imposing tribal taxes, hiring tribal police officers, and enacting tribal laws that affect villagers and non-Native visitors alike.

Tribal councils are ignoring state gaming laws and running their own bingo and pull-tab operations. One tribal government even envisions a casino in downtown Anchorage.

Citing the special powers of Indian tribes, local councils skirt the Constitution and routinely search incoming visitors for alcohol and drugs. Troublemakers, both Native and white, have been kicked out of villages by tribal edict.

Tribal governments in Alaska say they are doing all this to save a culture on the brink of destruction. And they are doing it even though state and federal policy-makers have said they have no legal right.

The state's lawyers argue that Alaska's Natives don't have the powers of tribes in the Lower 48. Alaska has a bigger percentage of Native Americans than any other state. But their legal status was supposedly different -- the very word "tribe" evoked a history of treaties and Indian wars that had little to do with Alaska's isolated Eskimo, Indian and Aleut villages.

Above all else, Indian country opponents say, the Alaska Native Claims Settlement Act, which created the state's unique system of Native-owned corporations and awarded them \$962 million and 44 million acres of land, did away with any possibility of Indian country here.



But last November, in a landmark ruling that stunned many Alaskans, a federal appeals court said yes, Indian country does exist in Alaska.

Alaska is now watching for the outcome of the state's appeal to the U.S. Supreme Court.

In Juneau, legislative leaders said the stakes over tribal sovereignty make every other issue, even subsistence hunting and fishing rights, pale by comparison. Indian country, they say, would create a chaotic patchwork of jurisdictions and deepen racial divisions.

The state's lawyers have been joined by 20 other states worried about the spread of a new tribes-without-reservations concept to the Lower 48.

Alaska Natives, speaking with increasing unity, respond that tribal government has never disappeared from the Bush. They say the decade-long tribal revival in rural Alaska is too far advanced to be stopped by court rulings or backstop acts of Congress.

"It drives me crazy when I hear people say the 9th Circuit has 'granted the right' for tribes to exist in Alaska," said Will Mayo, president of the Fairbanks-based Tanana Chiefs Conference. "This is not something that just suddenly appeared."

Both sides are raising practical arguments about how Indian country could hurt the state's broader interests or what it could do for rural communities. Underlying these concerns is a profound philosophical debate over race and history.

On one side is the national ideal of minority-group assimilation and the Alaska constitution's insistence on equality before the law. On the other is the historical right of America's first inhabitants to govern themselves and maintain a measure of control over their collective fate.

Suddenly, on the eve of the 21st century, the people of Alaska are faced with resolving one of the oldest unsettled arguments in American history.

It begins with a tax

Five months after Granville Brinkman was summoned to tribal court in Quinhagak, the 9th U.S. Circuit Court of Appeals handed down the decision that touched off the wider debate over Indian country in Alaska.

The 9th Circuit case involved a tax imposed by the joint tribal government of Venetie and Arctic Village, the two northernmost Indian communities in the United States. The federal appeals judges concluded that the land claims act and transfer of land to village Native corporations had not, by itself, removed the land from the authority of Alaska's village-based tribes.

The land around Venetie -- and any other land in Alaska that could meet the 9th Circuit's new test -- was Indian country, where tribes had jurisdiction and the state did not.

The ruling appeared to sanction village tribal activity that had spread rapidly for a decade, often under the carefully averted gaze of state officials who may oppose tribal government in principle but find it the only practical way to administer modern life in much of rural Alaska.

But to many Alaskans, the ruling came as "a bolt out of the blue," as the state's lawyers said when they asked the Supreme Court to hear an appeal.

Suddenly, under the Venetie decision, the most basic social and political relations in Alaska have been called into question.

The state's lawyers predict chaos if all 226 recognized tribal councils in Alaska invent their own rules for taxation and regulation independent of the state. They quoted one of the 9th Circuit's judges, who glumly anticipated "a



blizzard of litigation" as villages like Quinhagak test whether they, too, have tribal powers.

"In practically every area of government, Alaskans -- Native and non-Native alike -- must now ask themselves the basic question: who is in charge?" the state told the Supreme Court.

Native rights lawyers have tried to spin the issue the other way, saying the state's alarms are overblown. They say the 9th Circuit's test for Indian country is a good fit only for remote villages and is unlikely to affect most Alaskans.

Instead of demonizing tribes, they say, the state should be working with local councils to address the worries that gave rise to the Indian country movement: the future of subsistence, the absence of effective rural law enforcement, the unraveling of Native culture in a spiral of alcohol abuse, suicide, and powerlessness.

In remote villages where few non-Natives live, objections to tribal self-government can indeed seem harsh and overwrought. Even so, recognition of Indian country would bring profound change to Alaska.

An examination of state-tribal conflicts in the Lower 48 and dozens of interviews with Alaska tribal leaders, state officials and experts in federal Indian law suggest that Indian country would permanently alter ways of doing business here: shifting power away from Juneau, authorizing new kinds of taxes and regulations, and creating parallel legal systems that would be complicated to synchronize.

As Alaskans wait to hear what the Supreme Court will say, an ever-widening rift is opening on the Last Frontier.

The Legislature quickly passed a special \$1 million appropriation to fight what legislators said was a challenge to the state's sovereignty. Republicans in the legislative majority cited such concerns as inconsistent fish and game rules and tribal taxes that they said might discourage rural development.

But many also expressed an underlying sense that Indian country is somehow un-American.

Sen. Robin Taylor, R-Wrangell, chairman of the Senate Judiciary Committee, said extra-constitutional baggage searches for alcohol, no matter how effective, were marks of a tyrannical dictatorship, potentially unfair to tribal members as well as outsiders. "Let's set up Juneau as a dictatorship and I'll bet you it would work real good," he said.

Native leaders responded that the concept of Indian self-determination is as old as the U.S. Constitution. In villages like Quinhagak and Venetie, the response has been bitter to the \$1 million appropriation by legislators who could otherwise talk of nothing but budget cuts.

On the wall of the tribal office in Quinhagak is a picture of Gov. Tony Knowles, smiling in the midst of black-suited Quinhagak tribal police officers. Knowles, a Democrat, was narrowly elected with overwhelming support from rural Alaska. His opposition to Indian country since last November has stirred especially strong feelings of betrayal, said Frank Fox, 54, Quinhagak's tribal natural resources manager.

"If we'd known what was going to happen," said Fox with a rueful smile, "we'd have taken him hostage."

'The river is everything'

Many of the forces that brought Indian country to rural Alaska can be seen in a hand-painted plywood sign by the river in Quinhagak, 70 miles south of Bethel on the Bering Sea coast.

Faced by the unregulated growth of sportfishing on the Kanektok River, Yup'ik villagers put up the sign warning: "To Avoid Stray Bullets From Seal Hunters Do Not Sport Fish Beyond This Point." Anglers sometimes crowd upstream of the sign as if it were a Fish and Game marker.

The Kanektok River has sustained the Yup'ik people of Quinhagak for centuries. Today the river provides a small cash economy, salmon for the drying racks in summer, rainbow trout through the ice in winter, boat access to the mountains for caribou and firewood, water for drinking.



"This river is everything for us," Fox said.

The river and its low-water gravel bars belong to the state. The surrounding land belongs to the Native corporation and individual Native allotment owners.

Since 1980, sportfishing on the Kanektok has grown from nearly nothing to 5,800 user days in 1996, according to the U.S. Fish and Wildlife Service. The growth has meant trespassing on Native land, pollution, and development of permanent private and commercial camps on state riverbars that are supposed to have a three-day camping limit.

Nothing was being done about it, villagers say.

State troopers say they are too busy to attend to non-emergencies on the river.

Trespass complaints had to be filed in Bethel court. Few complaints were ever filed, and the offending campers were long gone before anything could be done.

The state could afford to send Department of Natural Resources officials to the river only once or twice a summer. Even then, visiting state officials had no authority to cite the long-term gravel-bar camps. Like the corporation, state officials could only file complaints in a distant state court.

Federal jurisdiction begins 20 miles upriver at the Togiak National Wildlife Refuge. But federal rangers who patrol the lower river said they were there only to provide information, which the illegal camps ignored.

In 1987, villagers charged upriver in their skiffs in a futile protest. They were angry their commercial fishery had been shut down but the outsiders could continue to sportfish.

"They just grabbed their rods and reels and ran off into the willows," Fox said.

Villagers asked the state Board of Fisheries without success to close the Kanektok to catch-and-release fishing, citing local cultural and religious beliefs. The practice of releasing fish may be high-minded conservation to anglers, but Yup'ik elders said playing with food insults the fish and drives them away from men.

"We've been treated just like the birdwatchers and rafters," said Anthony Caole, Quinhagak's tribal administrator. "Without a government-to-government relationship, we get no special standing."

Lately injury has been added to insult, as elderly people fell sick with diarrhea during the salmon runs. River water samples taken by tribal police and tested in Anchorage found high levels of human waste, with fecal coliform measurements spiking during the popular silver salmon season and in the spring, when high water reclaimed the gravel bars for the state.

Quinhagak has faced internal turmoil as well. Like the external modern problems on the river, the problems of cultural breakdown helped nudge the village toward tribal government.

A Quinhagak teenager died in 1987 after a drinking party featuring punch spiked with toxic cleaning fluid stolen from a school copier machine. Four years ago, another teenager was killed in a high-speed snowmachine accident after he'd been sniffing gasoline.

The village has voted itself dry under state alcohol law, and state courts took care of the worst alcohol-related crimes. But nobody was around to handle the smaller daily tragedies, the public drunkenness and senseless accidents and domestic violence, that can turn life in some villages into a battle zone.

"Predictions of chaos are one perspective," said Tanana Chiefs president Mayo, recalling the state's description of the consequences of sovereignty. "But from the village perspective, chaos already is occurring. I can't tell you how many potlatches we've had for our dying children."



Village officials found support for tribes in the work of a blue ribbon panel appointed by Congress in 1990 to investigate the cultural disintegration in many rural Native communities. The Alaska Native Review Commission concluded that tribal jurisdiction over alcohol control, community matters and law enforcement would strengthen village culture by allowing "Native solutions to Native problems."

"If you travel in Alaska, you find that the places acting the most like tribes are the places that are the most functional," said John Sky Starkey, a lawyer for the Bethel-based Association of Village Council Presidents who has represented Quinhagak in subsistence cases. "So if you really want a functional rural Alaska, it seems to me that Indian country is the way you get there."

In Juneau, however, legislators insisted that Native demands for greater local control be channeled through the state's own institutions.

"They'll do a better job there than we do here. I support them on that," Taylor said. "But run it through a municipal government. The only muster they have to pass is does it pass the constitution of the state of Alaska, which demands equal rights.

"The U.S. Constitution allows and encourages discrimination. The Alaska constitution demands equality," said Taylor, who appeared before the Alaska Federation of Natives in February to argue the case against Indian country. "This will all be thrown out. It could take 50 years. It cannot withstand the test of the Bill of Rights."

But in an era of state budget cutting, Quinhagak's leaders say their search for government help with village problems has brought empty rhetoric from the state.

Both Quinhagak's state magistrate and its village public safety officer, who reports to the troopers, have resigned. The magistrate isn't being replaced, and replacing the VPSO won't be easy: that program is chronically underfunded, with no money to hire an officer in one of four villages authorized. In Quinhagak, local law enforcement is now in the hands of five tribal police officers.

The Department of Environmental Conservation was unable to respond to years of village complaints about fecal pollution. "We've lost 50 percent of our general fund budget in the last five years. We cannot deliver that kind of public health service everywhere it's needed," said DEC commissioner Michele Brown. The tribe went to the federal Environmental Protection Agency for money to do its own water testing.

The Department of Fish and Game was unable to monitor spawning escapements in the Kanektok, despite biologists' concerns about increased fishing pressure. So the tribe assembled federal grants worth \$75,000 to build a salmon-counting tower, which will be staffed by villagers with technical oversight from the state Department of Fish and Game.

"For a long time, the state has wanted to do an escapement count on the Kanektok, but we didn't have enough money," said Fish and Game research biologist Doug Molyneaux. "With this and other cooperative projects on the Kuskokwim, we've more than doubled the number of escapement projects we have."

And as state revenue sharing to municipalities shrank each year, new sources of money opened to tribal governments through federal self-determination programs.

When the Quinhagak tribal council was formally revived in 1993, the major goal at first was to tap federal grants for village jobs, concedes council president Wassilie Bavilla.

In a typical turn of events, the initial push came from a local resident, Bavilla, who had attended boarding school in Oklahoma and was familiar with tribal governments in the Lower 48.

The tribe hired as its administrator a non-Native married to a villager. Anthony Caole, who had studied the new tribal movement as part of a rural development program at the University of Alaska Fairbanks, started drafting personnel policies and ordinance codes.

From an initial \$30,000 administrative grant, the tribe has grown to handle a payroll of more than \$1 million a



year. The city council has been eclipsed, contracting with the tribe to handle all local services.

The tribe soon turned its attention to illegal sportfishing camps like the one where Granville Brinkman was a guest.

The camp had been set up by Mark Smith, an Anchorage fishing guide. Smith had been told by a tribal police officer that he was camped on Native corporation land.

"I said I beg to differ. They have no right to go in on state property and kick us out," Smith said. "Everything used to be fine out there, but then the village goes from municipal government to tribal rule and things started to get ugly."

Eventually a state official flew out from Anchorage and said the tribe was right about the gravel bar being above the high-water line, making it Native land. By that time, however, Smith had left the Kanektok. He'd had a second run-in with tribal police -- this time over alcohol and a fistfight with another guide at a hot fishing hole.

So it was left to Brinkman to settle a \$900 account with the tribe and move the camp.

"The first encounter was a little tense, but we came to an agreement," Brinkman said. "To me, police are police. But with the corporation and the tribe, that is somewhat confusing."

Another tribal law required honeybuckets for human waste in camps along the river. Most fishermen happily agreed to drop their waste at the airport, Caole said. In what could be an interesting test of Indian country, the tribe will cite violators on state-owned gravel bars this summer.

This summer, one of the "informational" federal rangers on the lower river will be a deputized tribal police officer. The refuge had tried to hire a villager, Caole said, but ran into a local stigma against anyone from Quinhagak wearing a federal uniform.

Eventually, through signed three-way agreements with the state and federal governments, Quinhagak hopes to be able to enforce state and federal rules along the river, Caole said.

"Nobody's talking about trying to assume exclusive management of resources," Caole said. "We just want a meaningful role."

Meanwhile, the new tribal court has been busy with internal matters. Judges banished a repeat-offender bootlegger and clamped down on public drinking. Domestic violence cases have practically disappeared because people are mortified showing up before tribal judges, said Curtis Abalama, who resigned in May after serving six years as the village public safety officer.

"It used to be when the weather is warming up, we'd see more drunks," said John Smith, a former state magistrate who was appointed the tribe's chief justice. "I used to see families, their kids crying. I don't see it now."

A few villages with a more radical interpretation of their sovereignty have had well-publicized clashes with state troopers over the handling of more serious crimes. But Jim Hibpshman, a state trooper who occasionally visits Quinhagak, said this tribal court pays close attention to proper procedure and the tribal police cooperate with troopers.

"I know there are some people in the state who have some heartburn with it, but I think it's a good thing," said Hibpshman. "These are smart people and they know what works and doesn't work. If you were living out here and the river was out of control, what would you do?"

Tribal officials say they have no plan to ban sportfishing on the Kanektok, even if they could. In fact, they say, they are lucky to have some economic base for the future.

For three years, the Qanirtuuq Corp. has operated its own guided fishing camp upriver, having first won approval



for the idea in a villagewide vote. Young Native guides have learned to fish with fly rods, and other guides taught a fly-tying class for village children.

"I guess you could call it technology transfer," said Qanirtuuq's top guide, Willard Church, who had seen little interaction between sportfishing camps and villagers before that. "Native people have been adapting for 200 years," he said.

The corporation is promoting catch-and-release fishing to protect fish populations -- despite the continued grumbling of village elders.

"This is a challenging thing to keep the camp going, having objections from the elders," said Joshua Cleveland, head of the fish camp subsidiary.

But the corporation's effort has lost money so far. And when Quinhagak guides went to sports shows in the Midwest last winter to promote the camp, they said they met hostility spilling over from an Indian treaty battle over spearfishing.

"They would peek over there and see Native people and go away," Cleveland said.

In the future, Caole said, the tribal council may get even more involved on the river. That could mean barring alcohol from river camps, since Indian country is automatically dry under federal Indian law. Council members also have discussed zoning in Indian country -- including the many individual Native allotments along the river -- to limit the size of commercial operations, he said.

That may be where Indian country finally rubs someone the wrong way on the Kanektok River.

Alaska West, one of the biggest commercial operators on the river, has a camp on a Native allotment and hosts as many as 18 anglers a week, at \$3,500 apiece. Guides there stressed that they keep human waste off the gravel bars and pick up trash when they see it.

John Rupp, a four-year river veteran from California, concedes there has been little communication between the village and their camp, located just one bend up the river. But with a little imagination, he said, he can put himself in the local Natives' shoes.

"It's especially poignant for them because it's their special place and they hate to see it change. But change is happening everywhere," Rupp said. "The river is here for everyone. It doesn't belong to any one person. Any of the villagers can move to California and go fishing there, just like here. This is still the United States."

Who will govern

Indian country is part of the United States, too, subject to the laws of Congress. It will be up to the Supreme Court to decide whether Alaska's Native villages have the power to act as governments in the way Quinhagak has.

Opponents of Indian country say the main thing inherent in tribal sovereignty is its unfairness. They say it would create ethnic enclaves in Alaska where one racial group gets to make the rules for everybody else.

"It's a giant leap backwards into the 19th century," said Anchorage attorney Wayne Anthony Ross, who represented sport hunters in the 1989 lawsuit that overturned as unconstitutional the state's subsistence preference for rural residents. "They want to see Alaska balkanized into little fiefdoms where these self-proclaimed Native leaders will reign supreme with help from the Great White Father."

Tribalism pushes Alaska Natives away from full citizenship into being wards of the federal government, some critics say. They contend the economic assimilation model of the land claims act is still Natives' best hope for the future. Sovereignty, they say, creates a natural conflict between powerful Native institutions: the corporation and the tribe.



But in contrast to the early 1980s, when tribal sovereignty first became a political issue, there are few Native voices making those anti-sovereignty arguments today.

The Indian country debate has injected a frank new discussion of race into Alaska politics.

"Congress has created institutionalized racial polarization. You couldn't think of a better way to do it," said Larry Long, deputy attorney general of South Dakota, where a checkerboard of Indian and private land has brought decades of litigation. "Where you have a substantial mix of non-Indians and Natives, I predict those areas are going to be the hotbeds."

Unconstitutional searches can seem more sympathetic in remote villages than in mixed-race communities, said Sen. Rick Halford, R-Eagle River, one of the Legislature's more outspoken critics of tribal sovereignty.

"Put that same village on the road system and that's where all the conflicts come up," Halford said.

Native leaders and their attorneys respond that it's not a matter of race, but of the historical relationship between Native American tribes and the federal government. The tribes are sovereign not because they get special minority favoritism, but because they never surrendered all their sovereignty to the United States.

"One disadvantage Indians have is you can't understand their position without understanding a long and complex history," says University of Colorado law professor Charles Wilkinson, one of the nation's pre-eminent authorities on Western land use and Indian law.

"To get a fair hearing, the Indians have to have the state's leaders or a portion of the public take the time to understand that context. Because when you take it out of its historic context, it does seem race-based and arbitrary. Unfortunately, most people don't have the time to do that."

Many Natives see racism not in tribal self-government but in the presumption of critics that tribal justice will be mean-spirited, tribal regulation shortsighted and tribal taxation extreme.

"Are tribal governments incapable of wise business practices?" asked Tanana Chiefs Conference president Mayo. "Are they, you know, some rabid dogs behind the fence that you've got to keep contained or eliminate?"

"They don't even realize what they're doing, do they? They don't realize that the rhetoric, to paint those hook-nosed Indians, so to speak, greedy, stupid -- they don't realize what messages come from that rhetoric."

In the court's hands

It is June now, and schools of king salmon are again holding in the clear pools of the Kanektok River.

The state's lawyers are trying to convince the Supreme Court that the appeals court misunderstood the history of Native-white relations in Alaska.

If they fail, years of litigation may be necessary to sort out the extent of tribal powers in Alaska. For example, tribes such as Eklutna in Anchorage or the Kenaitze in Kenai, or even tribes in regional hubs like Bethel and Nome, would face a tough challenge qualifying under the 9th Circuit test, Native rights lawyers concede.

Meanwhile, Congress, which has the final word over Indian matters, could intervene and eliminate Indian country in Alaska -- or create a new, narrowly defined version of tribal power here. Already, Alaska's congressional delegation is hinting such a compromise may be possible, despite vows of national Indian organizations to fight efforts to limit inherent tribal rights.

But at least one Lower 48 skeptic warns that the prospect of a congressional fix is a mirage.

"Congress isn't going to answer any of these questions for you. We've been litigating this stuff since the '40s and Congress has not stepped in," said Long, the South Dakota deputy attorney general. "You folks are going into a brave new world."



Assembly member Kevin Meyer said he asked the mayor this week to consider Warner for the deputy chief's position if Udland is confirmed by the Assembly.

"I think it would be a win-win situation since she's so popular with the rank and file," Meyer said.

Last Wednesday, Mystrom announced Udland as his choice to replace O'Leary. The Assembly was to vote on whether to confirm him this past Tuesday. However, initial Assembly opposition prompted Mystrom to postpone Udland's confirmation vote until Jan. 28.

Some Assembly members have withheld support because of employees' concerns about Udland's authoritarian management style.

Assembly member Pat Abney said she was "amazed" at the number of negative calls about Udland she's received from police department employees. Mystrom said they were upset because, as deputy chief, Udland was required to implement unpopular decisions. The most controversial was the mayor's decision to switch patrol officers from a 10-hour, four-day work week to eight hours and five days.

The mayor also said Assembly member Joe Murdy was heading a police union effort to derail Udland's nomination.

"A number of Assembly people have said to me, 'I need Joe's vote on some things,' " Mystrom said Thursday. "That's a real sad thing."

Murdy said he hasn't talked to any of the union representatives, but many police officers and other employees have contacted him and expressed concerns. He denied trying to influence other Assembly members.

"I haven't called any chits in," Murdy said. "If the mayor had done the nomination the right way, he wouldn't be in the mess he's in. It's a shame he has to blame it on someone else."

Assembly member Charles Wohlforth said the mayor's attempt to paint employee opposition as only a union concern was wrong.

"It's not a union thing," Wohlforth said. "There's definitely legitimate unhappiness from many of the employees. It's something they really feel."

The police union has decided to remain neutral during the confirmation process, said union president Rob Heun.

Some National Rifle Association members also have expressed concerns about Udland because as deputy chief he testified against a successful bill in the Legislature allowing Alaskans to carry concealed handguns.

Assembly member Meyer said he received several calls from NRA members and questioned Udland about his opinions during a private conversation this week.

"I'm convinced he doesn't have any strong opinion against the right to carry weapons and I think opposition will deteriorate on that issue," Meyer said.

Anchorage attorney Wayne Anthony Ross, who is a national board member for the National Rifle Association, wrote Meyer a letter expressing his personal support for Udland.

Minority groups have sent the mayor a mixed message on his nomination.

The board of the Minority Community Relations Police Task Force voted 7-1 to endorse Udland's nomination. The president of the board, William Greene, wrote in a letter that he was concerned about Udland's record of promoting and hiring minorities and said he could not personally endorse him.

NAACP Anchorage chapter president Celeste Graham-Hodge said she has received several phone calls from



department employees who believe they have been discriminated against. Graham-Hodge said the NAACP wanted more information before it takes a position.

The Cook Inlet Tribal Council and the Alaska Native Justice Center have written letters supporting Udland.

Udland said Thursday that he has tried to maintain a "tough skin" and realizes the nomination process will result in a lot of criticism. Allegations that he's a racist, however, are the most hurtful, he said.

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**NewsBank**^{inc.}**America's Newspapers****STATE LOSES SUBSISTENCE FIGHT****Anchorage Daily News (AK) - Tuesday, May 14, 1996****Author: DAVID HULEN Daily News reporter ; Staff**

The U.S. Supreme Court refused Monday to consider further appeals in the Katie John subsistence lawsuit, clearing the way for federal agencies to take control of some fisheries in Alaska starting next year.

Without comment, the court refused to consider the state government's appeal in the 6-year-old case. The suit had become the main battleground in the long, tangled dispute over who should have subsistence hunting and fishing rights in Alaska.

The court's decision Monday was a victory for Katie John, the Mentasta Lake grandmother whose attempts to fish for salmon at a camp on the Copper River mushroomed into a massive lawsuit involving government agencies, Alaska's biggest Native organization and the thorny question of whether the federal government can claim jurisdiction on navigable waters inside a state.

John happened to be in the Mentasta Lake tribal council office Monday morning when a lawyer from the Native American Rights Fund called with the news, said a niece, Lottie Wolf.

"She said, 'Ah good. Now we've got to go to work setting up camp this year and drying our fish,'" Wolf said.

In broader terms, the decision adds momentum to the court-ordered federal takeover of subsistence fishing and hunting on federal waters and lands across the state. Hearings on the plan are being held around Alaska this week and next, but the soonest the takeover could occur would be January, federal officials said Monday.

Federal officials have said the takeover could cost more than \$20 million. Alaska's congressional delegation wrote a provision into law earlier this year blocking the program from taking effect until at least Oct. 1.

In Juneau, Gov. Tony Knowles said the state would fight the takeover, but would not say how.

"We are very strongly protesting that direction by the federal government and we are prepared to go to court," Knowles said.

Knowles, a Democrat, again asked the Republican majorities in the Legislature, now meeting in special session on the budget, to consider a package he says would allow the state to keep control of subsistence. Among the administration's ideas: amend the state's constitution to restore the state's old subsistence priority for rural Alaskans.

There was no sign the idea is going anywhere with the Republicans, who argue that the rural preference discriminates against urban hunters and anglers and that the real problem is the federal law.

"My solution is to get the feds the hell out," said Rep. Al Vezey, R-North Pole.

The state's appeal to the Supreme Court argued that "no current issue involving Alaska and its resources is of greater significance . . . because it determines the extent to which federal agencies will take over the management of Alaska's fisheries, and to a lesser extent, its wildlife."

Eleven other states filed briefs supporting Alaska.

But lawyers for the Clinton administration urged the court to reject the state's appeal, saying the case "does not present any issue of importance outside the state of Alaska."

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The federal takeover was ordered last year by the 9th U.S. Circuit Court of Appeals after Native-rights lawyers argued the state was failing to protect John and other rural residents' subsistence rights. The issue is based in the 1980 Alaska National Interest Lands Conservation Act.

Subsistence hunters and fishermen enjoy a priority over other consumers of wild fish and game, sometimes with more liberal catch limits and seasons. ANILCA says only Alaskans living in rural areas are entitled to subsistence rights, and that the federal government can take over management if state law didn't give the same rural priority.

In 1989, the Alaska Supreme Court ruled the rural preference violated the state constitution's provision that resources belong to all Alaskans. Federal agencies took control of subsistence hunting, but argued they had no authority over waters. After the state stopped her from fishing at her camp, John and others sued. The federal appeals court ruled that Washington must take control of subsistence on waters that cross federal lands.

Federal officials have said repeatedly they don't really want control of fisheries. It would require a big effort cataloging catches around the state, said Deborah Williams, the top Interior Department official in Alaska. If commercial or sport fisheries cut into subsistence takes, federal agencies would go to court to cut those catches, she said. The solution, she said, is the state amending the constitution and keeping control.

Heather Kendall, a lawyer for the Native American Rights Fund, argued that such conflicts would be rare, and that the federal takeover isn't necessarily a bad thing. "It certainly won't result in mass chaos, as the state has been claiming," she said.

The subsistence salmon catch, statewide, is less than 3 percent of the total harvest, Kendall said, and the takeover would simply ensure that share.

Others, though, argue that any more control of Alaska salmon fisheries by Washington is bad. Republicans in Juneau want Congress to repeal the rural preference in ANILCA altogether. Natives have strongly resisted, as have the state's Republican congressional delegation.

"Why is the delegation afraid of that? It's because they have a big Native constituency and they don't want to incur their wrath," said Wayne Anthony Ross, an Anchorage lawyer and Republican national committeeman.

* Daily News reporter Ralph Thomas in Juneau contributed to this report.

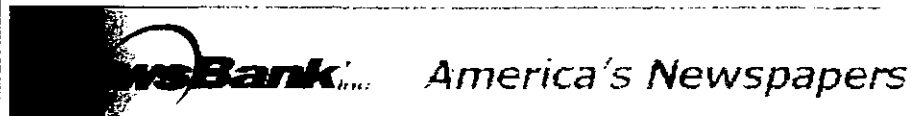
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Four Republican candidates battle to lead the state - Candidates vie for governor's office

Juneau Empire (AK) - Monday, August 12, 2002

Author: TIMOTHY INKLEBARGER ; THE JUNEAU EMPIRE © 2002

In the Aug. 27 primary, an Anchorage attorney and two political newcomers will find out how they stack up against Frank Murkowski. Lawyer and National Rifle Association director Wayne Anthony Ross and political newcomers Eric Wieler and Brad Snowden are challenging the state's junior U.S. senator in the GOP primary for governor.

Murkowski, a 22-year member of the U.S. Senate, has spent about half of the \$946,000 he's raised so far this year in campaign contributions. Ross has raised about \$79,000 and neither Wieler nor Snowden are actively raising money.

All four candidates oppose moving legislative sessions from Juneau.

Stating that thousands of jobs have been lost in resource industries in the past eight years, Murkowski said he will push for development of Arctic National Wildlife Refuge, increase access to oil and gas resources, restore fisheries, and develop timber and other natural resources.

He opposes implementing statewide taxes, instead proposing cutting inefficiencies in state government and working with the Legislature to address the \$1 billion fiscal gap that threatens to exhaust the state's Constitutional Budget Reserve Fund by 2004.

"If we enter into this fiscal crisis with the idea that the only hope is to increase taxes, I think it's a self-defeating mechanism," Murkowski said.

While not disclosing much detail on his fiscal strategy, Murkowski said more development of resources would help slow the fiscal gap.

"If we could increase oil and gas exploration in this state by just 5 percent a year, in about four years we would equalize what we currently anticipate as our needs associated with our current budget," he said. "Let's face it, 80 percent of our revenue comes from oil. That's where you have to focus in to pick up your greatest percentage of revenue."

Murkowski, like Ross, has made public safety a priority in his campaign. He has pledged to provide more training for village public safety officers, expand state prisons and appoint members to the state's Judicial Council who will nominate judges that won't "coddle criminals." Murkowski did not specify which judges he thinks have gone easy on criminals.

Ross, Murkowski's top opponent, is an Anchorage lawyer, 22-year director of the NRA and former assistant attorney general for the state.

It's Ross' second run for the governor's office; he ran in 1998, receiving 16 percent of the vote in the Republican primary.

"A vote for Wayne Ross is a vote for two great Alaskans," he said, in an effort to convince voters Murkowski would be more effective in Washington, D.C., where he can continue to promote state issues such as opening ANWR for oil exploration. "It's absolutely foolish for Murkowski to run for governor and give up that seniority in Congress."

Clive Thomas, a political science professor at the University of Alaska Southeast, said if Republicans don't regain



control of the U.S. Senate in November, Murkowski would not necessarily be in a strong position to move legislation.

"He'll be in a stronger position than some people, but he won't be a committee chair," Thomas said.

Upcoming primary coverage

Tuesday's Empire will profile candidates running for governor in the Alaskan Independence, Libertarian, Green and Republican Moderate party primaries. Wednesday's articles will examine lieutenant governor candidates. Coverage of candidates running for the state Legislature and U.S. House and Senate will run Sunday through Thursday, Aug. 22. Ross, who has criticized Murkowski for not stating firm positions on issues such as the fiscal gap, proposes cutting state spending by \$375 million to \$500 million. Not going into specifics about what budget cuts he would make, Ross did say three "sacred areas" would not see reductions: law enforcement, education and services for veterans.

He proposes hiring 100 new state troopers, raising teachers' salaries and securing property tax exemptions and other benefits for veterans.

To solve the fiscal gap, Ross said he would push for the creation of an endowment fund made up of all state savings accounts and operate government from the account's earnings. This "super permanent fund," as he calls it, would use permanent fund earnings to pay dividends and balance the state's budget.

Ross estimates that this plan would result in a temporary reduction in dividends, with annual checks ranging from \$500 to \$750 per person.

He said getting lawmakers to agree on such a plan would be easier with so many seats opening up in the Legislature next year.

"The Legislature has been leaderless," Ross said, noting that he looks forward to working with "new Turks coming in who are willing to grab the reins."

Ross opposes implementing taxes as well as establishing a rural priority for subsistence hunting and fishing. Murkowski has said the state needs a more specific definition of rural.

"A lot of people really don't know," Murkowski said. "There are definitions that suggest the Kenai is rural and yet the state subsistence board has reviewed it on a second review and said that it's not necessarily rural."

Ross' law firm successfully argued the McDowell case before the state Supreme Court in 1988, which gave all Alaskans equal access to fish and game resources. Putting the state in violation of federal subsistence law, the decision prompted the federal government to take control of subsistence on federal lands.

Ross said he would push the state's congressional delegation to take back control of subsistence resources.

"We'll have to go to court if they can't get it done," Ross said, adding that he would appoint a "junkyard dog attorney general" to argue the case.

The other two candidates in the Republican primary, Eric Wieler and Brad Snowden, are running marginal campaigns with little or no budget.

Snowden, a 51-year-old hotel owner in Seward, already has conceded, saying he has abandoned the campaign to focus on priorities at home.

"First things first," Snowden said. "You've got to take care of your home front. Whatever support I may have had I want to throw to Frank Murkowski."

Eric Wieler, a 57-year-old Anchorage resident, is running with his twin brother Paul, who is seeking the Republican lieutenant governor's nomination.



"I don't know what kind of chance I have, but I thought I'd try to get some ideas out there," he said.

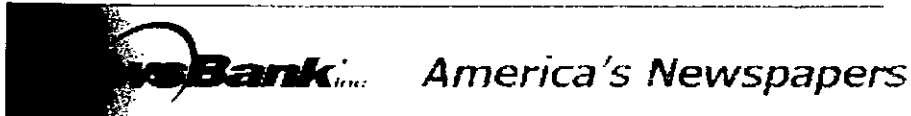
Wieler said people are "ticked off" about the way the state is being governed and the federal government's control over business. As an example, Wieler said the federal government took control of Kantishna mine claims in Denali National Park that rightfully belong to his family.

Wieler said he is pro-development and would like to see the state government tighten its belt in the face of a \$1 billion budget deficit. He did not give specifics on where he would cut the state budget, noting that he would have to take a look at it first. He opposes taxes and strict environmental regulations.

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Fish dominate governor debate - FORUM: Candidates face off on subsistence, farmed fish, marketing.

Anchorage Daily News (AK) - Thursday, April 4, 2002

Author: Dan Joling The Associated Press ; Wire

If it had to do with fish, it was fair game for debate at the first gubernatorial candidate forum of the political season.

Five Alaskans who want to be governor sounded off on topics from subsistence to farmed fish to ways to aid the state's ailing fishing industry at the forum sponsored by United Fishermen of Alaska and the Kodiak Chamber of Commerce.

Lt. Gov. Fran Ulmer, considered to be the leading Democrat, and U.S. Sen. Frank Murkowski, the highest profile Republican, called for better marketing of Alaska salmon. Fellow Republican Wayne Anthony Ross, an Anchorage attorney, questioned where they would get the money to spend on that purpose considering the state's fiscal problems.

Former state Sen. Nels Anderson Jr., a Democrat from Dillingham, called for a region-by-region analysis of fishing problems and legislation to address them. Alaskan Independence Party hopeful John Wayne Glotfelty of North Pole called for fishing to be returned to the control of small Alaska operators rather than larger ships controlled by Outside interests.

Candidates answered questions from a panel of journalists and one another. The latter gave Ulmer and Murkowski opportunity to trade barbs on solving the subsistence issue.

Ulmer said Murkowski has told some people he favors a subsistence preference for rural residents and has told others that he would like to see changes in federal law that requires the preference.

She also said he had the opportunity -- and still has the opportunity -- to "lean" on members of his party in the state Senate to allow a vote by Alaskans on changing the state constitution to allow a rural priority. That would allow state officials to again manage fish and game in the state.

"We'd sure like your help," Ulmer said. "The session isn't over yet."

Murkowski said that he supports the change to the Alaska Constitution but that the federal law needs clarification -- perhaps before the statewide vote. As is, the federal law is too vague, he said.

"I would be very interested in knowing the lieutenant governor's definition of 'rural,' " Murkowski said.

Ulmer called for changes on the Board of Fisheries, a panel that she said has an impossible task. There are simply not enough seats on the board to address the concerns of the various regions and various fishing methods, she said. Ulmer called for a system of regional fisheries boards to make decisions closer to the affected fishery.

"To me that just builds the bureaucracy," Murkowski said in response. "I don't think we need to Balkanize Alaska."

The fishing industry would be better served with a renewed emphasis on quality control and creative marketing to emphasize it, Murkowski said.

"Folks in the media can sell virtually any kind of mousetrap if it's dressed up right," he said.

Ross laid claim as the most conservative candidate among the five.

On solving the subsistence problem, Ross said he would hire a band of "junkyard dog" assistant attorneys general to challenge the federal law that requires a subsistence preference or seek changes in the law through Congress.

He strove to place Alaska's commercial fishing problems in the context of the state's fiscal challenges.

"Other candidates are going to tell you we have money to spend," he said, but he questioned where they would find the money to do so given the gap between state income and spending.

Asked about the governor's influence on the Board of Fisheries, Ross said he would appoint the best people available and keep politics out. He said he opposes individual fishing quotas or any allocations for processor.

"I believe the free market system will eventually take care of the problem," Ross said.

Democrats Bruce Lemke of Anchorage and Michael Beasley and Alaskan Independence Party hopeful Don Wright of North Pole did not appear in Kodiak.

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**NewsBank**... *America's Newspapers***Anderson makes bid for governor - Murkowski sheds light on reasons for seeking office**

Juneau Empire (AK) - Wednesday, October 24, 2001

Author: KATHY DYE and BILL McALLISTER ; THE JUNEAU EMPIRE

The pool of Democrats running for governor has grown to include a third candidate, who has vied for the seat before.

Former state legislator Nels Anderson Jr. of Dillingham announced on Tuesday that he will make another bid for governor in the 2002 election.

Anderson, 61, competed for the seat in 1998 but lost in the primary to incumbent Gov. Tony Knowles, who took nearly 39,000 votes compared with about 3,300 for Anderson.

In a written statement, Anderson said he is the only candidate with the broad political background needed to mend hard feelings between rural and urban residents.

"I have lived most of my life in rural Alaska," said Anderson, noting he also has lived in Fairbanks and Anchorage.

Anderson was majority leader during three terms in the state House from 1975-81. He also served in the state Senate from 1982-83. He will compete in the primary against Anchorage resident Bruce Lemke and Lt. Gov. Fran Ulmer, who announced her candidacy Saturday.

Ulmer, although considered an underdog against Republican U.S. Sen. Frank Murkowski, who quietly announced his candidacy Monday, is seen as the presumptive Democratic nominee.

"I think that Fran Ulmer is a really great, fantastic candidate and a great campaigner," said Scott Sterling of Wasilla, state Democratic chairman.

"I believe she has more fire in the belly than Frank does," said Juneau Democratic activist Rich Listowski, noting that Murkowski has considered a gubernatorial campaign for years.

The suddenness of Murkowski's announcement, made through a faxed news release and without the usual political fanfare, surprised some political watchers. But Murkowski said today it was not necessary to hold a press conference to announce his candidacy.

"I think the most significant thing was the question of whether we were going to run or not, and that was easily answered by a press statement," said Murkowski.

Murkowski lost his chairmanship of the Energy and Natural Resources Committee this year when Democrats took control of the Senate, and the 21-year political veteran said he considered the setback when deciding to run for governor.

"It wasn't the (only) consideration but it was a reality that lends you to look at other alternatives," said Murkowski, who estimated he would have to wait eight years for a finance committee chairmanship.

Although a formidable fund-raiser, Murkowski will have to start from scratch because no money from his Senate campaign

war chest can be used for his gubernatorial campaign.

Murkowski acknowledged that it may be difficult for him to campaign while the Senate is in session, but he



anticipates visiting Alaska and buying plenty of television ads.

"He'll probably play the Washington, D.C., card," said Clive Thomas, political science professor at the University of Alaska Southeast. That is, Murkowski might say he's too busy with national business to engage in direct debate with Ulmer, Thomas said. "It might be hard to pin him down" on state issues.

Murkowski said his priorities include working out a long-term fiscal plan for the state, but he didn't provide specifics.

"After all, we've only been in this mode for less that 24 hours," he said.

Ulmer also declined to endorse specific solutions to the state's fiscal gap.

Murkowski said he wants to work to resolve the state's subsistence dilemma, but said he was not prepared to spell out how he would do that.

Republican candidate Wayne Anthony Ross, an Anchorage attorney and 1998 gubernatorial candidate who isn't dropping out of the 2002 party primary, said: "Frank Murkowski, God bless him, hasn't been much help to us in Washington, D.C., on those (subsistence) issues."

Ross opposes federal intervention in creating a rural subsistence priority.

Alaska's U.S. Rep. Don Young and Sen. Ted Stevens, both Republicans, said they strongly support Murkowski's decision and said his move won't hamper efforts to open the Arctic National Wildlife Refuge to oil and gas development. Under his party's seniority rules, Murkowski will have to give up his post as top Republican on the Senate Energy and Natural Resources Committee next year.

Young also said he is not interested in assuming Murkowski's seat if he leaves the Senate.

"I am pleased to be chair of the transportation committee, which is probably one of the most influential in the House," Young said. "I think the House is where I belong."

An appointment by the governor would be required to fill the vacancy. Whether that governor would be Murkowski or the incumbent, Democrat Tony Knowles, is a topic of hot debate. Murkowski said he can name his own successor upon being sworn in for governor. In any case, by state law only a Republican could be named to fill the two years left on Murkowski's term.

Two Republicans, state Sen. Robin Taylor of Wrangell and former Anchorage Mayor Rick Mystrom, said Tuesday they might be interested in the Senate appointment. But Taylor said he was looking seriously at vying with former House Speaker Gail Phillips of Homer for the Republican nomination for lieutenant governor.

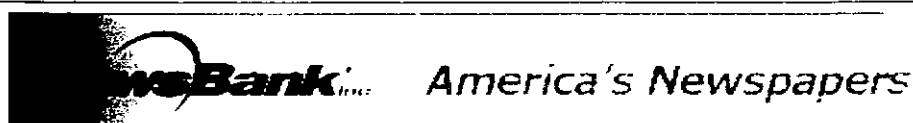
Phillips said she would provide good geographical balance, as she has lived in both Southcentral and the Bush, and Murkowski has lived in Fairbanks and Southeast. Taylor said Murkowski privately encouraged him to run, although he said he expects Murkowski to remain publicly neutral in the contest for the No. 2 spot.

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Outdoorsman discovered his home in Alaska

Anchorage Daily News (AK) - Sunday, September 9, 2001

Author: Natalie Phillips Anchorage Daily News ; Staff

Name: Wayne Anthony Ross

Age: 58

Occupation/profession: attorney at law

Q. When and how did you end up in Alaska?

A. "It's a long story but, in summary, I ended up in Alaska because I realized I couldn't play basketball. At the urging of the coach, I decided to look for other sports ... and eventually got involved in hunting and fishing. Coming from Wisconsin, where opening day for walleye and deer season(s) are almost state holidays, I always hoped someday to visit Alaska.

"One day in law school, the professor referenced a case decided by the Supreme Court of Alaska and, with a mind like a steel trap, I suddenly realized that if Alaska had a Supreme Court, it had to have lawyers!

"From then on, I thought about moving to Alaska. I even sent some 40 letters to law firms here looking for a summer job but without success.

"During final exams in my junior year, a fellow student told me he had heard I was interested in going to Alaska and he was driving up the following Monday. He and I drove to Alaska that summer (1967) in a 1961 Volkswagen beetle. When I saw my first snowcapped mountains, I was hooked. I spent the summer as a law clerk and sightseeing bus driver in Anchorage and returned to Milwaukee to finish law school. In the spring of 1968, four days after Barb and I were married, we drove back here to make Alaska our home."

Q. What do you do if you can't be outdoors?

A. "I collect books and guns and was one of the founders of the Alaska Gun Collectors Association, which sponsors various gun shows in the area. I am also one of the founders of the Alaska Territorial Cavalry, a group that restores antique military vehicles and exhibits them at parades and shows throughout the state. In my spare time, I'm a national director for the National Rifle Association, have been chairman of the Alaska Land Use Council Advisors Committee, was Republican National Committeeman, served almost 12 years in the Alaska State Defense Force, ran for governor in 1998 and am doing so again."

Ross said he specifically collects variations of the Colt Model 1911. The pistol was used by the American military for more than 70 years. Ross sold much of his gun collection to pay for his children to go to college and to buy his candy-red Hummer. Its personal licence plates bear his initials: WAR.

"I drive it every day," he said. "It's like a four-wheel-drive Lincoln Towncar. Every vehicle I ever owned was the stripped-down model; this has every jim crack but a wood-burning stove. It's even got screen windows, a button to push to let air out of the tires and a fantastic stereo. I put on John Phillips Sousa when I'm on my way to court."

Q. What's your outdoor passion?

A. "Spending time with my family enjoying Alaska's outdoor experiences, especially hunting and fishing. I started teaching our kids firearms safety and got them involved in the shooting sports at an early age."



On the wall at home is a moose with an impressive 70-inch antler span. In an alcove next to the fireplace is a full-body mount of a 10-foot-6-inch brown bear shot by one of his sons.

"Greg, our oldest, is now a teacher at Mears Middle School. He got his first caribou at age 13 and, two years ago, bagged a record-book caribou with a .45 Colt revolver.

"Brian, now a U.S. Marine Corps captain, got his first moose with a .44 Magnum when he was 9 and was captain of the U.S. Naval Academy rifle team, the only captain to beat Army four years in a row.

"Tim, an engineer working for Wilder Construction, got his first moose with a .30-30 when he was 8.

"And Amy, our daughter, started taking small game when she was 6 and finally got her first moose when she was 17, a week before she left for college. Incidentally, Amy is a police officer with the Spokane (Wash.) Police Department and was the top tactical shooter out of 29 officers at her police academy even though she was the youngest officer there.

"Even my wife, Barb, has bagged a moose. She got it after hunting only eight minutes, and we were home putting the moose in the freezer by noon. As a result, Barb still cannot understand why I feel I need to go hunting for longer than a day at a time."

Q. What was your scariest or most memorable outdoor moment?

A. "The scariest was when I was charged by a brown bear near Cordova and had to shoot it. The bear dropped at 11 steps from the end of my rifle.

"And I've had some 'interesting' small-plane adventures, as most Alaskans have had.

"My most memorable hunt was with Ed Shavings of Nunivak Island, who guided me for musk ox. Ed is a wonderful guide and a real gentleman. I was able to take a musk ox with a .45 semi-automatic pistol as it ran past me at 35 yards. Hunting with Ed is like going back in time 10,000 years, although his equipment is first class. Ed Shavings is one of the finest men I have ever hunted with."

Q. What's next?

A. "Well, I'm running for governor so I expect that I won't have too much time to hunt and fish in the next several years. Alaskans are seriously divided over subsistence and between urban and rural philosophies. Having the outdoor experiences I have had, I think I can, and want to, bring us all back together again and make us all proud to be Alaskans."

Q. Got an Alaska hero?

A. "My boyhood home was on the site of the estate of Gen. Billy Mitchell, who helped run the telegraph north out of Valdez. So he is one.

"I really liked Edward Pagano, who was born in the Aleutians, joined the Army as a private and rose to the rank of major general serving as Alaska's Adjutant General.

"And I have a fondness and deep respect for Mitch Abood, Jay Hammond and Wally Hickel.

"In truth, however, there are so many wonderful people living in Alaska that it really is unfair to single any one out for special mention."

Daily News reporter Natalie Phillips can be reached at nphillips@adn.com or 907-257-4361.

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InfoBank... America's Newspapers

GOP candidates oppose subsistence amendment

Juneau Empire (AK) - Monday, August 17, 1998

Author: MARK SABBATINI ; THE JUNEAU EMPIRE

All three Republican candidates for governor oppose a state constitutional amendment to resolve the subsistence issue, but each has his own idea of a solution.

Senate Majority Leader Robin Taylor of Wrangell says fish and wildlife should be managed better so there's more to catch and eat. Anchorage attorney Wayne Anthony Ross maintains the real problem for Natives is their lack of control over Native corporations. Anchorage businessman John Lindauer favors a proposal that would essentially declare the entire state a rural area eligible for subsistence.

A Dec. 1 federal takeover of subsistence fishery resources is planned because the Alaska constitution is in conflict with a federal law requiring rural residents get subsistence priority. The state constitution guarantees equal access to all residents and attempts to place a constitutional amendment on the fall ballot were thwarted by conservative Republicans who said the federal law should be challenged.

A lawsuit by the Legislative Council and some lawmakers challenging the rural provision in the Alaska National Interest Lands Conservation Act was dismissed in July. The judge cited procedural reasons, including the statute of limitations for challenging the law had expired, but an appeal is expected.

Taylor said it's erroneous to assume there will be a Dec. 1 takeover, since he believes "the governor could stall it with one phone call." He also said the federal government lacks the financial resources needed to take effective action until next October, and that Alaska's congressional delegation should pursue both a delay in the takeover and measures to keep it from being funded.

"I don't believe that my congressional delegation will fund the federal takeover of Alaska," he said.

Taylor said the subsistence provisions of ANILCA must be overturned so fish and game can be managed locally. He predicts the U.S. Supreme Court will rule the federal government does not have the authority to take over subsistence management.

He said he favors boosting the population of moose, birds and other animals by means such as reducing predators, although environmental groups object to such proposals.

"The true answer to subsistence is abundance," he said.

Ross said he also favors a lawsuit against ANILCA and pressure on the congressional delegation, but believes the real area of discontent among Natives is the lack of control they have over their corporations. He said giving them full control and ownership over those organizations will help solve much of the divisiveness currently surrounding Native and rural issues.

Although Natives rallied at the Capitol during various legislative sessions demanding the provisions in ANILCA be upheld, Ross said he believes that may be the view of activists more than the rank-and-file.

"I don't believe the Native people are saying that," he said. "I believe their leaders are saying that."

Ross said local provisions could be passed to discourage subsistence hunting in certain areas, such as stating no one can be in the air 96 hours before a hunt. He said if the lawsuit loses he would probably allow a federal takeover as governor, believing that a new presidential administration in 2000 would reverse the action.



Lindauer said both an amendment to the constitution and the lawsuit favored by Taylor and Ross are unacceptable.

"Rural preference means that the urban Natives - of which Juneau, Fairbanks and Anchorage have large numbers - would be forever cut off from their cultural and historical traditions," he said. The lawsuit will likely take years to resolve and "if it is successful it eliminates subsistence for all of the Natives in Alaska (and) there is no reason to do that."

Lindauer said his proposal is to meet the letter of the federal ANILCA law by establishing broad subsistence regions "and if there is a shortage in the region then all fish taken in the region must be eaten in the region. That is de facto rural preference."

The regions would include the entire state, including urban communities such as Anchorage and Fairbanks, he said. He said he didn't expect support for the plan from leaders of organizations such as the Alaska Federation of Natives, claiming they are supporters of Knowles.

"My own feeling is very few additional fish will be needed if everybody gets subsistence preference," Lindauer said. "It seems like everyone who wants salmon is eating it."

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Caption: Republican candidates for governor.

Section: Local News

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NewsBank America's Newspapers

Trio takes on Knowles, each other

Juneau Empire (AK) - Sunday, August 16, 1998

Author: MARK SABBATINI ; THE JUNEAU EMPIRE

This is the first of five articles examining the upcoming governor's race in the Aug. 25 primary.

The way the three major Republican contenders see it, the election of Gov. Tony Knowles was a fluke that can be easily corrected with the right candidate.

Whether any of them is it is still an open question.

The trio is far behind the Democratic incumbent in at least one opinion poll and many are predicting the November election is Knowles' to lose. But the GOP contenders are looking at the governor's 536-vote win in 1994 and concluding they can win, especially if they can lure some of the 28,000 Alaskan Independence Party votes cast that year.

"I have talked to a number of political strategists and their opinion is if Knowles is at 48 percent (in the polls) he has lost the election because he has a record," said John Lindauer, an Anchorage businessman who is the current GOP front-runner. "Forty-eight percent is the absolute top he'll get."

Fine, except the three Republican candidates got a combined total of 32 percent of the vote in the recently conducted poll, with the rest undecided. Lindauer led the Republicans with 16 percent, followed by state Senate Majority Leader Robin Taylor of Wrangell at 10 percent and Anchorage attorney Wayne Anthony Ross at 6 percent.

The Republican who many said had the best chance of defeating Knowles, longtime U.S. Sen. Frank Murkowski, kept party officials waiting for months before announcing in January he would instead seek a fourth term in office.

Even so, Knowles isn't taking anything for granted.

"I don't think there's any question that it's going to be a close election," he said. "That's certainly something I've always experienced in races I've been in and that's the nature of Alaska elections."

Knowles faces only token opposition in the Aug. 25 primary from Democrats Nels Anderson of Dillingham and Don Wright of Fairbanks. The main contest is which GOP candidate will win the right to oppose Knowles.

The incumbent is running on a theme of state prosperity; his opponents portray Alaska and its government as being in disarray.

Knowles, 55, is a native of Tulsa who worked for an Oklahoma drilling company and moved to Alaska when they started drilling on the North Slope in 1968. He later opened an Anchorage restaurant and was the mayor of Alaska's largest city from 1982 to 1987.

His well-worn slogan for four years has been "jobs and families" and he is continuing to talk about developing partnerships between the state and various industries.

"People have asked me 'Aren't there other important values?' but without jobs we won't have the resources to pay for other services," he said.

Lindauer, 60, said he's running because he wants to leave a legacy and is prepared to spend \$1 million to secure that place in Alaska history. Opponents accuse him of trying to buy the election.



"I know that man is mortal and I would like to leave something good and constructive behind when I'm gone," he said.

A single term in the state House from 1983 to 1984 is the limit of his political experience, but he said he is "probably the most highly qualified person who has ever run for office" because of other work.

Lindauer was the first chancellor at the University of Alaska Anchorage in 1976, owned a chain of state newspapers and radio stations in mostly small communities, and was the 1990 AIP nomination for governor until he stepped aside at least partially due to his first wife being diagnosed with a terminal illness.

He wants to solve the subsistence issue by, in essence, declaring all of Alaska a rural area eligible for subsistence preference under federal law. He disputes that Alaska has a budget crisis, saying no cuts or new revenues are needed.

Taylor, 55, is a former state District Court judge who came to Alaska in 1961 and has lived in Wrangell for 22 years. He said he's "basically trained all my life for this job" and says he's the only major candidate with extensive legislative experience.

He was elected to the state House in 1984 and served four terms before being appointed to the state Senate in 1992. He was elected to the Senate later that year and reelected in 1996.

Taylor blames the Knowles administration and environmental groups for policies that have crippled Southeast Alaska's timber industry, has frequently sought a statewide advisory vote on the death penalty and tried last session to make knowing transmission of the HIV virus a felony. Most of his attacks have been against the Knowles administration, but he is increasingly targeting Lindauer as well.

"The only reason John's ahead of me is the millions of dollars he has and will spend," Taylor said.

Ross, 55, moved to Alaska in 1967 and has worked as a state attorney, a court trustee and a family court master. He is a board member of the National Rifle Association and has for years donated legal services to pro-gun and pro-life causes.

He said he is running for governor because the Legislature "is the art of the compromise" and he never was much of a horse-trader. He said he is bothered by what seem to be widening gaps between urban and rural areas, and Native and non-Native issues.

"I'd say the campaign motto is "Make the Great Land great again," he said.

Ross said he opposes federal management of subsistence and the real solution for appeasing Natives is allowing them full ownership rights of Native corporations. He favors further cutbacks in public assistance, wants the state to dispose of much of its land and thinks too many unnecessary environmental regulations are impeding businesses.

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The fuss over political signs in store windows and whether they violate the state's new campaign contributions law is over. The Alaska Public Offices Commission says most of them are legal.

The new law bans all contributions to candidates from corporations, including what's called "in-kind" contributions, meaning things other than cash. The puzzle was how it affected businesses that let candidates stick signs in their windows during the campaign season.

That is a long-standing practice that no one publicly questioned during last April's Anchorage municipal election. But most communities hold their local elections in October, and the signs became an issue last month in Fairbanks, Juneau and the Matanuska-Susitna Borough.

The APOC staff suggested candidates and store owners set a nominal sign-posting fee until the commission had a chance to consider the issue at its November meeting. Fee deals ranged from \$10 in Fairbanks to a reported \$1 in Juneau.

At its meeting last week, the commission ruled that "permission of a property owner allowing someone to post signs is not a contribution unless it's something the owner would normally charge a fee for," said Jenifer Kohout, APOC assistant director.

"Otherwise, if you're just sort of Joe's Garage, then it's not considered a contribution."

A memo issued Wednesday by Kohout says the ruling also applies to bumper stickers.

The ruling gets the commission "out of the business of trying to regulate political signs, which was something they didn't want to be doing," Kohout said.

Mike Frank, a lawyer who led the drive to reform Alaska campaign financing, was happy with the APOC decision.

"I think signs are kind of insignificant in the grand scheme of things," Frank said, "and I don't think they're a problem."

The commission will probably wait until two lawsuits challenging the constitutionality of the new law are resolved before turning their informal ruling into formal regulations, Kohout said.

The Alaska Civil Liberties Union has asked a state court judge to throw the law out. A hearing is scheduled for Dec. 8, said attorney Jon Rubini. Trial is tentatively set for March.

Lawyers Wayne Anthony Ross and Ken Jacobus, and Libertarian activist Scott Kohlihaas are doing essentially the same thing in federal court. They want the campaign contribution law overturned on the grounds that it abridges freedom of speech and the right to political association, Jacobus said.

The state law does not affect federal election rules, which also ban any contributions by corporations. Kelly Huff, a spokeswoman for the Federal Election Commission in Washington, D.C., declined to assess the legality of the big campaign signs that pop up in Midtown every so often on behalf of Alaska's congressional delegation.

If the property is commercial or owned by a corporation, "it could be considered an in-kind contribution, Huff said. "If someone wants to file a complaint we would take a look at it."

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**ewsBank**^{inc.}**America's Newspapers****This election, soft money is without limit - CAMPAIGN: Donations for party building aren't capped, reported.****Anchorage Daily News (AK) - Saturday, February 23, 2002****Author: Don Hunter Anchorage Daily News ; Staff**

The state Republican Party can thank President Bush for drawing high-rollers to a fund

raiser last weekend and a federal judge for making it easier for some of those guests to write big checks.

Decisions handed down by U.S. District Judge James Singleton last April and June said it's unconstitutional for the state to limit contributions to political parties unless the money is going to be used to support candidates. Donations for party building -- voter registration drives, advocating on issues and the like -- now can't be limited and don't have to be reported, according to the Alaska Public Offices Commission.

Still intact, as Alaska heads into an intense election season, are limits and reporting requirements on contributions to candidates themselves or to groups formed to promote or oppose ballot initiatives.

The state is appealing the court decision.

Soft money is money donated to national or state political parties that is not directly related to electing or promoting candidates and is not regulated. Hard money is money donated for the purpose of promoting and electing candidates and is regulated.

Alaska Democrats, who say they don't like the court rulings, are also using the opportunity to raise soft money contributions.

"We've taken (soft) money only to be competitive" with the Republicans, said Tammy Troyer, the executive director of the state Democratic Party.

Troyer estimated the Democrats have received \$45,000 to \$50,000 in soft money contributions. Donors have included Native corporations, Alaska Communications Systems, and fuel companies Tesoro and Williams, she said.

Randy Ruedrich, chairman of the Republican Party of Alaska, wouldn't say how much soft money the party has collected since Singleton's rulings, although he said party leaders are considering how to respond to questions about that and may be more forthcoming later in the year.

Some of the guests at the fund-raiser that Bush headlined made soft money contributions to the Republicans Victory 2002 fund for noncandidate programs, he said. Others made reportable donations to the party's Governor's Fund, which will be used to support candidates.

Ruedrich said the decision is good for Alaska politics and predicted voters will notice little difference.

"The judge's ruling allows the citizens of Alaska to have an opportunity to build stronger parties, which are basically volunteer organizations, and in that context I think it's an absolutely great step for democracy and for giving people a better understanding of the political process and participation in that process," he said.

In any event, he said, the Republicans have no plans at present to use soft money to finance any issue advocacy. The party will, however, use it to pay for voter registration drives, absentee ballot mailing and tracking, and for phone banks to encourage people to vote, he said.

Ruling in a lawsuit filed by political activists who donate their services to the Republican and Libertarian parties,



Singleton recognized the state's authority to impose \$5,000 limits on donations to parties for nominating and electing candidates. But he said the state can't limit or regulate money donated to parties for other purposes -- advocating issues, paying the rent or buying office equipment, for example.

Singleton also ruled that the state's ban on political contributions by corporations cannot apply to such soft money donations to parties.

State attorneys have appealed the ruling to the 9th U.S. District Court of Appeals, and oral arguments are scheduled for early next month. A ruling is not expected for months.

For now, any person, group, corporation or union can give any amount of money to a state political party, as long as the money is not used to help elect candidates, said Brooke Miles, the executive director of the Alaska Public Offices Commission. The soft money donations don't have to be reported to APOC, and neither the political parties nor the donors have to disclose who gave it.

Still unclear is exactly what "issue advocacy" amounts to, Miles said. The APOC may try to define that term when it meets next month, if commissioners decide they still have the authority to do so.

Decisions in prior federal cases suggest that an issue advertisement can be almost anything that doesn't include words like "vote for" or "defeat" in discussing candidates, or that a reasonable person would conclude were in support of candidates, she said.

Mike Frank, an attorney who spearheaded the citizen campaign finance reform effort in the mid-1990s that ultimately led to the Legislature tightening Alaska's campaign finance laws, predicted the APOC will have a hard time defining when an issue ad is advocating a candidate and when it isn't.

"There just isn't any good way to distinguish between party building and issue ads and candidate advocacy," Frank said.

Before the 1996 Alaska law, there were no limits on donations to parties, but donations had to be publicly reported.

In its appeal to the 9th Circuit, the state argues: "All party activities, including issue advocacy, ultimately further the political party's primary purpose of influencing the nomination and election of party members to office."

The three who challenged the law -- Republican Party counsel Ken Jacobus, Republican attorney Wayne Anthony Ross and Libertarian Party official Scott Kohihaas -- say its plain language imposes limits only on donations "made for the purpose of influencing the nomination or election of a candidate" or passage or defeat of a ballot proposition.

The state has no business regulating donations made to help parties pay other kinds of expenses that have nothing to do with candidates, they say in their response.

Reporter Don Hunter can be reached at dhunter@adn.com or 907 257-4349.

Caption: Photo By Marc Lester Anchorage Daily News Sen. Frank Murkowski Was Jokingly Referred To As "Gov. Murkowski" By President Bush At A Republican Party Fund-raiser Last Saturday At The Alaska Native Heritage Center.

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 **NewsBank** America's Newspapers**MILLER AIMS TO LIMIT GUBERNATORIAL FUND RAISING****Anchorage Daily News (AK)** - Thursday, February 5, 1998**Author:** Liz Ruskin Daily News Reporter ; Staff

Saying he wants to make the race to the Governor's Mansion fair for all, Senate President Mike Miller introduced a bill Wednesday that would stop Gov. Tony Knowles from raising campaign funds until the legislative session ends this spring.

"My purpose is just -- with whoever the governor is -- to even the playing field," Miller said.

But the Alaska Democratic Party is complaining that the Republicans are trying to change the rules in the middle of the game.

Miller's bill would prohibit the incumbent governor and all challengers from raising money during legislative sessions, generally from early January until early May.

As it stands now, Knowles and all other gubernatorial candidates are free to take in campaign donations during the session.

Except for Robin Taylor.

That's because Sen. Taylor, R-Wrangell, is a sitting legislator. A campaign reform law the Legislature passed in 1996 bans legislators -- no matter what state office they are running for -- from fund raising during the session. But it allows the incumbent governor to continue raising money throughout the election year.

"When we passed the campaign finance reform, nobody anticipated that was going to happen," said Miller, R-North Pole. "It was just an oversight."

Deborah Bonito, chairwoman of the Alaska Democratic Party, says the Republican-led majority is trying to carve out a loophole to benefit one person: Taylor.

"It's the spiciest of special-interest legislation," she said.

If the bill becomes law soon, it would also affect John Lindauer, one of three Republican candidates for governor. Lindauer, though, says he thinks the bill is great.

"It's a really good idea to level the playing field," said Lindauer, who was campaigning in Ketchikan on Wednesday.

Sure, it'll make it harder for challengers to raise money, the former newspaper publisher said, "but that's a small price to pay."

Lindauer hasn't held any fund-raisers yet. He said Wednesday that he plans to spend a million dollars of his own money on the race.

Wayne Anthony Ross, an Anchorage lawyer and another Republican candidate for governor, said it's no wonder Lindauer likes the bill.

"He's rich," said Ross. "I would call it a rich man's bill."

The campaign finance reform law has already restricted fund raising significantly, he said, noting that no candidate can start raising money until Jan. 1 of the election year.



"I would be opposed to further restriction on raising funds," said Ross, who was in Washington, D.C., Wednesday for a National Rifle Association board meeting. "It limits candidates to those who are rich, who can afford to bankroll their own campaign."

It won't have much effect on Knowles, Ross said, since the incumbent has a much easier time raising a lot of money quickly.

The candidates don't have to disclose how much money they have raised until 30 days before the primary election. Donors, though, are required to report their contributions within 10 days.

According to reports filed by individual donors to the Alaska Public Offices Commission as of last week, Knowles has raised about \$41,000 this year. Taylor's contributors reported donations of \$21,000, and Ross' sum came to nearly \$10,000. No one reported giving to the Lindauer campaign. These totals, though, may be less than the amount the candidates actually collected. They do not include group or party donations, or individual donations less than \$250. Also, in past years the reporting requirement for contributors was rarely enforced and frequently ignored.

Miller's bill would be effective as soon as it becomes law. If the Legislature passes it, Knowles would have 15 days to exercise his veto power. His spokesman, Bob King, said Knowles' policy is to not announce what he is going to do until the bill hits his desk. But even if he vetoes the bill, the majority can override his veto. That means the bill could become law before the end of the session.

Alaska Campaign Finance

Before the 1996

campaign finance law

n Every candidate could raise money year-round.

n Ethics law of 1992 restricted legislators from receiving funds during the legislative session.

After passage of the 1996 campaign finance law

n Prohibits all legislative candidates -- incumbents and challengers -- from raising money during the session.

n Prohibits legislators who are running for governor from collecting money during the session.

n Allows the governor and lieutenant governor to raise money for their re-elections during the session.

n Allows a gubernatorial candidate not in public office to raise campaign money during the session.

Miller's bill, SB 275, would:

n Prohibit the incumbent governor from raising campaign money during the session.

n Prohibit all gubernatorial challengers -- even those not now in public office -- from raising campaign money during the session.

Source: Alaska State Statutes

KEVIN POWELL / Anchorage Daily News

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Tamara Huffman, paralegal

10 February 2009

To the individual members of the Alaska State Senate:

Dear Senator:

Our State employees are hard working folks who do the best job they can to serve the people of the State of Alaska. They should not have found themselves involved in what certainly appeared to be a political vendetta between some members of the Legislature and our Governor.

The expenditure of up to \$100,000 by the Legislature to investigate the Governor's handling of the so-called Troopergate matter seems excessive and unwarranted given the State's current economic status. But some legislators chose to hire Steve Branchflower to handle that investigation and, as you are aware, he subpoenaed a number of State employees to give testimony on the issue.

After receiving the subpoenas, these employees received a memorandum from the Attorney General which indicated that a legal issue existed as to the validity of the subpoenas. The issue of the validity of the subpoenas was eventually litigated.

This office was retained to give advice to State employee Ivy Frye. We advised our client to let the litigation proceed and allow the courts to decide the validity of the subpoenas before giving any testimony.

Under such circumstances, Mr. Branchflower should have simply continued the date on which the employees and Mr. Palin were to supposed to testify until after the legal issues were resolved. Because Mr. Branchflower was under an artificial deadline tied intrinsically to the pending election (the legislators wanted his report released before the election for reasons of their own), he did not do so.

Mr. Branchflower, however, did provide a list of written questions to which the witnesses responded.

Now the Senate, without notice or hearing, has found our client, and others including Mr. Palin, in criminal contempt. Such a finding is a serious violation of those State employees' and Mr. Palin's

right to due process. It is unwarranted and embarrassing to each person named, wrongfully damages their reputation, and constitutes an insult to their integrity.

The principal purpose of civil contempt is to compel compliance with an order while the purpose of criminal contempt is primarily to punish individual for past noncompliance with an order. Moss v. State, 834 P.2d 1256 (Alaska App.1992). It is clear, therefore, that the Senate's finding of contempt was a finding of criminal contempt, not civil contempt.

A person facing contempt has the right to notice of the charges against him. Taylor v. District Court, 4th Judicial District, 434 P.2d 670 (Alaska 1967). Our client, and the others, were not given notice that the Senate contemplated a contempt finding or what charges were to be leveled against any of them.

The Senate could not have ascertained the wilfulness of any of these employees failure to abide by its subpoena from its own observations. Had it been able to do so, such contempt would have been direct contempt. Since it could not do so, such contempt would have been indirect contempt. Stadler v. State, 813 P.2d 270 (Alaska 1991).

However little distinction is drawn between direct and indirect criminal contempt; and a person charged with either is entitled to the same procedural rights that exist in other classes of criminal prosecution. That is, a person facing either such criminal contempt finding is entitled to all procedural safeguards which are consistent with the interest of the Senate in upholding its efficiency, dignity and authority. Weaver v. Superior Court, 3rd Judicial District, 572 P.2d 425 (Alaska 1977).

No procedural safeguards were provided to our client, to any of the other State employees, or to Mr. Palin when the Senate issued its contempt finding.

Furthermore, the premise in the Senate's findings that the subpoenas were ignored is a false premise in that, once the legal challenges were determined, all subpoenaed persons complied by furnishing the requested information to the best extent possible.

Our hard-working State employees, and Mr. Palin, should have never been put in the position that they found themselves in.

The Senate should not have ordered, and paid for, an investigation by outside counsel for what appeared to be political purposes. Once that was done, however, Mr. Branchflower should have simply continued the time of their testimony until the court litigation was over and the issue, raised by Mr. Colberg, on the validity of the subpoenas was legally determined.

Although the conclusion reached by Mr. Branchflower's report, in the opinion of many, lacks any factual or rational basis, in fairness to Mr. Branchflower he did allow the questions to be answered in writing even if it appears that he did not utilize those answers in formulating his report.

February 10, 2009

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In short, the State employees **DID NOT** ignore any subpoenas!

Loyal, hard-working State employees, and the Governor's husband Mr. Palin, do not deserve such treatment, especially from such an August body as the Alaska State Senate.

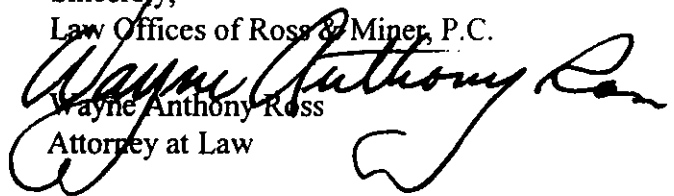
The Senate's finding of contempt was unwarranted and improper and we request that it be immediately set aside.

Thank you for your prompt attention to this request.

Sincerely,
Law Offices of Ross & Miner, P.C.

By:

Wayne Anthony Ross
Attorney at Law

A handwritten signature in cursive script, appearing to read "Wayne Anthony Ross", written over the typed name and title.

cc: client

All Senators Through Senator French

WAYNE ANTHONY ROSS
Box 101522
Anchorage, Alaska 99510
907-276-5307 (Office) or 907-346-2697 (Home)
WARALASKA@alaska.com (E-Mail)

Wayne Anthony Ross was born 25 February 1943 in Milwaukee, Wisconsin. He graduated from Marquette University High School in 1960.

EDUCATION: After attending the University of Wisconsin-Milwaukee for two years, Mr. Ross transferred to Marquette University, where he graduated with a Bachelor of Science Degree in Business Administration in 1965, and a Doctor of Law (Juris Doctoris) Degree in 1968.

EMPLOYMENT HISTORY: Mr. Ross first came to Alaska in June 1967 between his junior and senior years of law school. He spent that summer serving as a law clerk for a local Anchorage attorney, and driving a sightseeing bus on weekends for American Sightseeing Company.

From 1968 to 1969, Mr. Ross served as an Assistant Attorney General for the State of Alaska. In 1969 he was appointed by Superior Court Judge Harold J. Butcher to be Court Trustee and Standing Master for the Family Court. During the next four years, sitting as a judicial officer, Mr. Ross heard over 90% of all dependency, child in need of supervision, and delinquency cases arising in the Third Judicial District, and also enforced child support orders entered by the Superior court. During Mr. Ross's tenure, a computerized system of collection was instigated, which has developed into the Child Support Services Division which exists today.

In 1973, Mr. Ross left State service to enter the private practice of law. He was an associate of Edward J. Reasor and Associates in Anchorage, Alaska and a partner in law firms in Cordova, Alaska and Glennallen, Alaska. In 1977, Mr. Ross opened his own office in Anchorage, Ross & Associates, now known as the law office of Ross & Miner, P.C. Mr. Ross's practice emphasizes family law, criminal defense, plaintiff's personal injury and business law. Some years ago, Mr. Ross obtained one of the highest settlements in a wrongful termination of employment case ever obtained in the United States.

BAR ADMISSIONS: Mr. Ross was admitted to the Wisconsin Bar in 1968 and the Alaska Bar in 1969. He is admitted to practice in the state courts of Wisconsin and Alaska and in the federal courts of the Eastern District of Wisconsin, the District of Alaska, the 9th Circuit Court of Appeals, and the United States Supreme Court.

MILITARY SERVICE: Mr. Ross was a Colonel in the Alaska State Defense Force. COL Ross was Commander of the Professional and Technical Detachment of the ASDF from 1986 to June 1987. He was Chief of Civil-Military Operations (G-5) from June 1987 until July 1988, and then took command of the Field Forces Teams. Several months later, he was appointed Judge Advocate General. From April of 1990 until May 1992, COL Ross was Chief of Operations and Training (G-3). In May, 1992, he was appointed Acting Chief of Staff. In March, 1993 he was appointed Chief of Staff. From July, 1994 until June 1996, he held the position of Inspector General. COL Ross was given command of the ASDF Rifle Team in September, 1989. COL Ross also served as Acting Commander, and was on the Officer Promotion and Selection Board. He participated in Mobex 88, Brimfrost 89, and Alcan Convoy 92 operations. Colonel Ross is now Area Defense Counsel for the ASDF. He founded, and was President of the 49th Territorial Guards Regiment, Inc. from 1987-1994, an organization established to support the Alaska State Defense force, its officers and soldiers, and was re-elected to that position in April, 1995, serving until August 1996. In 2007 he was again elected to the Regiment's Board of Directors and later elected to the position of Vice President and presently serves in that position.

COL Ross was awarded the Alaska State Service Medal, the Alaska State Defense Force Achievement Medal, the Alaska State Defense Force State Service Medal twice, the Alaska State Defense Force Drill Attendance Ribbon, the Alaska State Defense Force Training Achievement Ribbon, and the State

Guard Association of the United States Membership Ribbon. He was named 1988 Good Samaritan Attorney Of The Year by Veterans Living and Health, Inc. In 1990 he was knighted by the Polish Government and awarded the Commander's Cross of the Order of Polonia Restituta for services rendered to the cause of freedom.

CURRENT MEMBERSHIPS:

Mr. Ross is presently a member of the following:

Alaska Bar Association (1968-present) (Family Law Committee, 1973-1978; Vice Chairman, 1973-1974) (Hearing Officer, Fee Arbitration Committee, 1981-1987, 1994-2001), (Discipline Hearing Committee, 1991-1994) Alaska Gun Collectors' Association, Inc. (1972-present) (Charter Member) (Master-at Arms, 1972-1973) (Secretary, 1983-1985) (President Emeritus, 1989-2004) (Director, 1994-1996, 2001) (President, 1973-1977, 1979-1981, 1985-1989, 2005-present) (Life Member, Card Number 1)

Alaska Machine Gun Association (2000-present)

Alaska M.A.U.E.R.S. Society

Alaska Outdoor Council (1985-present)

Alaska Peace Officers' Association (1970-present)

Alaska Professional Hunters' Association, Inc. (1981-present)

Alaska Right to Life, Inc. (1972-present) (Founder Member) (Member, Board of Directors, 1972-1976) (Vice President, 1972-1975)

Alaska Territorial Cavalry, Motorized (Founder member, 1991-present) (Secretary and Newsletter Editor, 1991-1998, 2000-2006) (Life Member #1)

Alaska Veterans Museum (Founder Member, 2003-present) (Director - 2008 to present)

Alaskans Against The Death Penalty (2009)

American Society of Arms Collectors (2003-present)

Anchorage Bar Association (1969-present) (Member, Committee for U.S. Constitutional Bicentennial Celebration, 1987)

Colt Collectors Association (1982-present)

Dallas Arms Collectors (Life Member, 1989-present)

49th Territorial Guard Regiment, Inc. (Member, 1987-1997, 2007-present) (President, 1987-1994, 1995-1996)(Director, 2007; Vice-President, 2007-present)

Fraternal Order of Alaska State Troopers (2005-present)

German Club of Alaska (1981-1994, 2001-present)

Gun Owners Action League (1987-present)

Military Vehicle Preservation Association (1989-present) (Member, Board of Directors, 1994-1996) (Vice President, 1994-1996)(Life Member - 2005-present)

Missouri Valley Arms Collectors (2004-present)(Honorary Life Member, 2008-present)

National Lawyers Association (1995-present)

National Rifle Association of America (1964-present) (Life member since 1975) (Benefactor member since 1984) (Member, Board of Directors, 1980-1992, 1994-present) (Second Vice President, 1988-1990) (First Vice President, 1990-1991) (Member, Executive Committee, 1984-1992, 1998-present) (Member, Freedom Challenge Advisory Team, 2008) (Member, Education and Training Committee, 1980-1982) (Member, NRA Legal Affairs Committee, 1982-1988, 1996-present; Chairman, 1983-1987; Vice Chairman 1996-present) (Member, NRA Gun Collectors Committee, 1980-1992, 1994-96, 1997-present; Vice Chairman, 1982-1987; Chairman, 1987-1992, 1997-present) (Member, Committee on Hearings, 1987-1988) (Vice Chairman, President's Committee on Section 501[c][3] Status, 1986) (Member, Special Committee on Hunters' Funds for the ILA Task Force, 1987-1988) (Member, Ad Hoc Committee on NRA Member Organizations, 1987-1988) (Chairman, President's Task Force on Prayer Breakfasts, 1990) (Member, Ways and Means Committee, 1990-1991) (Member, Officers Compensation Committee, 1990-1991) (Member, Hunting and Wildlife Conservation Committee, 1991-1992) (Member, Ethics Committee, 1994-present, Vice Chairman 1995-96, Chairman, 1998-present) (Member, Ad Hoc Committee on the Militia, 1995) (Member, President's Ad Hoc Committee to Investigate Violations of Association Policy, 1995) (Member, President's Special Committee to determine the feasibility of providing financial compensation for NRA Presidents, 1995) (Member, Ad Hoc Committee to investigate memberships and upgrades sold at a reduced rate, 1997) (Member, Nominating Committee, 1981-82; Vice-Chairman, 1998-1999)(Member, Special Committee to study the Pros and Cons of

A Regional Quarterly Board Meeting, 2001)(Chairman, Alaska Host Committee, 2005)(Member, Freedom Challenge Advisory Team, 2008).

Ohio Gun Collectors Association (1980-present) (Honorary Life Member, 1990-present)

Pioneers of Alaska, Anchorage Igloo No. 15 (2000-present)

Saint Gabriel Possenti Society, Inc. (1998-present)

Smith and Wesson Collectors Association (1975-present)

Tyone Mountain Syndicate, Inc. (President, 1982-present) which owns and operates Tyone Mountain Lodge in the Nelchina Basin of Alaska.

Washington Arms Collectors (1992-present)

Wisconsin Bar Association (1968-1989, 1991-present) (Alaska Chapter Chairman, 1997-present)

Wisconsin Gun Collectors (1958, 1965-1967, 1988-1994, 2006-present)

Wyoming Weapons Collectors (1990-present)(ID #455)

PRIOR MEMBERSHIPS:

Mr. Ross was a member of the following:

Alaska Cigar & Yacht Club (1998-2001)

Alaska 49-ers (1995-2001)

Alaska Four Wheelers (1981)

Alaska Geographic Society

Alaska Junior Miss Scholarship Pageant, Inc. (Member, Board of Directors, 1973-1980) (Judges' Chairman, 1973-1977) (Vice President, 1977-1980)

Alaska Legal Services Third Judicial District Campaign Leadership Committee (2000)

Alaska Moose Foundation (Director, 1999-2000)

Alaska National Guard Historical Holding (1989-1997)

Alaska National Guard Museum Fund, Inc. (Director, 1991-1999) (Chairman, 1996-1999)

Alaska Professional Sportsmen's Association, Inc. (1990-1991)

Alaska Public Policy Research Institute, Inc. (1997-1998)

Alaskans United Against The Tax Cap (2000)

Alaskans for Recriminalization of Marijuana Advisory Committee (1990)

Alaska Rifle Club (1981-1999) (Legislative Liaison Officer, 1982-1988)

Alaska 2nd Amendment Coalition (ASAC) (1992-2000)

Alaska State Rifle and Pistol Association (1980-1992) (Vice President, 1983-1988) (Secretary and Executive Officer, 1988-1989) (NRA Liaison Officer, 1989-1992)

Alaska Supreme Court Advisory Committee on Children's Rules (1972-1973)

Aleutian Rod and Gun Club (1994-1995)

Alpha Delta Sigma National Professional Advertising Fraternity, C. Brooks Smeeton Chapter (1962-1968)

American Bar Association (1968-1990) (Membership Chairman, Family Law Section, 1975-1976)

American Federation of Police (1972)

American Historical Foundation (1986-1988)

American Judicature Society (1970-1979)

American Legion - Fairview Park Post (Ohio)(1990)

American Sports Car Association (1958-1960) (President, 1958-1960)

Anchorage Clearinghouse Christian Ministries, (Member, Board of Directors, 1992)

Anchorage Committee for the White House Conference on Children (1970)

Anchorage Council on Prevention of Alcohol & Drug Abuse (1984)

Anchorage Crime Commission (Committee on Prosecution, 1981)

Anchorage Interfaith School Foundation (1983)

Anchorage Snowmobile Club (1992-1993)

Anchorage Veterans Monument Committee, (Director, 1998-2001)

Antique Automobile Club of America (1991-1998)

Antique Auto Musers of Alaska (1991-1993)

Armed Services YMCA of Alaska (Advisory Committee Member, 1995) (Director, 1995-2003)(Program Committee Member, 2000-2003)(First Vice Chairman, 2001-2002)(Chairman, 2003)

Associates of Vietnam Veterans of America (2003-2007)
 Association of Family Conciliation Courts (1977-1978)
 Association of the United State Army (1990-1998, 2001-2002)
 Boy Scouts of America (Sustaining Member, 1983-1991)
 B.P.O.E., Lodge No. 1351 (1991-2003) (Vice-Chairman, Americanism Committee, 1991-1995)
 California State Rifle and Pistol Association, (1988-2003)
 Cinema Cynics (1973-1978)
 Citizens' Committee to Keep and Bear Arms (1981-1983)
 Coalition For The Alaskan Way Of Life (2000-2001)
 Coalition of American Veterans (1987-1989)
 Commonwealth North (1986-2002)
 Congress of Racial Equality (1991-1992)
 Copper Basin Shooting Club (2003-2004)
 Cystic Fibrosis Foundation (1984-1987) (Member, Board of Directors, 1984-1987)
 Delta Theta Phi Law Fraternity, Eschweiler Senate (1966-1968), Alaska Senate (1983-1989)
 (Tribune, 1983-1985)
 Ducks Unlimited (Sponsor, 1985-1986)
 Elephant Club of the Republican Party of Alaska (1985-1987)
 Gun Owners of America (1988-1994)
 Gun Rights Committee (1983-1992) (Legal Action Committee Chairman, 1983-1985)
 Holy Family Cathedral Parish Council (1971-1975) (Vice President, 1972-1975)
 Indiana Sportsmen's Council (1973-1974)
 International Handgun Metallic Silhouette Association (1978)
 Izaak Walton League of America (1990-2000)
 Kodiak Island Sportsmen's Association (1992-1994)
 Kodiak Rod & Gun Club (1984-1986)
 Law Enforcement Alliance of America (1992-2002)
 Law Enforcement Committee on Alcoholism (1969-1970)
 Lincoln Society (1994) (Lincoln Day Gala Committee, 1993-1994)
 Marine Corps League (1998-2006)
 Matanuska Valley Sportsmen (2000-2002)
 McKinley Mountain Men (1980-1986)
 Military Transport Association of North Jersey (2002-2008)
 National Council of Juvenile Court Judges (1971-1986)
 National Federation of Independent Businesses (1976-1986, 1996)
 National Firearms Museum Fund (Director, 1982-1994; 1997-1998)
 National Mossberg Collectors Association (1989-1991)
 National Policy Forum (Member, Policy Council on Free Individuals in a Free Society, 1994)
 National Republican Congressional Committee's Gun Owners Task Force (2000-2001)
 National Republican Lawyers Association (1985-1994)
 National Rifle Association of Great Britain (1989-1991)
 Navy League (1988-1998)
 Neighbors for Educational Programming (Chairman, 1992)
 Outstanding American Handgunner Awards Foundation (1979-1981)
 Presidential Inaugural's Professionals Advisory Committee (1988-1989)
 Republican National Committee (Member, 1992-1998)
 Republican Party Platform Planning Committee (1992)
 Republican Roundup Committee (1996-2002) (Chairman, 1996-2002)
 Republican Speakers Association (1993-1998)
 Ruger Collectors Association (1982-1993)
 Safari Club International (2001-2002)
 Save Our Constitution Committee (1992)
 Second Amendment Foundation (1981-1983)
 Sierra Club (1985-1986)
 Spanish - American War Historical Association (1993-1994)

Spenard Bar Association (1975-1977) (Vice President, 1976-1977)
State Guard Association of the United States (1987-1997) (Member, Board of Directors, 1992-1994)
Statewide Advisory Committee, Alaskans for Equal Fishing and Hunting Rights (1982-1983)
Tanana Valley Sportsmen's Association (1983-1986)
Theodore Roosevelt Association (1982-1993, 1995)
Toy Gun Collectors Association (1989-1994)
Toy Gun Purveyors Association (1989-1994)
Ugashik Bay Beach Club
Wednesday Night Club (1983-1994)

TEACHING EXPERIENCE: Mr. Ross taught courses entitled "Juveniles and the Law" (1973-74) and "Introduction to Criminal Justice" at the University of Alaska, Anchorage, for several semesters. He has been a guest lecturer at Marquette University Law School, the University of Alaska, Anchorage, and at Wayland Baptist College. Mr. Ross served as a member of the Board of Trustees (Secretary) for Lumen Christi High School from 1999 to 2001.

POLITICAL EXPERIENCE: Mr. Ross first became involved in politics in 1960 when his father, Ray E. Ross, ran for the office of Alderman (City Councilman) of West Allis, Wisconsin's fourth largest city. Ray E. Ross was elected and held the Alderman's position for 3 four year terms. Wayne Ross was Campaign Chairman for two of those campaigns. He also participated in the Nixon campaign of 1960 and the Goldwater campaign of 1964 with less satisfactory results. Upon coming to Alaska, he was an alternate delegate to District 11's convention in 1972 and 1976. Mr. Ross has been involved in the Republican Party from precinct to national levels. Mr. Ross served as Parliamentarian at the 1980, 1982, and 1984 District 8 Republican Conventions and was Parliamentarian Pro Tem for the Republican State Central Committee in 1983. In 1984 he was Parliamentarian for the State Republican Convention and was an alternate delegate to the Republican National Convention in Dallas, Texas, where as a seated alternate, he was able to cast his ballot for Ronald Reagan for the Republican Party nominee for President of the United States. Mr. Ross was elected Vice Chairman of the District 8 Republican Party in 1982 and served as Chairman of that District from 1985 to 1988. As such, he was a member of the Alaska State Republican Party Central Committee. Mr. Ross was a member of that party's Elephant Club and was Chairman of the Rules committee from 1985-1988 and Co-Chairman of the 1988 State Convention's Candidate Recruitment Committee. In 1988, he was Alaska Chairman, Lawyers for Bush/Quayle. Mr. Ross was Republican Party National Committeeman, Alaska from 1992-1998. He attended the Republican National Convention in Houston 1992 as National Committeeman-elect and the 1996 National Convention in San Diego as National Committeeman. From 1995-1996, he served as Co-Chairman, Alaskans For Gramm. In 1997, Mr. Ross was a member of a delegation representing the United States and the Republican National Committee to the Republic of China (Taiwan's) 15th Kuomintang National Congress in Taipei, Taiwan, China. Mr. Ross sat on the Republican State Central Committee from 2000-2001 as the Bonus Vote for District 18. He served as Secretary for Precinct 357 from 2000-2001. He also served as a member of the Republican Party Special Events Committee from 2000-2002. Mr. Ross was a Republican Candidate for Governor of Alaska in 1998 and 2002. In 2006 he served as Honorary Co-Chairman of the Sarah Palin for Governor campaign.

PUBLIC SERVICE: Mr. Ross was appointed to serve on the Alaska Land Use Council Advisors' Committee by the United States Department of Interior in January, 1984, and was re-appointed each year thereafter. In April, 1987, Mr. Ross was elected Chairman of that Committee. He served as Chairman from 1987-1988. He was elected Vice Chairman in 1988, and from 1989-1990, Mr. Ross held the position of Acting Chairman. Mr. Ross was appointed to the Advisory Council for the Commission On Privatizations and Delivery of Government Services by the Alaska Legislature in 1999, and assigned the Chairmanship of the Advisory Subcommittee to study the Office of the Governor.

Mr. Ross was appointed and served as an Alaskan Marriage Commissioner in 1969, 1970, 1971, 1972, 1973, 1976, 1984, 1985, 1994, 1997, 2003, and 2005.

AWARDS: Mr. Ross and his law firm have received awards from the National Rifle Association of America, the Alaska Outdoor Council, and the Alaska Christian Sportsman's Club for services on behalf of sportsmen. Mr.

Ross has been awarded the NRA Affiliated Gun Collectors Award of Merit for the Promotion of Gun Collecting. Mr. Ross has also received patriotism awards from the Daughters of the American Revolution, the Alaska Sea Cadets, the National Commander of the Veterans of Foreign Wars, and Anchorage VFW Post 9981.

Mr. Ross is listed in Who's Who in American Law, 1st- 9th, 14th, and 20th editions; Who's Who in American Politics, 15th, 16th, 17th and 20th editions; Personalities of the West and Midwest, 8th edition; Who's Who in Society, 1st and 2nd editions; Who's Who in America, 46th-49th and 55th-57th editions; International Who's Who of Contemporary Achievement, 1984/85 edition; Marquis Who's Who in the West (1996-1997); and Who's Who in the World, 12th and 18th and 21st editions.

PUBLICATIONS: Mr. Ross was a biweekly columnist for the *Anchorage Times* (FROM THE ARENA, every second Sunday) from 1986 until 1992. He later wrote for the *Voice Of The Anchorage Times* in the Anchorage Daily News from 1992-1993, and for *The Anchorage Chronicle* in 2003. He served as contributing editor (firearms) for the Alaska Bar Rag, the official newspaper of the Alaska Bar Association for which Mr. Ross received the coveted Stanley Award for Heroic Journalism. Mr. Ross also has had outdoor and firearms articles printed in the Congressional Record, Alaska Outdoors, Supply Line, Soldier of Fortune, Wild Sheep, the Message, the Washington Arms Collectors Gun News, the Missouri Arms Collectors newsletter, the National Firearms Museum Quarterly, and Gun Week magazines. He also has written articles for Army Motors and was book review editor for that magazine.

HOBBIES AND INTERESTS: Mr. Ross was a holder of a Federal Firearms Dealers License for twenty-five years and specializes in collecting large caliber Colt and Smith and Wesson handguns. He has testified before Congressional Committees in Alaska and Washington, D.C. on lands and hunting issues, and has lobbied the Alaskan Legislature for equal access to fish and game for all citizens. He has also appeared on numerous television and radio programs supporting hunting and the Right to Keep and Bear Arms. Mr. Ross has conducted seminars and given speeches on hunting and gun collecting in many parts of the country. He is listed on the NRA Gun Collectors Speakers Bureau.

Mr. Ross's hobbies include hunting (especially with a .45 caliber handgun), fishing, and gun-collecting and he is a licensed assistant guide. He has taken two moose, and three caribou, with a .45 Colt revolver; three Sitka deer and a musk ox with a .45 semi-automatic pistol; and numerous other large game with a rifle including Dall sheep, whitetail deer, moose, caribou, sika deer, black bear, and brown bear. He has been qualified as an expert witness on firearms in both Alaska and Texas State Courts and in the Federal District court for the State of Alaska, both in Anchorage and Fairbanks. He is also a bibliophile, collecting books by Robert Service, Rex Beach, James Oliver Curwood, Don Blanding, and Theodore Roosevelt, as well as possessing the largest library on firearms in the State of Alaska.

RELIGIOUS PREFERENCE: Mr. Ross is a Catholic. He, along with his wife, Barbara, participated in the Anchorage Archdiocese Pre-Cana Program as instructors from approximately 1972 until 1985. In 1988, he was Advanced Gifts Chairman of the St. Elizabeth Ann Seton Church building program. In 1991 he was Building Fund Committee Chairman for that church. In October, 1991, Mr. Ross and his wife were named, by the Vatican, to be a Knight and Lady in the Equestrian Order of the Holy Sepulcher of Jerusalem. In 1998, Mr. Ross was awarded the Saint Gabriel Possenti Medallion by the Saint Gabriel Possenti Society. Mr. Ross served as Secretary on the Board of Trustees of Lumen Christi High School, Inc. from 1999 until 2001 and helped in the transition of that school from a private corporation to a parish school under the auspices of the Catholic Archdiocese of Anchorage.

FAMILY INFORMATION: Mr. Ross was married to Barbara L. Froelich of Elkhart, Indiana in 1968. They reside in Anchorage and have four children: Gregory, age 38, Brian, age 35, Timothy, age 32, and Amy Katherine Ross, age 30 years, and six grandchildren. Gregory graduated from Pre-Law at Marquette University, was a commercial fisherman, obtained his masters degree in education from the University of Alaska, Anchorage, is now a teacher for the Anchorage School District and coaches high school hockey. For several years, he served on the Anchorage Fish and Game Advisory Committee. Greg is married to Shelli, and has one son, Oberon and two step-children, Ryan and Tristen. Brian graduated 13th in his class, the top Marine Corps officer (Class of 1994), from the United States Naval Academy, and is a Major in the U.S.

Marine Corps, having served 3 tours in Iraq. Brian recently obtained his Masters Degree at Marquette in Milwaukee and currently is assigned by the Marine Corps as an Instructor (Naval History) at the Naval Academy. Brian and his wife, Tracy, have two sons, Andrew Charles Ross and Matthew Edward Ross, and a daughter, Emily Louise Ross. Tim graduated with a degree in Mechanical Engineering from Marquette University and is working in Alaska as a project supervisor for ANC. Amy graduated from Gonzaga University in Spokane, Washington with a degree in Criminal Justice. She is police officer with the Spokane Police Department, and is a Spokane Police Department Firearms Training Officer. She was recently commissioned as a Special Deputy U.S. Marshall. Barbara and each of the Ross children and grandchildren are NRA Life Members. Barbara was the librarian at St. Elizabeth Seton Catholic Elementary School, was a member of that school's Service Club Board, and was President of its School Board. She worked for the Anchorage School District as a librarian's assistant, and is now retired. Barbara served for several years as Program Director for the Anchorage Republican Women's Club, was District Chairman for Republican District 32, and as Secretary for Alaska Right To Life, Inc. Currently she is a Director of Alaska Right To Life, Inc. (Eff. 1 Feb 09)

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- "Amendments unfair to individuals", The Anchorage Times, 6 August 1986.
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- "ANCSA amendments Bad For State, And Its Citizens", The Cordova Times, 5 June 1986.
- "ANCSA deserves the Golden Fleece award", The Anchorage Times, 26 April 1987.
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- "Animal activists real enemy", The Anchorage Times, 2 December 1990.
- "Anonymous hate mail should not be permitted", The Bar Rag, October-December 2007.
- "Another look toward 1991", The Anchorage Times, 15 May 1986.
- "Anti-Gun laws do not aid the law-abiding", The Anchorage Times 5 February 1989.
- "Applicant earns an 'A For Effort' on resume", The Anchorage Times, 26 August 1991.
- "A promise is to be honored", The Anchorage Times, 16 August 1986.
- "A reputation with a shadow, The Anchorage Times, 7 June 1987.

"Arm the pilots and the passengers", The Anchorage Chronicle, Aug. 29 - Sept. 4, 2002.

"Arms misuse threatens rights", The Anchorage Times, 24 February 1991.

"A road to Cordova would give more Alaskans access to the little-known treasure", The Anchorage Times, 20 August 1989.

"Assault weapons are being confused with automatic firearms", The Anchorage Times, 30 April 1989.

"As soon as I head out of town, the snow should start falling", The Anchorage Chronicle, 28 November 2002.

"At Ease - The Flying Jeep", Army Motors, Volume 104, Summer 2003.

"A tribute to Barbara on Mother's Day", The Anchorage Times, 10 May 1987.

"Average citizen finds legal system inaccessible", The Anchorage Times, 16 April 1989.

"Base subsistence priority on need", Voice of the Times, 8 August 2001.

"Battle lines are being drawn for subsistence war", The Anchorage Times, 11 March 1990.

"Bears will be bears - Can we allow it?", The Anchorage Times, 12 August 1990.

"Before you go hunting remember to vote", The Anchorage Times, 26 August 1990.

"Belief in Santa Claus isn't just for little kids", The Anchorage Times, 25 December 1988.

"Best choice to keep young", Anchorage Daily News, 6 August 1992.

"Burgers are best for a 'Trencherman's' lunch", The Anchorage Times, 11 December 1988.

"Bush achievements many", Anchorage Daily News, 29 August 1992.

"Buy American-made products in 1992", The Anchorage Times, 29 December 1991.

"Campaign provides a real education", The Anchorage Chronicle, 5 September 2002.

"Candidates' book is more than Alaska history", The Anchorage Times, 23 October 1988.

"Candidates do not agree on gun control issue", The Anchorage Times, 25 September 1988.

"Can our best afford public service?", The Anchorage Times, 8 January 1989.

"Change in Show Rules", AGCA News & Views, March/April 2009.

"Chastity, adultery relegated to Dark Ages", The Anchorage Times, 23 February 1992.

"Christmas time sparks thoughts on old friends", The Anchorage Times, 16 December 1990.

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"Commitment is needed before practice", The Anchorage Times, 19 June 1988.

"Community service isn't as recalled", The Anchorage Times, 21 June 1987.

"Defending the guilty: Our judicial system at its very best", The Anchorage Times, 4 January 1987.

"Determining when one man's refuse is another man's refuge", The Anchorage Times, 6 October 1990.

"Do you have the attributes and desire to run for office?", The Anchorage Times, 9 July 1989.

"Duty- a sense of obligation, obedience and respect", The Anchorage Times, 15 March 1987.

"Equality for women still has considerable distance to go", The Anchorage Times, 11 October 1987.

"Elders pass wisdom to young during hunt", The Anchorage Times, 12 January 1992; The Message, March 1992; Gun-News, Volume 9 - Number 1.

"Fall hunting is a family occasion", The Anchorage Times, 14 August 1988.

"False! False! False!", Supplement to The Anchorage Daily News, 6 November 2000.

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"Family unit suffers from bureaucratic maze", The Anchorage Times, 22 May 1988.

"Family vacations offer fun and frustrations", The Anchorage Times, 24 April 1988.

"Fr. Boyle taught schoolboys lessons on discipline", The Anchorage Times 13 March 1988.

"Father's death helps him understand what a happy death means", The Anchorage Times, 22 September 1990.

"Fighting for Old Glory on battlefield of art", The Anchorage Times, 31 May 1992.

"Friends sometimes have to sit in the front of the canoe", The Anchorage Times, 3 July 1988.

"From Civil War typewriter to the modern computer", The Anchorage Times, 22 April 1990.

"Game permits seem to be for the lucky few", The Anchorage Times, 23 July 1989.

"Getting old is not for me", The Anchorage Chronicle, 27 March 2003.

"Goodbye my friend", The Anchorage Chronicle, 3 October 2002.

"Governor Cowper doesn't understand the issue", The Anchorage Times, 1 July 1990.

"Governor's duties clear on lands issues", The Voice of the Anchorage Times, 2 January 2001.

"Grass roots political meetings: a learning experience", The Anchorage Times, 27 March 1988.

"Gun law goes overboard with restrictions", The Anchorage Times, _____ 1990.

"Gun shows generate substantial revenue", The Anchorage Times, 14 February 1988.

"Gun 'waiting period' proposals unworkable", The Anchorage Times, 17 July 1988.

"Handling clients charged with drunken driving challenges lawyers", The Anchorage Times, 15 July 1991.

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"Helping neighbors in Middle East takes precedence over peace", The Anchorage Times, 13 January 1991.

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"Hollywood version of cops and robbers may be outcome for Hillside", The Anchorage Times, 17 November 1991.

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"Housing shortage redefines luxurious", The Anchorage Times, 27 January 1991.

"How long has it been since you had your last physical exam?", The Anchorage Times, 27 January 1991.

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"Hunting should not involve harassment", The Anchorage Times, 20 October 1991.

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"Is the justice system based on presumption of innocence?", The Anchorage Times, 29 October 1989.

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"It seems it's becoming 'We Vs. They' on Alaska issues", The Anchorage Times, 24 May 1987.

"It's National Convention time once again", The Trunk Line, August 2000.

"I wish Anchorage papers followed Milwaukee", The Anchorage Times, 15 June 1982.

"Joe Foss - America lost a good one", Voice of the Times, 8 January 2003.

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"Judges leave attorney scratching his head?", The Anchorage Times, 9 February 1992.

"Katie Couric is going to be disappointed", The Anchorage Chronicle, 6 April 2003.

"Katz Decision limits citizens' participation", The Anchorage Times, 12 April 1987.

"Key to finding party candidates lies in understanding political process", The Anchorage Times, 21 October 1990.

"Kids and Guns, A Different Perspective", The Message, February 1994; Anchorage Daily News, 27 March 1994, 1994; The Firing Line, March 1997.

"KKK 'Art' project gets 'A' for courage", The Anchorage Times, December 1991.

"Lawyers don't deserve such a bad reputation", The Anchorage Chronicle, 30 January 2003.

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**LEAH BURTON
LETTER
AND
RESPONSE**

Cindy Smith

From: Leah Burton [leahlb@gmail.com]
Sent: Wednesday, April 08, 2009 3:56 PM
To: Sen. Hollis French
Subject: Burton Testimony
Attachments: A WAR Test 4-09.doc

Senator Hollis,

Please copy to Committee Members in Senate Judiciary.

I can be reached at (206) 522-6314 this evening during the public testimony confirmation hearing if there is a need to contact me.

Respectfully Submitted,

--

Leah L. Burton

April 7, 2009

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

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

Mr. Ross is one of the most successful attorneys in Alaska in his representation of the members of this organization and others who sought to avoid payment of child support through several means, not the least of which was to fight for custody.

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

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

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

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

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

This announcement by Governor Palin is a slap in the face to all single parents who have no choice but to rely upon the State Department of Law to support court orders for child

support, as well as those persons who need the Department to enforce criminal laws against sexual assault and domestic violence. Mr. Ross is the antithesis of the type of person that should be the Attorney General. This has been clearly demonstrated by his own words and actions in public.

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

Given his other special interests and his stated opposition to subsistence rights and other Alaska Native issues, I have brought this forth as yet another dimension of Mr. Ross' demonstrated inability to represent all the people of the State of Alaska fairly and impartially.

His clear racial and gender prejudice raise serious concerns with regard to his ability to represent all residents of the State of Alaska fairly and impartially as their Attorney General.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Sarah Palin, Governor

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-2133
FAX: (907)465-2075

April 10, 2009

By Email and Capitol Mailbox

Honorable Member of the Twenty-Sixth Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Re: Letter Dated 7 April 2009 Purportedly From One Leah L. Burton

I am in receipt of a letter which purports to be from one Leah L. Burton. The letter is unsigned and I have been advised that it has been circulated to members of the Legislature. When I left my wife, Barbara, in Anchorage she cautioned me that "they are going to say bad things about you". "They will have to lie!" I responded, in an attempt to allay her fears. We have been happily married for more than forty years and like the tremendous lady she is, Barbara worries about me and doesn't like people criticizing her husband. (I thank the Lord for her every day.)

Apparently Barbara and I were both right. Not content to discuss my record, someone has now chosen to circulate this unsigned memo which is replete with totally false statements. I would call Ms. Burton a liar but, since the letter is unsigned and therefore may not have actually come from her, I will not do so. Instead, I am sending the response to you and referring to the letter, hereafter, as the "Burton" letter.

I believe I have heard of the Dads Against Discrimination and I have heard of a group known as the Alaska Family Support Group. Since I have practiced law in Anchorage in the private sector for over 35 years, I have given talks to many groups. I may have even spoken to this group although I do not recall having done so. If either group is the one I am thinking of, I had an unusual experience with one of its officers. On one occasion I received a call from a video store located on Lake Otis complaining about my "boorish behavior" to one of the store clerks. After ascertaining where and when this boorish behavior occurred, I advised the caller that I had never even been in his store. Intrigued by the caller's story, I asked if he had a videotape of the person who claimed to be Wayne Ross. It turned out that he had. I went to the store, viewed the

video, and recognized the person who had claimed to the clerk that he was me. The imposter was, if I recall, one of the founders of the above referenced group.

I will leave it to your imagination as to what occurred in the "Come To Jesus" meeting I had with this fellow when I was able to track him down. To my recollection, that was the last time I ever heard of either of these groups. They avoided me and I them, thereafter.

If I recall correctly, the only time I ever addressed this group, if indeed I ever did address them, was at a Denny's restaurant on either Benson and Denali or on Dimond and the Seward Highway. To my best recollection the only time I have been in the Denny's on Benson and DeBarr was to attend meetings of the Armed Services YMCA (I served on its Board and later as its Chairman) or to provide legal training for several concealed carry classes given at that location.

I do not believe I know a Steve Strube or a John Grames. I don't recall ever hearing such names before the Burton letter.

I have never ever stated to anyone "If a guy can't rape his wife... who's he gonna rape?"

I don't talk like that!

I don't believe in that!

I totally abhor such a thought and I totally reject it!

Indeed, if I ever heard such a comment from anyone, that person would have faced a serious confrontation with me. Rape is a serious crime; it is not something to joke about; it is not something I joke about; and I have no sympathy with anyone who does. Indeed, as AG I intend to pursue rapists with the full power of my office and put them behind bars for as long a time as possible.

Nor have I ever stated "There wouldn't be an issue with domestic violence if women would learn to keep their mouths shut!"

Such an allegation that I uttered those words is outrageous! Indeed, it is almost as outrageous as the words themselves!

I confess that I am a bit old fashioned when it comes to women. My dad taught me that the greatest honor that a father could show another man was to let that man date his daughter. If a guy was granted that honor, the absolutely worst thing a guy could do

was to breach the trust given to him by that father. I still believe that to this day. My wife and I learned about love-making only after we were married and we have been faithful to one another exclusively. She is my partner and I rely upon her completely.

The idea of "disciplining" a wife is outrageous! Wives are not children; they are partners (or at least should be). Any man who speaks to me about "disciplining his wife" deserves not to have one. And again, if I ever heard such a comment from anyone, that person would have faced a serious confrontation with me.

Both Barbara and I have "disciplined" our children. They have all turned out well. We are proud of them and they (all four of them) love their parents totally. Indeed, our children have turned out so well that I joke that they all take after their mother.

With regard to child support, I served as Court Trustee from 1969 to 1973. During my tenure, we developed the computerized system of collecting child support which has expanded into the Child Support Services Division with exists today. I have no patience or sympathy for any parent who fails to properly support his (or her) child.

In my practice of law when involved in divorce work, more often than not I represented the mother/wife. Ninety-five of my cases settled; only five percent went to trial. Divorces are sad situations for both spouses, and also for the attorneys who handle them. I have often said that the only reason I handled such cases is because I could go home at night to my beloved Barbara and realize how wonderful our life together is. I have always felt bad that many others cannot enjoy a marriage such as ours.

As I said above, I am old-fashioned. I take my hat off inside if a lady is present. I try to rise as often as possible when a lady enters the room. I always try to treat women like I would like my wife to be treated. Call me a dinosaur, if you will, but that is how I was raised.

I have had a good time during these conformation proceedings and I have met many interesting people. It matters not to me whether we agree or disagree on issues; what matters is that we can talk with one another and that we don't become disagreeable with one another.

The Burton letter, however, crosses the line. Now I am a bit angry! Whoever wrote that letter should be thoroughly ashamed of themselves. I do not deserve such treatment no matter how much the writer disagrees with me!

And since I am writing, let's deal with another issue. I am in receipt of a second memo dated 9 April 2009 referencing a lady who testified before the Senate Judiciary Committee on 8 April 2009.

The lady referenced my attendance at a UAA Forum in October 2005. She alleged that she heard me "argue that DV victims are liars".

I do not recall the date of such forum but I do recall attending such a forum. We were shown a movie about domestic violence. When it became my time to speak, I criticized the movie because it gave the misimpression that only men committed domestic violence on women.

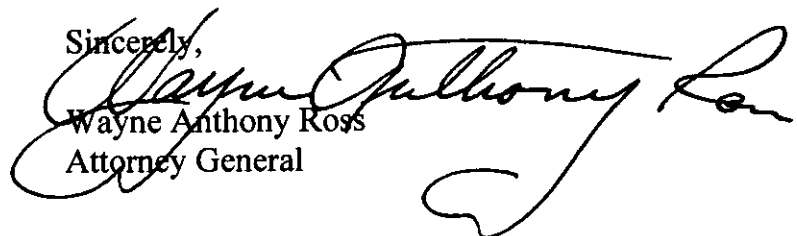
I believed that I had been invited because of my years of experience in the field. I simply pointed out that men too could be victims of domestic violence. I also stated that on occasion people who sought domestic violence protective orders did so because they wanted to use the process "as a sword rather than as a shield". I said that in my experience I had seen cases in which people lied to get such protective orders and that our domestic violence system was sometimes abused.

Quite obviously the lady who attended the UAA forum heard only what she wanted to hear.

My remarks that day were accurate and based on almost four decades of experience in the field. The lady's recollection of the event, however, was not accurate.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Anthony Ross". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Wayne Anthony Ross
Attorney General

cc: Sarah Palin, Governor
Mike Nizich, Chief of Staff
Sharon Leighow, Deputy Press Secretary

**LETTERS
OF
OPPOSITION
TO THE
CONFIRMATION
OF
ROSS**

Testimony of Robert W. Loescher
Before the Alaska State Senate Judiciary Committee Regarding Confirmation of
Wayne Anthony Ross as Attorney General

My name is Bob Loescher. I am a lifelong Alaska citizen and also a tribal member of the Central Council of the Tlingit and Haida Indians Tribes of Alaska, a federally-recognized tribal government located in southeast Alaska. Today I am representing and speaking on behalf of 26,000 tribally enrolled members and at the request of the Tribal President Bill Martin. I serve on the Judiciary Committee of the Tribe and am also speaking on behalf of the Alaska Native Brotherhood Camp # 2 of Juneau. The ANB is the oldest Native American fraternal organization in America and has stood up for Civil Rights of Alaska Natives and others.

I want to thank you Mr. Chairman and members of the Committee for the opportunity to speak on the matter of the confirmation of Wayne Anthony Ross as the Attorney General for the State of Alaska. This year marks the 50th Anniversary of Alaska Statehood and the implementation of the Alaska State Constitution. This last year, we witnessed the importance of the position and person of the Attorney General when the possibility of our Governor becoming the Vice President of the United States and our Lt. Governor's bid to become the US Congressman for Alaska arose. In this situation, the Attorney General would have become the Acting Governor until an election was held. All this did not happen- but the importance of the role of the Attorney General in our Alaska governance structure was highlighted.

The Attorney General is the highest ranking non-elected official. Over the 50 years of statehood, this position has had tremendous influence over the direction and administration of public policy within the State of Alaska and with regard to federal and tribal government policy and relationships.

Since the early days of Alaska Statehood through this year, Alaska Natives as tribal members and through their tribal governments, ANSCA corporations and affiliated institutions have made social, economic and political progress- as the State of Alaska has made equal and similar progress. The Alaska Natives cooperated with the State and Federal government to settle the Alaska Native Land Claims. This event opened the way for the right of way and construction of the Alaska Oil Pipeline and the unprecedented prosperity for all Alaskans.

The existence of Alaska Natives as "tribal members" has provided multi millions of dollars of federal transfer funds for health, education and welfare and other programs not only for Alaska Natives, but also for the benefit of all Alaskans.

The businesses and ANSCA lands have contributed billions of dollars to Alaska commerce, the economy and for job creation everywhere in our State.

Native institutions have brought modern services and benefits that have "offset" substantial impact to the State operating budgets.

Notwithstanding this progress and benefits to the total Alaska community due to the existence of Alaska Natives and tribal entities- participation has come at a high cost to the Alaska Native community. For the most part, Alaska Natives and tribal progress has come through litigation with the State of Alaska over equal education in rural Alaska, hunting, fishing, and gathering rights, children and family matters and another dozen issues that affect the well-being of Alaska Natives and tribal members.

Some progress has been made between the State of Alaska and the tribal community. There is cooperation on environmental protection, development of transportation infrastructure, land and resource development, coastal zone management and a myriad of other matters. However, the cooperation develops and exists based upon mutual need and financial contribution that are able to be committed to benefit all parties. The difficulty or impasses that are encountered and underlie determent of progress as a general matter is the issue of sovereignty of the state and that of federally-recognized tribes. The myth that the Attorney General Office advances at every turn that "Indian Tribes" do not exist in Alaska because of the Venetie case that asserts "Indian Country" does not exist in Alaska ignores the reality that tribes do exist as a result of federal recognition of the existence of tribes based upon tribal member enrollment.

As a result, the State Attorney office has litigated against Alaska Natives and tribes on children and family matters, and other similar issues. The State of Alaska has lost much of such litigation, but continues to oppose the recognition of tribes and tribal jurisdiction to administer and oversee the "inherent internal

affairs" of tribal members as recognized under the US Constitution and federal law.

Wayne Anthony Ross has a long documented public record of advocacy against the recognition of tribal entities in Alaska. He has taken public positions against the Alaska Native Claims Settlement Act and its amendments. He is opposed to Title 8 of ANILCA, the subsistence provision wherein a rural Alaskan priority preference for the gathering, hunting, and fishing is provided under federal law on federal lands in Alaska. Many of us in the Alaska Native community leadership have looked forward to the time when "constructive engagement" with the Governor of Alaska can be started and undertaken between the Alaska Native community and the State. The Confirmation of Wayne Anthony Ross would not assist or usher in this opportunity. It would continue the ongoing question by many Alaskans "who speaks and maintains the public policy relationships between the State of Alaska and the Alaska Native community and Tribes?" Is it the Governor with the Legislature or the State Attorney General?

The Confirmation of Wayne Anthony Ross would represent the extreme extent the State of Alaska would go to in order to prevent progress and relationships between the State of Alaska and Alaska Natives and their tribal institutions. Therefore, we urge you to oppose the Confirmation of Wayne Anthony Ross as Attorney General for the State of Alaska.



Robert W. Loescher Biography

Robert W. Loescher has served in executive capacity of many private and public corporations over the last forty (40) years. He was born and raised in Juneau, Alaska. He graduated from Fort Lewis College at Durango, Colorado. He started his career by working with Alaska Legal Services – a poverty law office. From there he worked in the Central Council of the Tlingit and Haida Indian Tribes of Alaska, a federally recognized tribal government, in the Office of Development Planning doing strategic planning and economic development. He was the Executive Director of the Tlingit and Haida Housing Authority, Tlingit and Haida Housing Development Corporation and the Tlingit and Haida Regional Electrical Authority. He led the development of over one thousand housing units and the supporting infrastructure of water, sewer, electrical generation and distribution, telephone, roads, health clinics and community halls throughout Southeast Alaska.

He served for twenty-five (25) years in executive management capacities and ended a career as the President and CEO of Sealaska Corporation – a regional Native corporation organized under the Alaska Native Claims Settlement Act. The company was listed as a Fortune 1,000 company.

Mr. Loescher owns two consulting companies – Loescher & Associates, LLC and Alaska Technology Development Group, LLC. These companies consult in economic development, technology and various industries. Over the last three years, Mr. Loescher has organized SBA 8(a) Alaska Native Corporation enterprises engaged in the technology industry with the focus on homeland security, defense industry, technology training and development of technology application software and maintenance. Additionally, he is currently involved in regional energy development, specifically, a member of the Tlingit and Haida Energy Working Group; the Thomas Bay Hydroelectric Project, energy

transmission lines, gas utility systems with the Alaska Intrastate Gas Company, and waste to energy with the Plasma Waste Recycling Company.

Mr. Loescher is familiar with Alaska Governmental affairs and activities in Washington, D.C. He served on the previous City Council of Juneau and served on the first Assembly of the City and Borough of Juneau. At the State level, Mr. Loescher served as a Director on the Alaska Industrial Development and Export Authority and the Alaska Energy Authority Board as well as serving on the Alaska State Fiscal Planning Commission; appointed by Governor Tony Knowles. Additionally, Mr. Loescher served on the transition teams for several newly elected Governors of Alaska. At the national level, Mr. Loescher was appointed by President Clinton to serve on the National Gambling Impact Study Commission and; served on the Federal Citizens Advisory Commission on Federal Lands.

He presently serves as a community councilmen and delegate to the Central Council of the Tlingit and Haida Indian Tribes of Alaska, a federally recognized tribal government; a member of the Douglas Indian Association, a federally recognized tribal government; and a camp councilmen for the Juneau Alaska Native Brotherhood Camp #2.

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**Statement of Nelson N. Angapak, Sr.
Vice President, Alaska Federation of Natives**

**Testimony Before the Alaska State Legislature Senate Judiciary Committee
On the Confirmation of Wayne Anthony Ross
As Attorney General of Alaska
April 8, 2009**

Good afternoon, Chairman French and members of the Senate Judiciary Committee. My name is Nelson N. Angapak, Sr., and I am Vice President of the Alaska Federation of Natives ("AFN"). Thank you for the opportunity to testify on the confirmation of Wayne Anthony Ross as Attorney General of Alaska. Seated with me is George Irvin, Senior Assistant to the President of AFN.

AFN EMPHATICALLY OPPOSES THE CONFIRMATION OF MR. ROSS FOR ATTORNEY GENERAL.

On Tuesday, March 30, AFN's Legislative Committee unanimously adopted a motion to oppose this nomination. I will highlight for you some of the reasons behind that decision.

Subsistence: Mr. Ross has been quite vocal in his opposition to recognition of a rural subsistence priority in state and federal law. His opposition to the rural priority found in federal law demonstrates a profound disrespect for Alaska Native peoples, for whom subsistence activities are an imperative. Subsistence hunting, fishing and gathering are the very core of Alaska Native life, as they have been for thousands of years. The vast majority of an estimated 125,000 Natives in Alaska practice subsistence regularly in order to put food on the family dinner table. Fish constitute 59% of the statewide rural subsistence diet -- subsistence activities *take only 2% of all the fish annually harvested in Alaska*. The other 98% go to commercial, personal use, and sport users. Most subsistence activities occur on federal lands and waters, where Congress has unequivocally enacted a rural priority (in Title VIII of the Alaska National Interest Lands Conservation Act of 1980).

If subsistence cannot be protected against overwhelming competition from other users, most residents living in rural villages will not be able to feed themselves, and will gradually be forced to abandon their homes and villages to move into urban areas. Such an enormous out-migration to Alaska's cities would create a socio-economic crisis that would be detrimental to all Alaskans - especially urban residents. A rural priority is not just humane, it is the intelligent thing to do in the interest of all Alaskans.

In his most recent gubernatorial bid, Mr. Ross stated that, if elected, he would hire "...a band of junkyard dog assistant attorney generals to challenge the law [Title VIII of ANILCA]"¹ This approach has already failed, however - many times. Opponents to the rural subsistence priority contained within Title VIII of ANILCA have challenged the

¹ "Palin Names New Attorney General: Colorful Anchorage Attorney known for prompting gun rights," by Dan Joling, Associated Press, updated at 3/27/09.

constitutionality of this federal law time and time again in the federal courts. Each and every time, the courts have consistently upheld the rural subsistence priority on federal lands and waters in Alaska. It is well-settled law. Further litigation will simply waste time, human resources, and precious state monies that could be spent on other matters.

AFN wonders why any Attorney General would want to hire "junkyard dog" assistant attorneys general for any purpose?

Tribal Sovereignty: Mr. Ross's contempt for Native leaders and their governing institutions is patently obvious. He opposes the very existence of tribal governments, which continue to exercise their governmental authority as they have since time immemorial. Millions of federal dollars come into this state to serve Alaska Natives simply because the United States has a government-to-government relationship with the tribes in Alaska. These monies flow to tribal governments and non-profit tribal consortia to deliver vital human services, such as health care. If Mr. Ross actually wants to deprive 125,000 Alaskans of their health care, the surest way to achieve that is to attack the tribes enumerated within the Federally Recognized Indian Tribe List Act.² If Mr. Ross does not know about or understand the connection between the recognition of tribal governments and the many millions of federal dollars that come into Alaska to serve Alaska Native peoples, he is ignorant and uninformed. If he simply does not care, he is irresponsible.

Alaska Native Claims Settlement Act: Mr. Ross has often opposed the 1971 Alaska Native Claims Settlement Act ("ANCSA"), and the 1988 congressional amendments thereto. In 1987, he wrote that implementation of ANCSA had been a waste of public resources by Congress, claiming that: "...[w]e average Americans, native and non-native alike, haven't got much to show for the expenditure...and transfer of land."³

That statement is not true. By settling Alaska Natives' claims to the land, Congress cleared the right-of-way for construction of the oil pipeline. The enactment of ANCSA, more than any event since Statehood, created modern Alaska. Everything that we have here today was made possible by that 1971 real estate sale between Natives and the United States. If it had not happened, the pipeline, the oil and the resulting economic boom would have been held up for decades in the federal courts. Mr. Ross's view also completely disregards the abiding legal principle of aboriginal land title, which descends from colonial times. Mr. Ross does not understand ANCSA's history and legal foundation any more than he recognizes the benefits it provided to everyone in Alaska.

Mr. Ross also criticized the 1991 Amendments to ANCSA, noting that they would both promote tribal authority in Alaska, and allow "flim-flam artists [to] gain control of native lands..."⁴ The truth, however, is the exact opposite of Mr. Ross' statement. Most of the tribes in Alaska opposed the 1991 amendments because the statute failed to give tribes sufficient authority over subsistence. Mr. Ross is clearly uninformed, and uneducated, about the laws that govern subsistence, and simply waves the term "tribal sovereignty" as

² Federally Recognized Indian Tribe List Act of 1994, Pub. L. 103-454, codified at 25 USCA § 479a and 479a-1.

³ *ANCSA deserves the Golden Fleece Award*, Anchorage Times, April 26, 1987.

⁴ *"Amendments Unfair to Individuals,"* Anchorage Times, August 6, 1986.

a scare tactic to agitate the citizens of Alaska. His actions are nothing more than political shenanigans, and reflect his ignorance of the law that governs in this state.

Respect for Government Institutions: Mr. Ross was among several candidates for the Alaska Supreme Court seat vacated by Justice Bryner in 2007, and for the Court of Appeals seat vacated by Judge Stewart in 2008. He did not make the "short list" of qualified applicants sent to the Governor for either seat.

The Alaska Judicial Council handles nominations for the state judiciary, which rates all candidates by means of a Bar Survey sent to attorneys who are members of the Alaska Bar Association. To encourage frank, honest answers, the survey is anonymous. In a letter recently published by the Alaska Bar Association, Mr. Ross strongly objected to the anonymity of the Bar Survey as he wanted to know who had said what about him. The secret ballot, however, is an axiom of political process in our democratic Republic. Mr. Ross's objection to the use of this process as part of an assessment for judicial fitness demonstrates a certain disregard for democracy, itself.

I reiterate AFN's opposition to confirmation of Mr. Ross as the Attorney General for Alaska. The Attorney General's responsibilities include representation of all citizens of Alaska, including those of us who are Alaska Natives. Mr. Ross holds strident beliefs in opposition to the two core issues that affect the survival of our Native communities and people: subsistence and tribal sovereignty. This raises a major concern about his ability to represent Alaska Natives on an equal footing with other citizens of Alaska.

Thank you for giving me this opportunity to present this testimony on behalf of AFN.

I ask that my written statement and comments be incorporated into record of this meeting.



Alaska Native Brotherhood/Alaska Native Sisterhood
Glacier Valley Camp #70

RESOLUTION NO. # 01-09

Title: Requests that Executive Committee Grand Camp oppose the confirmation of Wayne Anthony Ross to Attorney General for the State of Alaska.

WHEREAS, the Alaska Native Brotherhood and Sisterhood, Glacier Valley Camp #70 in a special session took up the subject of the appointment of Wayne Anthony Ross by Governor Sarah Palin of the State of Alaska, and

WHEREAS, Camp 70 recognizes it is not in the best interest of Alaska Native people and Alaska to have Wayne Anthony Ross as Attorney General for the State of Alaska, and

WHEREAS, Camp 70 believes Wayne Anthony Ross does not and will not honor subsistence agreements already agreed to by Alaska Natives and the state, but will also actively work against enforcement of subsistence rights and will not fairly represent their interest in future disputes between Alaska Natives, Commercial, Commercial Sport, and Sport users, and

WHEREAS, Camp 70 believes Wayne Anthony Ross will not work towards ending the energy price disparity that exists between predominantly Native rural communities and urban non-Native communities that seem to enjoy comparatively low cost of energy, and

WHEREAS, Camp 70 believes these issues are of regional and statewide concern that can best be addressed by testimony and evidence being provided by Grand Camp on behalf of all Camps organized in favor of ending discrimination and diminishment of Native rights, and

WHEREAS, Camp 70 knows the Attorney General for the State of Alaska has tremendous impact over the day-to-day life of Alaska Natives and therefore must be an individual who understands Native rights and honors the State of Alaska's obligation to treat all Alaskans fairly within the proper framework, jurisdiction and attitude, and

WHEREAS, Camp 70 believes Wayne Anthony Ross does not comprehend, understand and has demonstrated no interest in the special relationship between Alaska Natives, Tribal entities, the United States and the State of Alaska, and

NOW THEREFORE BE IT RESOLVED, that the Camp 70 requests that Grand Camp of Alaska Native Brotherhood and Sisterhood take all actions necessary to prevent the confirmation of Wayne Anthony Ross by taking actions including:

1. Providing direct testimony against his appointment
2. Calling all Local Camps to action and requesting written and oral testimony against his appointment
3. Providing a copy of this Resolution to Senators Albert Kookesh and Bert Stedman for further distribution to all State Senators
4. Providing a copy of this Resolution to Representatives Beth Kerttula, Cathy Munoz and any other Representative who is a member of the Alaska Native Brotherhood and Sisterhood for further distribution to all State Representatives
5. Authorizing the ANB and ANS Grand Presidents provide written and oral testimony at the Judiciary Committee hearings of each chamber on behalf of all members of the ANB and ANS

ANB Camp 70 President

ANS Camp 70 President

ATTEST: I certify that this resolution was adopted by the ANB/ANS Camp 70 in a Special Meeting in Juneau, Alaska, on April 4, 2009.

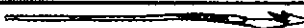
ANB Camp 70 Secretary



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WHITE MOUNTAIN

RESOLUTION 2009-03

A RESOLUTION IN OPPOSITION TO THE CONFIRMATION OF WAYNE ANTHONY ROSS AS ATTORNEY GENERAL FOR THE STATE OF ALASKA

WHEREAS, Kawerak, Inc. is a tribally authorized non-profit consortium whose mission is to assist, promote and provide programs and services to improve the social, economic, educational, and cultural well being of the people within the Bering Strait region; and

WHEREAS, the communities within the Bering Strait region include: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, St. Michael, Teller, Unalakleet, Wales and White Mountain; and

WHEREAS, Governor Palin appointed Wayne Anthony Ross to serve as Attorney General for the State of Alaska on March 26, 2009 and the legislature will confirm or not confirm the appointment on April 16, 2009; and

WHEREAS, the Governor's news release, dated March 26, 2009 stated, "As Attorney General, Ross will work with the governor on issues surrounding development of Alaska's rich natural resources as the state continues its efforts to provide energy security for America and lower energy costs for Alaskans. As Attorney General, Ross also will help the governor protect Alaskans' right to bear arms, and he will work tirelessly to manage Alaska's fish and game resources for abundance through science and not politics. Governor Palin added, "Now more than ever, it is essential that Alaska's sovereignty be protected, that there is unity in Alaska, and that we all stand together to see Alaska's potential fulfilled with energy security contributions to ourselves and the nation, while protecting the Constitution"; and

WHEREAS, subsistence is central to our regions existence and vital to the health and welfare of regional residents; and

WHEREAS, Kawerak, Inc. supports a rural subsistence preference over sport and commercial interests to insure residents within the Bering Strait region can harvest fish and game for their health and welfare; and

WHEREAS, Subsistence has priority over sport and commercial interests in the State of Alaska; and

WHEREAS, Governor Palin's Attorney General must insure that subsistence take priority over other interests as prescribed in law and regulation; and

WHEREAS, Wayne Anthony Ross, represented sport hunters in the 1989 lawsuit that overturned as unconstitutional the state's subsistence preference for rural residents; and

WHEREAS, in a Anchorage Daily News, August 13, 1998 article titled "Fed up, Ross stages battle for guns, family and Alaska pride," Wayne Anthony Ross was quoted as saying, "Rural preference is wrong and not necessary to ensure subsistence foods;" and

WHEREAS, tribal governments in Alaska are recognized under federal law; and

WHEREAS, tribal governments provide valuable leadership, resources, processes and tools to address the socio-economic, educational, and cultural needs of the Bering Strait region; and

WHEREAS, Governor Palin, with her authority to appoint key positions such as the Attorney General, has an opportunity to address rural concerns, namely the rural subsistence priority and tribal sovereignty; and

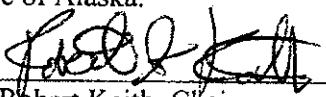
WHEREAS, Wayne Anthony Ross' stance regarding tribal sovereignty is reflected in his comments in the article titled "Indian Country: 2 Destinies, 1 Land" by Tom Kizzia in the Anchorage Daily News, June 29, 1997 in which Mr. Ross was asked to comment on the issue pending in the Venetie Indian Country case. He said "It's a giant leap backward into the 19th century... They want to see Alaska balkanized into little fiefdoms where these self-proclaimed Native leaders will reign supreme with the help from the Great White Father;" and

WHEREAS, Governor Palin's candidate for appointment of Attorney General should be an individual who exemplifies leadership skills that will seek collaboration with all local governments to resolve vital issues which would lead to safe, economically viable AND healthy communities; and

WHEREAS, Wayne Anthony Ross' record and professional stance on rural subsistence priority and tribal sovereignty exemplifies an extreme bias which will further exacerbate the process to resolve vital issues to our regional communities.

NOW THEREFORE BE IT RESOLVED THAT the Kawerak Board of Directors oppose the confirmation and appointment of Wayne Anthony Ross to serve as Attorney General for the State of Alaska.

By: _____


Robert Keith, Chairman

CERTIFICATION

I, the undersigned Secretary of the Kawerak, Inc. Board of Directors, hereby certify that the foregoing resolution was adopted by majority vote of the Board of Directors of Kawerak, Inc. during a duly called meeting on this ____ day of April, 2009.

By: _____


Kawerak Board Secretary

Cindy Smith

From: Chris & Nickie [cnbx3@mtaonline.net]

Sent: Friday, April 10, 2009 11:55 AM

To: Rep. Jay Ramras; Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Carl Gatto; Rep. Bob Lynn; Rep. Max Gruenberg; Rep. Lindsey Holmes; Sen. Hollis French; Sen. Bill Wielechowski; Sen. Lesil McGuire; Sen. Gene Therriault

Subject: Ross Confirmation

Dear Representatives and Senators of the State of Alaska Judiciary Committee,

I belong to a very conservative family in the Mat-Su Valley and may be rocking the boat for some; however, in light of the testimony put forth during confirmation hearings for Wayne Ross for Attorney General, I'm compelled to urge you to ask the Governor to provide an alternate candidate that would prove capable of serving all Alaskans.

Some of the testimony given during the hearings is deeply disturbing especially the testimony of Leah Burton, but even if Ms. Burton's allegations turn out to be false other issues have also been brought to attention that cannot be disputed. This is an attorney that has in the past demonstrated a disregard for basic freedoms given to Americans through our constitution such as freedom of speech, and in all honesty his displays of general contempt towards other people, even during these proceedings, leads me to believe that this man is probably not the most stable person the Governor could have chosen for this position. In replacing Talis Colberg, Alaskans deserve better than Wayne Ross.

Thank you,
Nicole Brunnhoelzl

Hm. 746-1153
Nickie's cell 355-0754

Cindy Smith

From: Barbara Hanson [barbhansonak@yahoo.com]

Sent: Friday, April 10, 2009 12:59 PM

To: Jane Pierson; Cindy Smith; Rep. Jay Ramras; Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Carl Gatto; Rep. Bob Lynn; Rep. Lindsey Holmes; Rep. Max Gruenberg; Sen. Hollis French; Sen. Bill Wielechowski; Sen. Lesil McGuire; Sen. Gene Therriault

Subject: Public Comment Re: Vote NO on Confirmation of Wayne Anthony Ross as Attorney General

Please add my comment below to the public record.

Dear Members of the House and Senate Judiciary Committees,

I am writing to urge you strongly to vote NO on the appointment of Wayne Anthony Ross as Alaska's Attorney General.

I have followed the political aspirations of Mr. Ross throughout the twenty years that I have lived in Alaska. I must say that I have been appalled many times by his divisiveness, his racist and misogynistic overtones, and with the degree of bullying language that he has often used. It is very clear that Mr. Ross has strong and sometimes extreme political beliefs, including those regarding native sovereignty rights, domestic violence issues, and gay rights.

A person who serves as Attorney General must protect the rights of ALL citizens of Alaska, without prejudice. Objectivity and deference to federal and state law are required of anyone serving in that capacity, by definition of the position. It is clear that Mr. Ross' personal beliefs would preclude his ability to be objective in that position. His appointment would disenfranchise a huge proportion of the Alaska population. The potential for the Attorney General to make politically-biased decisions and court appointments could undermine the rights of many citizens of this state.

I also take exception to this appointment based on the fact that Mr. Ross appears to have no previous administrative experience, and the fact that he does not seem to have experience in other areas of law, including tax law and land use law, which are issues primary to this state.

I hope that you will choose to uphold the rights and concerns of ALL the citizens of the state that you represent, and vote "NO" on this appointment.

Sincerely,
Barbara Hanson
Palmer, AK

Cindy Smith

From: James Behlke [jim@behlke.com]
Sent: Friday, April 10, 2009 1:35 PM
To: Cindy Smith
Subject: AG nomination

Dear Ms. Smith:

This comment is for Senate Judiciary Committee (I made an earlier comment today but things seem to be happening quickly).

I just read Mr. Ross's letter responding to Leah Burton's statements. This letter may be read at:

http://media.adn.com/smedia/2009/04/10/11/4-10-09_Letter_from_AG_Ross.source.prod.affiliate.7.pdf

Note he also attacks the credibility of a SECOND person who witnessed his remarks at ANOTHER meeting. This meeting was more recent-- he can't deny it occurred, or his presence there, like he denied the 1991 meeting. So apparently the only thing left he can do is attack the credibility of the witness.

Also, in his letter, what's that video store story all about?

This letter entirely seems a bit strange.

I hope we won't feel rushed to decide on Mr. Ross's nomination. If a special session is necessary, so be it. If we Alaskans need more time for answers, let's take it.

Sincerely,

Jim Behlke

5762 Flagstone Cir
Anchorage, AK 99502

Cindy Smith

From: dicklafever@ak.net on behalf of Dick LaFever [dicklafever@ak.net]
Sent: Friday, April 10, 2009 12:14 PM
To: Cindy Smith
Cc: Jane Pierson
Subject: Ross/Attorney General Hearing

Hello: Please share my concern with all House Members. I have already sent this same email to members of the House Judiciary Committee, this morning!

Sincerely,
Dick LaFever

=====

Alaska House of Representatives:

As a 30+ year Alaskan, a registered nonpartisan, and a concerned citizen, I am convinced that Mr. Ross's appointment as Attorney General would have a detrimental and divisive impact on our state. His philosophy, personal behavior, and record has been one that demonstrates his narrow mindedness, disrespectful and chauvinistic views.

I ask that you not approve Mr. Ross as Attorney General. Out state deserves better!

Sincerely,

Kenneth R. (Dick) LaFever
815 W 19th Avenue
Anchorage, Alaska
258.7002
dicklafever@ak.net

Cindy Smith

From: Whitney Lowe [wlowe97@gmail.com]
Sent: Friday, April 10, 2009 11:17 AM
To: Jane Pierson
Cc: Cindy Smith
Subject: Re: please send this in your words

I would like to register my severe disapproval of Sarah Palin's pick, Wayne Anthony Ross, for Alaska Attorney General. He shows a blatant disregard for native rights in Alaska. His perspective about resource development also is extremely short-sighted and would represent one more step backwards for this state which needs to get away from our reliance on industry-influenced governing.

Whitney Lowe
PO Box 15303
Fritz Creek, AK 99603
wlowe97@gmail.com

Cindy Smith

From: Elise Wolf [ewolf@alaska.net]
Sent: Friday, April 10, 2009 11:00 AM
To: Cindy Smith
Subject: No on Olsen for AG

Hello,

I would like to register my disapproval of Wayne Anthony Ross for Attorney General.

Several reason are: his comments regarding Drift River Terminal and the volcano; his comments and beliefs regarding Alaska Natives and subsistence in rural areas; his beliefs regarding resource development in Alaska; and his comments regarding the Exxon Valdez Oil Spill.

Thank you,

Elise Wolf
PO Box 15303
Fritz Creek, AK 99603
907-235-2348

Cindy Smith

From: maryia@alaska.com on behalf of Mary La Fever [maryia@alaska.com]
Sent: Friday, April 10, 2009 10:23 AM
To: Cindy Smith
Subject: About the Ross appointment

Hello Cindy:

I am not certain how to do this, but want my vote/desire to be considered and counted: that these representatives would get my recommendation NOT to approve the appointment of mr. Ross. I am totally against his being in public office at all.

Is it possible for you to forward this to these folks at this late date?

Thank you.

Mary La Fever
Anchorage resident 41 years.

Senators French, Wielechowski, McGuire and Therriault

Cindy Smith

From: Kim Kloecker [kloecker@acsalaska.net]
Sent: Friday, April 10, 2009 10:19 AM
To: Jane Pierson
Cc: Cindy Smith
Subject: [Fwd: Please, no Wayne Anthony Ross]

Dear Ms. Pierson and Ms. Smith,

I'm hoping that I'm not too late with my comments regarding Mr. Ross. For the record, I am adamantly opposed to his confirmation!

thank you,
Sincerely,

Kim Kloecker

----- Original Message -----
Subject: Please, no Wayne Anthony Ross
From: "Kim Kloecker" <kloecker@acsalaska.net>
Date: Fri, April 10, 2009 10:14 am
To: Representative_Lindsey_Holmes@legis.state.ak.us
Cc: Senator_Hollis_French@legis.state.ak.us

Dear Representative Holmes and Senator French,

I am a registered voter in the Spenard/Turnagain area of Anchorage. I'm writing to ask that you take action to ensure that the appointment of Wayne Anthony Ross is not confirmed. I am fully supportive of "big" personalities and of our governor's right to appoint someone who shares her views on many issues, however I feel that Mr. Ross is not an acceptable choice for Alaska. I do not believe, as he claims, that he will be a different person representing the state versus private citizens. A vote to confirm him would be an insult to women, Native Alaskans, indeed-- to all Alaskans. Please urge the governor to find a more suitable candidate.

Sincerely,

Kim Kloecker
2908 West 34th Ave
Anchorage AK 99517

907-245-4476

Cindy Smith

From: Turner, Michelle [Michelle.Turner@asrcenergy.com]
Sent: Thursday, April 09, 2009 6:39 PM
To: Sen. Lesil McGuire; Rep. Craig Johnson
Cc: Jane Pierson; Cindy Smith
Subject: Attorney General Confirmation

Dear Ms. McGuire & Representative Johnson:

I am writing you to request that you do not confirm Mr. Wayne Anthony Ross for the position of State Attorney General.

I believe that Mr. Ross does not have the disposition to be able to carry out the duties of the State Attorney General in a fair and impartial manner and for the benefit of ALL Alaskans. The obvious disdain with which Mr. Ross' holds people who disagree or who live lives unlike his own make it impossible for me to think that he will carry out the responsibilities of the Attorney General.

Mr. Ross' opinion that there should be no subsistence preference is bizarre and offensive, since there is literally no other way for people in rural Alaska to subsist. The opinions he has stated are one straw short of outright bigotry. His statements (for example testimony at yesterday's hearing) betray his view of the world: WAR. He likens the Federal government to a bear or giant out to devour Alaskans, and likens himself to a general at war (with the Feds?). He finds gays "degenerate," dismisses tribal sovereignty, and opposes the women's rights movement. If these are the people he does not represent, who are left? Is this really the best person Alaska can find to stand up and fight for our rights when we have been victims of violence or a miscarriage of justice?

Thank you for considering this opinion,
Michelle Turner

Michelle T. Turner
Senior Scientist
ASRC Energy Services Regulatory & Technical Services 2700 Gambell Street, Suite
201 Anchorage, AK 99503
Ph: 907.339.5460 I Fax: 907.339.5475 I Cell: 907.351.6342

Michelle.Turner@asrcenergy.com www.asrcenergy.com Effective and dynamic solutions for our clients and their projects form the cornerstone of our operations.

Cindy Smith

From: dpharris@gci.net on behalf of Dennis P. Harris [dpharris@gci.net]
Sent: Thursday, April 09, 2009 11:51 PM
To: Alaska State Senators
Subject: Vote NO on Wayne Anthony Ross

Follow Up Flag: Follow up
Flag Status: Red

Dear Senator,

I urge you to vote NO on the confirmation of Wayne Anthony Ross as Attorney General. His record and his testimony before the Senate Judiciary Committee both indicate that he is unsuited to be the State of Alaska's chief legal officer.

He is unfit to serve as Attorney General because of

1. His opposition to the subsistence rights given to rural residents by ANILCA;
2. His characterization of the US government as Alaska's "enemy";
3. The racism expressed in his public statements over the past 20 years, including his statements to the Senate Judiciary Committee; and
4. His statements in public meetings that "If a guy can't rape his wife...who's he gonna rape?" and "There wouldn't be an issue with domestic violence if women would learn to keep their mouths shut." that indicate his prejudice against women, as quoted in the testimony of Leah Burton.

As Ms. Burton said, "His clear racial and gender prejudice raise serious concerns with regard to his ability to represent all residents of the State of Alaska fairly and impartially as their Attorney General." I concur with her conclusion, and ask you to vote against his confirmation as Attorney General.

Dennis P. Harris
544 W. 12th St.
Juneau, Alaska 99801-1524

dpharris@gci.net

Cindy Smith

From: drobbins@gci.net on behalf of Doris Robbins [drobbins@gci.net]
Sent: Thursday, April 09, 2009 6:54 PM
To: Sen. Gene Therriault; Sen. Lesil McGuire; Sen. Hollis French; Sen. Bill Wielechowski
Subject: Testimony for the record: Confirmation for Attorney General
Attachments: Doris Robbins.vcf

Testimony for the Record

Senators,

I was going to stay out of this until I began to hear more about Mr. Ross. I have observed the Senate Judiciary Committee, and know you to be real By-the-Constitution legislators. I would hope that means you don't really need to hear from me.

However, if you are weighing the opinions of Alaskans I want you to know that I feel it would be outrageously wrong to put anyone in the AG position who can not be trusted to follow Alaska law without bias toward his own personal views. I fear that Mr. Ross has a personal agenda, or would blindly follow his or the governor's lead, without holding it up to the test of Alaska law.

I'm not one of the minority that you are hearing speak tonight, 4/09/09. However, if there is any truth to his wanting to end ANLCA or any other special consideration for any group, he has no business serving as the AG. I'm just a plain old Caucasian. I did learn, much to the distaste of relatives as I grew up in the South, to particularly respect the rights of the individual to equal/fair treatment. I fear that would not be the case by Mr. Ross.

I hope you reject this candidate.

Sincerely,

Doris Robbins

drobbins@gci.net
1281 Overhill Dr.
Fairbanks AK 99709
(907) 374-0597

Cindy Smith

From: L. Hamner [rainraven44@hotmail.com]
Sent: Thursday, April 09, 2009 10:32 PM
To: Cindy Smith
Cc: Jane Pierson
Subject: Confirmation hearings for Wayne A. Ross

Honorable members of the Alaska State Legislature,

I am writing about the confirmation hearings and proposed appointment of Wayne Anthony Ross for Attorney General of Alaska.

First, let me say that I am a resident of this great state, not someone from outside.

Second, while I am sure that Mr. Ross has some fine qualities, I don't believe that he should be confirmed as OUR Attorney General. I say OUR A.G. because, like all civil servants, we the citizens are his employers. As one of his employers, I think he is fundamentally incapable of equally representing the ALL of the citizens of Alaska, let alone ensuring that every citizens basic constitutional rights are not trampled on. Further, I believe that Mr. Ross is incapable of representing the citizens of this state whenever our rights contradict the chosen path of our Governor.

I find it intolerable that a person who has publically stated "If you can't rape your wife, who can you rape?" would be seriously considered for the position of A.G.

I find it unexplainable that a person who has publically supported a group that advocates committing domestic violence against their wives and children as a means of silencing and forcing familial compliance to avoid "governmental interference" (i.e. being forced to share custody and/or pay child support) would be seriously considered for this position.

I find it inexcusable that someone who has publically made racist comments about minorities would be considered for this position.

I find it unbelievable that a person who believes that the federal government is our enemy would be considered for this position.

I find it laughable that a person who has a long standing membership in a paramilitary group treading the narrow line between "self defense" and being a anti-government militia would be considered for a position within the government.

In short, please do not confirm this individual as OUR A.G. Alaska has no dearth of competent lawyers. Let's all encourage the Governor to choose one who is not a misogynist, domestic violence supporting, racist.

Thank you for your consideration and time,
Sincerely,
Lacy Hamner

905 Richardson Vista Rd. #46
Anchorage, AK 99501

907.929.2683

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Cindy Smith

From: Patricia Gaedeke [windpond@gmail.com]
Sent: Thursday, April 09, 2009 10:26 PM
To: Cindy Smith
Cc: Jane Pierson
Subject: Wayne Anthony Ross

In a poll in 2007 containing 13 candidates, and in 2008 with 14 candidates, for a seat for the Alaska Supreme Court, Wayne Anthony Ross scored the lowest overall and in each of the 6 categories (Professional Competence, Integrity, Fairness, Judicial Temperament, Suitability of Experience, Overall).

(information for this post comes from the **Alaska Budget Report** - Volume 19, No. 12)

Please convey my very strong opinion that Wayne Anthony Ross NOT be confirmed as Attorney General. His confirmation would be a disaster for Alaska.

Patricia Gaedeke, Owner
Iniakuk Lake Wilderness Lodge, LLC
Fairbanks, AK
www.gofamorth.com
info@gofamorth.com
iniakuk@gmail.com

Cindy Smith

From: Michael Sobocinski [msobocin@yahoo.com]
Sent: Friday, April 10, 2009 7:55 AM
To: Cindy Smith
Subject: Attorney General Nomination

April 10, 2009

Senate Judiciary Committee
Cindy Smith, Committee Aide
cindy_smith@legis.state.ak.us
907.465.3717

To Senators French, Wielechowski, McGuire and Therriault:

I am writing to express my deep concern over the appointment of Wayne Anthony Ross to the position of Attorney General.

Mr. Ross's behaviors over time seem to demonstrate a lack of professionalism coupled with at least an insensitivity to the needs of many people in our state whose values and views differ from his own. Unfortunately his actions may well represent intolerance and lack of respect for others. In many instances these are people who are relatively disempowered (e.g., victims of domestic violence) in the political system, and who require an advocate in the person of the Attorney General. Mr. Ross has given us serious reason to doubt his ability to represent the best interests of all Alaskans.

In addition, his antagonistic stance regarding the relationship between the United States Government and the State of Alaska indicates either an unwillingness or an inability to enter into productive, solution-focused dialogue on complex issues that impact the well-being of Alaskans.

I urge you to reject Mr. Ross's appointment to the position of Attorney General.

Thank you for your consideration of these concerns.

Michael Sobocinski
20021 New England Drive
Eagle River, AK 99577
907-622-5759

Cindy Smith

From: lwhiting@arctic.net
Sent: Thursday, April 09, 2009 10:51 PM
To: Cindy Smith
Subject: NO WAR

Greetings,
Please vote Against confirmation of Wayne A Ross for attorney general.

We need to work with the federal government on many issues, including the sensible management of all our natural resources. I see Mr Ross as a very divisive person not only among Alaskans but in his remarks about the federal government.

Charlene Whiting
Big Lake

If you think you are too small to be effective, you have never been in the dark wi

Gustavus, Alaska
April 9, 2009

Senator Hollis French
Alaska State Senate
Juneau, Alaska

Dear Senator French:

Wayne Anthony Ross would be an Alaska Attorney General with a strong political agenda, which I believe is not appropriate for the position. Among other things, I'm afraid that we'll wake to the morning news telling us that the State of Alaska has initiated or signed on to various litigation that we, as a body politic, would never have initiated.

Among my many concerns is his attitude toward gay and lesbian people, whom he has called "degenerates," etc. A number of the finest people I know in their capacity as citizens and community members are gay or lesbian. Moreover, I have two gay nephews and a gay cousin, all wonderful people whom I love. Most people, in fact, have gay and lesbian people in their families. These people deserve the respect and rights of all Americans, and of humans in general. As far as I can tell, being gay is something like being left-handed, a condition that falls to a significant minority of people.

I am also concerned about Mr. Ross's attitudes toward subsistence rights. He is a strong voice for the urban-suburban hunter, which is fine in many situations but not in situations where there is a shortage of game and fish, and urban hunters want to hunt in the backyards of rural communities. The survival of Alaska's rural communities, especially, but not only Native communities, is in question now even more than usual. We need to protect a subsistence preference because it is essential to the economies of rural communities and to the psychological and social basis of rural life.

So I hope you will not confirm Wayne Anthony Ross as State Attorney General.
Yours truly,

Judy Brakel
Box 94
Gustavus, AK 99826

Sara Jackinsky
PO Box 1044
Homer, AK 99603
907.235.6417
sarajackinsky@gmail.com

April 9, 2009

To the Senate & House Judiciary Committees of the State of Alaska

cc: Rep Paul Seaton, Sen Gary Stevens

I am writing to express my concerns about the appointment of Wayne A. Ross as Attorney General of Alaska. A confirmation of this appointment will be detrimental to the people of the State of Alaska. Please do not confirm this appointment.

1. Mr. Ross has taken a position that will undermine the subsistence rights of Alaska Natives.
2. Mr. Ross has taken a position that is not respectful of the rights of gay, lesbian and transgender Alaskans.
3. Mr. Ross has taken a position will perpetuate and perhaps increase the incidence of domestic violence in Alaska.

Mr. Ross is not the person that should be in the position of Attorney General of Alaska.

Thank you for your consideration.

Sincerely,

Sara L. Jackinsky

Cindy Smith

From: Roger Ranch [bonesetter@clearwire.net]

Sent: Thursday, April 09, 2009 5:13 PM

To: Sen. Albert Kookesh; Sen. Bettye Davis; Sen. Bill Wielechowski; Sen. Donny Olson; Sen. Hollis French; Sen. Joe Paskvan; Sen. Joe Thomas; Sen. Johnny Ellis; Sen. Lyman Hoffman

Subject: W.A.R.

Dear Senators,

Please, please DO NOT confirm Wayne Anthony Ross. We would be turning back the clock to the mid ages.

R. Ranch
bonesetter@clearwire.net

Cindy Smith

From: Sheila Reynolds [ukreynolds@yahoo.com]
Sent: Thursday, April 09, 2009 2:53 PM
To: Cindy Smith
Subject: Re: The Confirmation Hearing for Wayne Anthony Ross as AG

Ms. Smith,

It would be much appreciated if you could forward this to those of the House Judiciary Committee so that my concerns can be related and entered as public record. I will phone you to ensure that this email has been received by your office.

Thank you,
Sheila Reynolds
Eagle River, AK
(907) 622-8222

To the Senate & House Judiciary Committees of the State of Alaska,

I am writing this letter to voice my concerns about the appointment by Governor Palin of Wayne Anthony Ross as Attorney General of Alaska. I sincerely hope that this appointment will not be confirmed.

I am certain that you have already heard many constituents voice their quite justified concerns about the position that Mr. Ross has taken in regard to the subsistence rights of Alaska Natives.

I am certain that you have already heard many constituents voice their quite justified concerns about the position that Mr. Ross has taken in regard to homosexuals.

I am certain that you have already heard many constituents voice their quite justified concerns about the position that Mr. Ross has taken in regard to the issue of domestic violence.

I am a born and raised Alaskan who does not believe that the subsistence rights of Alaska Natives in any way infringe on my rights as an Alaskan or citizen of the United States of America. I do not believe that one person's choice of life partner infringes on my personal freedoms or ability to lead an honest, productive and happy life, nor does it infringe on that of my children.

However, words cannot express the concern that I have in regard to Mr. Ross' stated position in regard to domestic violence. Alaska leads the nation in domestic violence and rape statistics. How, in good conscience, can our leadership possibly justify having an Attorney General that holds the beliefs of Mr. Ross? How can our state expect to address and ameliorate these problems with Mr. Ross as our Attorney General?

Domestic violence is a generational problem; I speak as the granddaughter of a woman beaten and eventually killed by her husband. My mother, my aunts and uncles, my cousins and I have grown up without the love of my grandmother. Children are shaped by exposure to domestic violence. Families are changed forever. What is the cost to individuals and society when the cycle of domestic violence is not addressed and treated?

Should Mr. Ross be confirmed as Attorney General, Alaskans will get an Attorney General more concerned with undermining the rural subsistence rights of Alaskan Natives than with addressing the prejudices and challenges that they face daily. Should Mr. Ross be confirmed, Alaskans will get an Attorney General committed to abolishing the rights of gay, lesbian and transgendered Alaskans, rather than supporting the rights of each and every Alaskan regardless of their sexual orientation or religious beliefs. Finally, if Mr. Ross is confirmed as Attorney General, Alaskans will continue to reap the sorrows perpetrated and perpetuated by domestic violence and rape as he fights for gun rights instead of human rights.

Please do not confirm Mr. Ross as Attorney General of Alaska.

Sincerely,

Sheila Reynolds

Cindy Smith

From: Eva Stassen [evastassen@hotmail.com]
Sent: Thursday, April 09, 2009 5:41 PM
To: Cindy Smith
Subject: Attorney General Nominee

Senate Judiciary Committee
Cindy Smith,

I am appalled by the nomination of Wayne Anthony Ross to be our next Attorney General. Public statements he has made in the past (and during his confirmation hearings) make it plain that he will not follow our laws any more than the previous Attorney General did. Apparently, he and Governor Palin are not clear about what the job of Attorney General actually entails. The appointment of Mr. Ross is an affront to all Alaskans, especially natives and women. I strongly urge the judiciary committee to vote "No" on this nominee.

Eva Stassen
11521 Discovery View Dr., Anchorage, AK 99515
907-830-6590

Cindy Smith

From: Jim Helm [jim@atmanagers.com]
Sent: Thursday, April 09, 2009 3:29 PM
To: Cindy Smith
Subject: Wayne Anthony Ross Appointment

Hello

My name is James Helm. I live in Juneau. I wish to go on record as not supporting the nomination of Mr. Ross to state Attorney General. After having seen his stand on issues like subsistence and reviewing a number of cases that he undertook while in private practice I do not think he is an appropriate choice for this important office.

His defense of Rep. Kohring indicates to me that he is not on the right side of the corruption issue. We need an Attorney General that will prosecute not defend government corruption. He may state that he was simply doing his job as a defense attorney but this should still be a red flag to anyone that is concerned with cleaning out governmental corruption.

My next issue is with him comes on his record of respecting personal rights of free speech and demonstration. The specific issue is again his defense of a man in Soldotna that threw water on peaceful anti-war protestors during winter. This man then thought it was so much fun he went back and repeated the action. This time he videoed the incident. This represents an unprovoked assault on people that were peacefully exercising their constitutionally protected right. Again he may say that he was simply doing his job as a defense attorney, but this once more calls his personal views into question. I do not want an Attorney General that thinks that that kind of behavior is acceptable or defensible. It makes me wonder what he might think was reasonable action to take against people that are protesting actions of the state or its governor.

I am also concerned about his stance on subsistence. I have not found a single native organization that supports his nomination. His refusal to see the importance and need for a rural priority in the subsistence program makes it seem to me that he does not have a good idea of what it means to live in the bush or to need those subsistence rights to survive. To me this means that he will not be able to truly represent all of the states residents equally. This is a critical issue to many of the villages in western Alaska as it the subsistence fishing and hunting problems as well as the high energy costs that are causing a true crisis in this area.

My final issue with the appointment of Mr. Ross to this post is that he has personally represented Gov. Palin in the past as a personal attorney. Given the number of ethics complaints that have been filed against our current Governor and that the Attorney General is directly involved in this process is to me a conflict of interest. The Job of the Attorney General in the ethics process is to help decide if a complaint is valid on its merits, not to simply defend the governor regardless of what is alleged. This post should be totally non partisan and committed to the single purpose of enforcing state law regardless of who is involved. We have all seen what happens when this is not how a governmental legal system is not run this way. The fall out from the Bush justice department should be a clear warning against appointing someone to a post like this if there is any indication that partisan politics will play a part in the way that they run their office or select their staff. The information I have been able to gather on Mr. Ross and public statement that he has made make me worry that he would run his offices in exactly this partisan manner and this is not something that Alaska needs.

Please understand that my objection to Mr. Ross is not based on political party. I am registered as non-aligned / Independent (can't remember exactly how it is on the voter card) and have voted for both Republican and Democratic candidates in elections past. This is strictly about my own personal concerns that Mr. Ross will not be a fair and impartial enforcer of the law, and his possible conflict of interest with Gov. Palin due to prior representation.

Thank you for your time. I may be contacted at (907) 321-4334 if you have questions or would like further comment.

James Helm
6734 A. Marguerite
Juneau Alaska, 99801

Cindy Smith

From: Carol Ford [whoville@pobox.alaska.net]
Sent: Thursday, April 09, 2009 3:17 PM
To: Jane Pierson; Cindy Smith
Subject: Ross confirmation

Dear Ms. Pierson and Ms. Smith:

I have written to all the Senators and all but one of the Representatives, and am writing to you just in case those emails aren't read in time, somehow.

I am writing to add my voice to those who ask that the legislature NOT confirm Wayne Anthony Ross as Attorney General for Alaska. I have been an Alaskan for almost thirty years. I am appalled by Mr. Ross's rhetoric, outlook, politics and lack of insight or even common decency - not to mention that even his legal credentials are unimpressive.

I have listened to portions of the senate hearings, and am concerned about Mr. Ross' very personal interpretation of the law to use it to condone racism, misogyny, domestic violence, anti-American violence, interpersonal violence, ecological violence, ignorance of all but his own narrow interests, and a disregard for — ironically — the rule of law.

I write to speak out against confirming Mr. Ross to take on this important position in Alaska's government. This is possibly one of the most important decisions the legislature will make this session, in my opinion. It is not a partisan issue, in spite of the current tendency to make everything partisan, and I fear that if it is viewed as such, without serious reflection, the state of Alaska and all of its people will suffer irreparable damage from making this choice by a partisan vote.

Senators, Representatives, please listen to Mr. Ross very carefully - and ask yourself if this man is the best, fairest, most level-headed, intelligent, virtuous and honest legal mind that you would choose to guide and represent the state of Alaska.

Sincerely,
Carol Ford
Kenai, AK

April 8, 2009

Honorable SJUD Chair French and Committee Members,

I am writing to express my concern over the Governor's nomination of Wayne Anthony Ross for Alaska Attorney General. In my view, Mr. Ross is eminently unqualified for this important position.

Mr. Ross has gone to some lengths, over the years, to portray himself as outside the mainstream in his personal views and actions. Former legislators, Alaska news media and even the nominee himself have painted him with this brush. Mr. Ross gives the appearance in his word and deed of being out of step with much of the American public, even advocating discrimination and promoting ownership of concealed weapons. One has good cause to wonder if he will focus on these issues to the detriment of other aspects of the role of Attorney General.

Mr. Ross has served as counsel to the Governor in the past. I have concerns that the Governor may seek to use this to invoke attorney-client privilege to avoid or obstruct prosecution in her multiple ethics-related charges.

Mr. Ross has had some ethics quandaries of his own. As a director for the NRA, he was charged with ethics violations in using his role to promote Republican candidates who had not been endorsed by the NRA leadership. Though the charges were dismissed, certainly there are other, equally capable attorneys in Alaska without the taint of impropriety.

Do we need an Attorney General who has been variously termed by the media and legislators as "the hero of his own life", a "goober candidate" and "someone who hates to be wrong"? With all the scandal and mockery of Alaskan politics nationally and internationally, don't the people of Alaska deserve an Attorney General who remains above the fray, rather than being the source of it?

There have been hints that Mr. Ross has been less-than-favorably rated by the Alaska Bar. In trying to research more on this, I noted that although Mr. Ross touts his pro-bono work (much around gun ownership and advancing his own views) he has never been recognized for this by the bar. That seems interesting, considering Mr. Ross's claims.

Do we need an Attorney General who finds it seemly to debate constitutional issues in "Soldier of Fortune" magazine (and apparently, not entirely on the money when it comes to his interpretation).

I am concerned for the potential conflict-of-interest between Mr. Ross's duties as an Attorney General and that of an attorney for Governor Palin's personal matters. Mr. Ross's first duty is to the State, but he doesn't give reason for much confidence that he will exercise his responsibilities with the proper emphasis.

Mr. Ross's nomination has met with consternation by the Alaska Federation of Natives and the Council of Village Presidents, largely over his very public and long-standing opposition to subsistence. He has only recently said he would not make this a central issue if he was appointed to the Attorney General role. How convenient. I believe his appointment is an affront to Alaska Natives, and would oppose his appointment on this issue alone.

Mr. Ross should have reminded the Governor that he is not yet the Attorney General and the announcement on the State web pages are inappropriate at best.

We don't need an Attorney General who is "good enough". We need an Attorney General who is good, and who can help steer Alaska through the various challenges facing us in the upcoming years.

Respectfully,

Cynthia Lagoudakis
P.O. Box 662
Petersburg, AK 99833



ALASKA WOMEN'S LOBBY

AWL Mission: To defend and advance the rights and needs of Women, Children and Families in Alaska

P.O. Box 20891
Juneau, Alaska 99802-0891
www.akwomenslobby.org

**2009
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Lobbyist**

**Geran Tarr,
Chair**

Jayne Andreen

**Nancy
Courtney**

Grace Danborn

Torie Foote

Cady Lister

Patricia Macklin

**Rebecca
Madison**

Jorden Nigro

Taber Rehbaum

**Nancy Scheetz-
Freymler**

Libby Silberling

Rose Wysocki

Dear Senator French,

I am writing this letter on behalf of the Alaska Women's Lobby to express our concern with the appointment of Wayne Anthony Ross to the position of Alaska's Attorney General and to urge you to vote against his confirmation. There are many reasons to object to this appointment.

Following his appointment, it was brought to our attention that at a panel discussion co-sponsored by Alaska Moms for Custodial Justice and UAA, Mr. Ross' comments regarding domestic violence were anti-victim and lacked any compassion for the difficult situation many women in Alaska face. During this panel, held a few years ago, Mr. Ross made comments alluding to domestic violence being the fault of the women's movement and that many domestic violence victims were liars. We hope that you will ask Mr. Ross about this panel and specifically question his views on domestic violence. We also encourage you to have a conversation with the organizers to learn more about his comments. As you know, Alaska has alarmingly high rates of domestic violence and to have an Attorney General that does not fully understand the gravity of this situation would be a disservice to the citizens of our state.

In addition to this, it was recently reported in the Anchorage Daily News that "during a fight several years ago over gay rights, [Allison] Mendel helped organize Anchorage lawyers in support of an anti-discrimination ordinance. Ross wrote a nasty letter to the Bar Association newsletter, using words like 'immoral', 'perversion' and 'degenerates'. The language went way beyond reasonable disagreement, Mendel and others said." This public display of disrespect for members of our community is of great concern to the Women's Lobby and again, we ask that you question Mr. Ross regarding his feelings about gay rights and equal rights as protected by the constitution of our great state.

The Lobby is also concerned with Mr. Ross' pro-gun, anti-choice and anti-subsistence rights views. Throughout the confirmation process, we hope that you will take a close look at Mr. Ross' expressed views as they are divisive for the Office of Attorney General and may be harmful to our state.

We hope that you will be probing and methodical in your confirmation hearings for Wayne Anthony Ross. We feel strongly that voting to confirm Mr. Ross as Alaska's Attorney General would be a step backward. We believe his views are out of line with a majority of Alaskans and he is therefore not qualified to serve in this position. An appointment of someone with such extreme views is not appropriate for a position of such authority. We thank you for taking the time to look into this matter further and for thinking of the best interest of the state and all its' citizens while going through the confirmation process of Mr. Ross.

Sincerely,

Geran Tarr
Chair

cc: Senator Bill Wielechowski, Senator Lesil McGuire, Senator Gene Therriault

Cindy Smith

From: Britteny Cioni-Haywood [britteny.cioni@gmail.com]
Sent: Friday, April 10, 2009 1:02 PM
To: Cindy Smith; Sen. Hollis French
Subject: Written Testimony on the AG Nomination of Wayne Allen Ross
Attachments: WARTestimony.doc

I unfortunately had to be at work during the scheduled time for the public testimony before the Senate Judiciary Committee. So, I am attaching a Word document that I would like to submit as written testimony against the nomination of Wayne Allen Ross for Attorney General. I will also copy the text below in this email as well.

Sincerely,
Britteny A. Cioni
Juneau, AK

Britteny A. Cioni
9093 Fireweed Lane
Juneau, AK 99801

Testimony Against the Nomination of Wayne Allen Ross for Attorney General

I am here to oppose the nomination of Wayne Allen Ross for Attorney General. It has become quite obvious that Mr. Ross is a very divisive person. I do not believe that Mr. Ross will be able to represent ALL citizens of Alaska and therefore in my mind is not qualified to hold this very crucial position.

Mr. Ross obviously has very strong beliefs about the LGBT community and views members of that community as immoral and degenerates.

Mr. Ross will also not represent people that believe in women's rights. Wayne Anthony Ross defended protesters who chained themselves to reproductive health clinic check in counters. Because of the all of the services provided by this clinic this stopped women from also getting birth control and STD testing and is more of an issue with privacy and trespassing than anything else. Mr. Ross has made statements that appear to condone

marital rape. Marital rape may be allowed in Afghanistan but not in the United States, it is NOT ACCEPTABLE.

Mr. Ross is hostile to our native population. He is opposed to subsistence priority, tribal sovereignty and ANSCA.

Mr. Ross was among several candidates for the Alaska Supreme Court seat vacated by Justice Bryner in 2007, and for the Court of Appeals seat vacated by Judge Stewart in 2008. He did not make the "short list" of qualified applicants sent to the Governor for either seat. If he is not qualified to hold these seats, how can he possibly be qualified to serve as our next AG?

So, Mr. Ross is unlikely to represent women, natives and LBGT community members. Who will Mr. Ross represent? Apparently, white heterosexual males. This representation is fine if it is in the confines of his private business but not for the entire state of Alaska.

Cindy Smith

From: amrcomputing@gci.net on behalf of Mike S [amrcomputing@gci.net]
Sent: Monday, April 13, 2009 8:58 AM
To: Sen. Hollis French; Sen. Linda Menard; Sen. Gary Stevens; Sen. Bettye Davis; Sen. Charlie Huggins; Sen. Donny Olson; Sen. Johnny Ellis; Sen. Joe Paskvan; Sen. Lesil McGuire; Sen. Bert Stedman; Sen. Bill Wielechowski; Sen. Tom Wagoner; Sen. Albert Kookesh; Sen. Joe Thomas; Sen. Fred Dyson; Sen. Gene Therriault; Sen. Lyman Hoffman; Sen. Kevin Meyer; Sen. Con Bunde
Subject: Regarding Mr Ross as Attorney General

Dear Alaska State Senators,

If I had an Alaska State Senator representing my district, I'd contact them about this, but since I do not, I am contacting all of you.

I have been paying attention to the news relating to Mr Ross's selection as the Governor's choice to be Alaska's Attorney General.

Given the initial information about Mr Ross, I was interested to learn how much was true and how much might not be, and what other people with more knowledge and information thought.

Clearly Mr Ross wants to be Attorney General. But, the hearing testimony and news stories I have read leaves me more than a little concerned. He seems to harbor some deep seated feelings that are at best divisive, and in many cases way outside mainstream views. I do not believe he is capable of fairly representing ALL Alaskans.

Please vote against confirming Mr Ross as Attorney General.

Thank you for reading.

Michael Sakarias
7943 N Douglas Hwy
Juneau AK 99801
907-586-4422

Cindy Smith

From: Ron [wildwingr@gmail.com]
Sent: Sunday, April 12, 2009 4:27 PM
To: Sen. Gary Stevens; Sen. Johnny Ellis; Sen. Gene Therriault; Sen. Con Bunde; Sen. Hollis French
Subject: I Am Against WAR 1

Dear Senators:

My name is Ronald T. Stanek, and I strongly oppose the appointment of Wayne Anthony Ross as Alaska Attorney General!! He does not represent my views or those of most Alaska residents. Please do not confirm his appointment.

I have lived in Anchorage for over 30 years. I moved to Alaska for jobs related to my university degrees in wildlife and parks management.

I worked in those fields in the State and Federal governments for 29 years.

I am an avid outdoorsman, actively participating in hunting, sport and commercial fishing, shotgunning, hiking, birding, boating, and many other outdoor activities.

I am also knowledgeable in the human cultural characteristics of Alaska having been an applied anthropologist for almost all of my working career in Alaska, and additional time in Africa.

Mr. Ross' past actions and current views regarding natural resource laws in Alaska have resulted in very damaging natural resource management practices and relationships among many public interest groups and Government agencies.

His (and his associates') actions in removing the Rural Preference only in times of resource shortages in the Subsistence Law have confounded both Federal and State management of sport and subsistence hunting and fishing activities .

Repealing the Rural Preference took away much of the State's right to manage its resources. Doing so robbed the State of Alaska of Tens of Millions of dollars in Federal funding for wildlife management.

It created a cumbersome, and often confusing dual management system.

It drove a wedge between rural and urban residents.

Other of Mr. Ross' and his associates' actions influenced the State Legislature to deprive the residents of Alaska the opportunity to their constitutional right to a free and fair VOTE on an issue- (amending the state constitution).

If you attribute these problems to provisions in ANILCA, that is wrong, the people passed the Subsistence Law and this reflects Alaskans' recognition of the importance of natural resources as FOOD and CULTURAL IDENTITY to rural and urban residents.

Mr. Ross and his associates (Mr.Rod Arno and others) claim to represent Alaska Sports Hunters and Fishermen. NOTHING COULD BE FARTHER FROM THE TRUTH. They certainly do not represent me and my hunting and fishing partners and my family. In this regard, by appointing Mr. Ross to the AGs office, you will be laying a red carpet for rabid anti-subsistence sots to influence that office. As you know, or at least you should know or learn, these people have caused untold damage to resource management in Alaska through their positions and influence of committees and the Boards of Game and Fish and the legislature.

Lastly, Mr. Ross can not, as a result of his prejudices, be a fair and unbiased representative the interests of the people of Alaska. He does not currently, nor will he be, representative of even a significant fraction of Alaska residents, but rather of a small, very narrow-minded minority. A number of pending lawsuits challenge decisions made by the Boards of Game and Fish. I fear that

**Mr. Ross will not adequately defend the Boards' decisions in these matters. Furthermore, it is likely that Mr. Ross will use the AGs office to advance an effort to remove subsistence provisions in ANILCA, this is wrong and not respectful of the needs of rural and urban residents. Please vote against Mr. Ross's confirmation as AG. Strive to put forth someone who will fairly and equitably represent and defend the people and laws of Alaska.
Thank You!**

Cindy Smith

From: Caty Zeitler [catyzeitler@gmail.com]

Sent: Monday, April 13, 2009 11:22 AM

To: Sen. Hollis French

Subject: Attorney General confirmation

Dear Senator Hollis,

I am an Alaskan resident and registered voter. I feel that Wayne Anthony Ross is a very poor choice for the position of Attorney General of Alaska. He has shown himself to be a very divisive person that has little or no respect for women or children. That is just a small reason this person is not a good choice for Alaska.

Please take my opinion into consideration.

Thank You for your interest in this matter.

Yours Truly

Cathy Zeitler

PO Box 81

Manley Hot Springs, Alaska

99756

907-672-3853

DELIVERED April 11, 2009 BY COURIER – UPDATE DELIVERED April 13, 2009

Testimony given before the Alaska House Judiciary Committee – April 10, 2009

April 10, 2009

Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801

Re: Hearings on the appointment of Wayne A. Ross as Alaska Attorney General

Earlier this afternoon, Wayne Ross provided information as to how he evaluates people. For the record, and according to his measure, I am not a *communist*, I am not an *anarchist*, and *I love Alaska*. Again using Mr. Ross' words, I hope all of you will consider me *courageous* when I conclude my testimony.

My name is Barbara Bachmeier. As I am an 80% service-disabled veteran and because the VA in Anchorage does not provide the services I need, I'll be leaving soon on an extended trip to California. Today, I believe, will be my last testimony before the Alaska Legislature. I don't want to leave home, but I must. I'd certainly prefer not to give this testimony this afternoon, but I must. I flew in last night arriving at 9:30 p.m. in order to be here today. This matter is that important.

There was a time that I needed to hire an attorney in order to respond to a legal matter involving my expectation that students in Alaska's public high schools should be required to behave honorably and respectfully during the morning ritual recitation of the Pledge of Allegiance. It seems there were administrative personnel, one mother, and one student who disagreed. The mother contacted an attorney and suddenly I was in big legal trouble (civil not criminal).

Somebody suggested that I hire Wayne Ross. "You'll get your money worth from him", this person said. "He'll work hard for you". So, I met with Wayne Ross in his office and told him the facts of the case. My words and his questions took approximately ten minutes. After this, I listened to his response: rehearsed colorful stories and goofy analogies; considerable information about his successful law career; details about the successful career his son had in the US Marine Corps; his wife's excellent baking abilities; and attempted discussions about various souvenir-type items in his office. I discovered later that Mr. Ross charged me for the time he consumed with his unnecessary attempt at entertainment and his "This is My Life" monologue. My financial situation could only have been made worse if he had charged me at the "usual rate"; this experience caused me to realize that I could not afford even Mr. Ross' "military discount rate" given the way his time accounting served only to benefit him.

Either he responded to my somatic clues or ran out of colorful expressions, he eventually stopped the "chit-chat", shifted gears, and presented the grand strategy he would employ in response to my legal problem. He told me he would arrange for hundreds of veterans

to muster at a particular location as a "show of force" in support of my reasonable expectation for all public school students during the Pledge of Allegiance to our country.

Behaviorally, Wayne Ross carried himself as if he were a Flag Officer imposter. Perhaps sensing my response to his weird bravado, he assured me he had sufficient military clout to make such a "big deal" military formation take place. Although he did not discuss anything about the Alaska National Guard, he spoke with such effervescence that I fully expected him to propose the activation of the Alaska National Guard for a "Pass and Review" ceremony at someplace like the Anchorage Park Strip.

In Sean Cockerham's Anchorage Daily News article on April 9, 2009, Mr. Ross characterized himself as a "... general who carries out campaigns." If I were to conduct a functional behavioral analysis of Wayne Ross (calling on my skills as a former SED special education teacher), there would be significant areas involving communications, interpersonal skills (including cheating), time management, and conflict resolution for which one would recommend intervention leading to improvement. I think Mr. Ross is less than he wants to be and makes every effort to overcompensate. During thoughts such as these and *really* wanting to run from his office, I focused on my need for an attorney that another veteran recommended. I stayed and wrote a check, but I should have followed my instincts.

Not long after I hired and paid Mr. Ross to serve as my attorney, perhaps when Vic Kohring realized he needed to get an attorney, Ross sent me a very brief note; I accepted it at face value although there was no signature (only initials). The quick note revealed that Wayne Ross had taken on "two serious criminal cases" and would no longer be available to help me with my legal problem. He offered to return part of my retainer and recommended that I hire a different attorney to handle my good case. The problem with the alternative plan he crafted was that the returned portion of the hefty retainer caused me to have insufficient funds to hire a new attorney.

As I am a retired lieutenant colonel in military intelligence, I have seen lots of general officers. I served on military assignments from Camp Casey, Korea (within easy artillery range of North Korea) to the Pentagon. There were no officers at any rank who behaved as pompously as Wayne Ross did when we met that first time, and seemingly continues to behave in the present. Wayne Ross is not the kind of individual that our state needs and deserves as her next attorney general. We need somebody who will observe his commitments, keep his word, and work for the common person, like me. We need an Attorney General who will honor veterans and not take advantage of them for personal and professional glory. Using the words he chooses to connote high praise, Alaska needs an attorney general whose "*word [one can take] to the bank*".

Wayne Ross is not a role model for professional attorneys and Alaska does not need the "band of junkyard dog assistant attorneys general" that he would hire (according to the ADN article referenced above); he graduated in the bottom segment in his law school class; he was not selected for two judgeships for which he made application; he proudly uses "jury nullification" (persuading a jury to return a "Not Guilty" verdict despite its belief that the defendant is "Guilty" of the violation charged) as a defense strategy when courts throughout our country expressly disallow this practice; with regard to his skills,

abilities, and competencies, what he demonstrated to me, was nothing but "smoke and mirrors" and a lot of extraneous joking around; and he is dishonest.

In considering how Wayne Ross described Governor Palin as *courageous* when she took on her party only to get, initially, an unpleasant letter from the Alaska Department of Law, I ask this committee to hear my testimony and find it worthy of honest consideration. Please do not send me a "poison" letter like the rambling one sent to Leah Burton after she submitted written email testimony (therefore explaining perhaps why Wayne Ross was confused by the lack of an official signature on the actual document. Ms. Burton is a professional writer and her work is regarded highly by her peers of all political persuasions.

My being here this afternoon was the honorable thing to do in this matter. I may not be around to give in-person testimony to the legislature again, but I will keep up on what's happening with state government. Perhaps in the future you will hear from me in the form of my writings. I'll stay in touch.

Thank you for your consideration of my testimony. Wayne Ross called Leah Burton a liar and this is not true. It is appropriate for me to tell you that Wayne Ross absolutely lied to me. And to make matters worse, he cheated Alaskans as he cheated me.

Sincerely,



Barbara Bachmeier

Additional points added April 11, 2009:

- a) During the public testimony session on April 10, 2009, House Judiciary Committee Chairperson Ramras announced that he had received complaints of harassment directed at some people who earlier provided testimony by telephone from their home telephone numbers. Apparently, people in disagreement with the opposing testimony, responded by finding the telephone number of the persons offering opposing testimony and placing calls to these people for the sole purpose of engaging in harassing and controversial conversation against them. Ramras did not identify which side of the argument allegedly made the harassing telephone calls or which side received them, but instructed those responsible to stop this behavior forthwith.
- b) Today, April 11, 2009, I heard from a legislative staff person that the persons receiving the harassing telephone calls were those who spoke in opposition to the confirmation of Wayne A. Ross. The people allegedly making the harassing telephone calls were supporters of Ross' confirmation.
- c) I find this alleged behavior absolutely intolerable and unacceptable. I request an immediate investigation into this matter so as to determine whether egregious partisan harassment actually took place and, if so, valid consequences that would be in order.

Cindy Smith

From: Janet Forbes [janet_forbes@ghscorp.org]
Sent: Wednesday, April 08, 2009 3:07 PM
To: Sen. Hollis French
Subject: Letter opposing Mr. Ross's Appointment for AG

4/08/09

Members of the Senate Judiciary Committee,

I am concerned with the appointment of Mr. Ross as Alaska's new Attorney General.

Mr. Ross has called Alaska's gay, lesbian, bisexual and transgendered population "degenerates," "immoral," and referred to being gay as a "perversion" in the state Bar Association newsletter. I want an Attorney General who represents all of Alaska's diverse population - including my loved ones and myself - with unbiased information and without discrimination and homophobia. This isn't only a gay rights issue, it's a human rights issue. Please listen to my voice as well as others when we ask you to consider his comments and know that all people want representation without any sort of discrimination in our state. This is not someone who myself an others want in such an important position in the State of Alaska.

Respectfully,

Janet Forbes
Juneau, Alaska

Cindy Smith

From: jwmelliott@att.blackberry.net
Sent: Thursday, April 09, 2009 7:12 AM
To: Sen. Hollis French
Subject: Attorney General Appointee (corrected)

I am writing in opposition to the confirmation of Governor Palin's appointment of Wayne Anthony Ross as attorney general for Alaska. Mr. Ross is an ideologue, with a record of disrespecting and opposing the federally protected subsistence rights of Alaska Natives.

Likewise, like Governor Palin, Mr. Ross supports predator control, a disreputable practice of dubious scientific merit.

He talks about being "the lawyer for the people of Alaska" but, to the contrary, discounts perfunctorily the views of those whom do not share his personal viewpoint, e.g., persons supportive of Alaska Natives' federally protected subsistence rights, those opposed to the Alaska Department of Fish & Game's predator control program, and those supportive of programs that protect the victims of domestic violence, particularly children and women victimized by the brutality of spouses and partners.

Mr. Ross's ill-considered pronouncements on a wide variety of social and legal issues, plus his extreme views in opposition to and disrespect for the supremacy of federal law, disqualify him, in my view, from holding the position of attorney general for Alaska.

Sent via BlackBerry by AT&T

Cindy Smith

From: Cathy Kerr [2feathers@acsalaska.net]
Sent: Wednesday, April 08, 2009 6:34 PM
To: Sen. Hollis French
Subject: Attornet Genreal Nominee

Dear Sen. French,

I know Mr. Ross from a past affiliation. His daughter Amy Ross took excellent care of my daughter for 2 summers after school while I worked. She could not have been a finer person. I congratulate Mr. Ross and his wife for raising such a lovely young woman.

However, I would like to go on record as objecting to the Governor's nomination of Mr. Ross for Attorney General of the State of Alaska. I do not think that in a state as diverse as Alaska someone who calls Alaska's gay, lesbian, bisexual and transgendered population 'degenerates,' 'immoral,' and who referred to being gay as a 'perversion' in a state Bar Association newsletter can represent all Alaskans. This is not a gay or lesbian issue for me, although I am alarmed at his harsh and judgmental statement – this is a human rights issue.

Mr. Ross also has many other opinions that disturb me because he so vehemently advocates for them. We all have opinions but most public servants don't wear their opinions on their sleeves, or their cars, and do not try to push their agendas onto other people's private lives. I do not think Mr. Ross can be a fair minded AG with such to the right of right opinions. His statement about getting a "ticket" to be able to overturn Roe v. Wade is just one example of the agenda he carries with him.

With this nomination of someone who may be a good father but speaks as an extreme and vocal advocate of the far, far right, it looks like Alaska is headed in a direction that is too extreme for all of Alaska's many different people.

Thank you for recording my statement.

Cathy Kerr

5701 Ridgeview Drive

Anchorage, AK 99516

Cindy Smith

From: Dael Devenport [daeld@hotmail.com]
Sent: Wednesday, April 08, 2009 6:48 PM
To: Sen. Hollis French
Subject: Nomination of Attorney General

Dear Senator French:

Please do not support Wayne Anthony Ross for the position of Attorney General. He does not possess the qualifications, ethical standards or temperament necessary to be the state's top law enforcement official. He has shown expectations of special privilege on more than one occasion, for example, when he threatened to sue the Permanent Fund Division because his son was denied the PFD since he had not lived in Alaska for fourteen years, and when he was turned down for judicial advancements twice by the Alaska Judicial Council. He has shown intolerance on numerous occasions, such as, during a talk on domestic violence he stated that the women's movement emasculated men and was the cause of domestic abuse, he called homosexuals 'degenerates' and pro-choice people 'baby killers'. Ross does not support subsistence rights which are very important for many Alaskans. Again, because of his mediocre professional ratings, openly expressed prejudice, and lack of concern for constituent needs, please do not support Wayne Anthony Ross for the position of Attorney General.

Thank you,
Dael A. Devenport

Rediscover Hotmail®: Get e-mail storage that grows with you. [Check it out.](#)

Cindy Smith

From: Bent Alaska [bentalaska@gmail.com]
Sent: Wednesday, April 08, 2009 10:11 PM
To: Sen. Hollis French; Sen. Bill Wielechowski; Sen. Lesil McGuire; Sen. Gene Therriault
Subject: My testimony against Wayne Anthony Ross as AG

"Does [Wayne Anthony Ross] have the qualifications, ethical standards and temperament to be the state's top law enforcement official and run such an important, politically sensitive department?" asked an ADN editorial.

Qualifications

- **Ross has been up for two separate Judicial advancements in the past two years, for the Alaska Supreme Court in 2007 and the Alaska Court of Appeals in 2008. He was not nominated by the Alaska Judicial Council either time. His mediocre Alaska Bar Association scores were cited as the reason he did not receive a nomination.**
- In response, he wrote a letter to the Bar Association newsletter complaining about the judicial selection process and the negative comments made about him in the anonymous Bar Survey used to rate the applicants.

Ethics and Temperament

There is an extensive written record on Ross from his two unsuccessful runs for governor and his long history of political activism. His zealous support for a host of controversial causes and his insulting public statements about those who believe differently show intolerance, bad judgement and the inability to seek common ground. He has a long list of enemies, and even his attorney peers and NRA buddies don't want him in positions of power.

- He called on the governor to fire an Assistant Attorney General for her participation in a peaceful animal rights demonstration. (*"Animal Activists Real Enemy"*)
- He threatened to sue the Permanent Fund Dividend division because they denied a check to his son Brian, who had not lived in Alaska for 14 years.
- During a talk on domestic violence, he said that the women's movement emasculated men and was the cause of domestic abuse.
- He promised to fight the federal law requiring rural subsistence, and opposes tribal sovereignty saying, "If the state wants to deal with tribes, it should treat them as it treats fraternal organizations rather than as governments."
- He did not support Mayor Wuerch for re-election because Wuerch refused to help Ross' friend get into the Anchorage Fire Department after the friend failed a required psychological test.
- He publicly stated that pro-choice people are "baby killers," and called gays and lesbians "degenerates" in an open letter to the state Bar Association.
- He endorsed Rick Mystrom for mayor in 2003 "because he fights the unions."
- He represented without fee, and personally supported, a man who twice poured buckets of water from a passing pickup onto anti-war demonstrators.
- He was a founder of Alaska Right to Life and has provided free legal services to anti-abortion activists since 1972.
- He blamed moderate Republicans for the state's fiscal problems saying, "Moderates are mush."
- He is a former vice president of the National Rifle Association and was in line to become president, but was voted out of office by his peers.
- He is frequently described as "arrogant," uncompromising and attention-seeking.

Do we trust an arrogant political activist with mediocre professional ratings, zealous positions on sensitive state issues, and openly expressed prejudice against groups of Alaskan citizens to be "the state's top law enforcement official and run such an important, politically sensitive department?"

I know you will listen to the concerns of the citizens and do what is best for the state. Thank you.

Sincerely,
 E. Ross

Bent Alaska - GLBT News and Events with a Local Alaskan Bent.

Cindy Smith

From: Chris Coffman [chriscoff2002@yahoo.com]
Sent: Wednesday, April 08, 2009 10:50 PM
To: Sen. Hollis French
Subject: Comments Opposing Confirmation of Wayne Anthony Ross as Alaska's Attorney General

Dear Senator French,

I am writing to oppose confirmation of Wayne Anthony Ross as Alaska's Attorney General.

First, Mr. Ross's qualifications do not support such an appointment. In fact, he was rejected twice in the past by the Alaska Judicial Council for nominations for lesser positions (Alaska Supreme Court in 2007; Alaska Court of Appeals in 2008) because of his mediocre Alaska Bar Association scores. This record, insufficient even for lesser posts, hardly merits an appointment as Attorney General.

Second, Mr. Ross has repeatedly demonstrated a shocking disrespect for the persons and basic rights of people with whom he disagrees. In an open letter to the state Bar Association, for example, he referred to gays and lesbians as "degenerates," a word that implies an inferior and even less than human status. Mr. Ross's public use of language that expresses flagrant disrespect for a significant number of Alaskans raises serious concerns about his capacity to execute the responsibilities of Attorney General in a fair-minded manner.

His public remarks on domestic violence are just as bad, if not worse. They reflect a shocking ignorance of the pervasiveness of violence against women in Alaska, blaming the victims of such violence so as to avoid addressing the criminal nature of such violence. This rhetoric dehumanizes women so as to justify their unequal treatment under the law.

His threat to dismiss an Assistant Attorney General for her private participation in a political demonstration (not to mention his archiving of evidence of this threat on his firm's own website at <http://rossandminer.com/articles/90-12-02.htm>) raises even more serious concerns about his ability to exercise the responsibilities of Attorney General in an evenhanded fashion, as it demonstrates a lack of respect for a citizen's right to assemble and to engage in political discourse. Does Alaska really want an Attorney General that feels free to violate the rights of those that disagree with him?

Alaska can surely find an Attorney General whose qualifications are stronger than Mr. Ross's and who—unlike Mr. Ross—has demonstrated a capacity for treating all Alaskans, not just those he happens to agree with, with respect and with equality before the law. For these reasons I strongly urge disapproval of Mr. Ross's nomination.

Sincerely,
Chris Coffman
Fairbanks, AK

Cindy Smith

From: Robin Smith [ericrobin@customcpu.com]
Sent: Wednesday, April 08, 2009 5:39 PM
To: Sen. Hollis French; Sen. Bill Wielechowski; Sen. Kim Elton; Sen. Lesil McGuire
Subject: Attorney General

Please enter this into the Senate Judiciary record.

We are very disappointed in Gov. Palin's nomination of Wayne Anthony Ross for Alaska's attorney general.

We understand the Governor's right to have an attorney general who is aligned with her political positions, but surely she could find a more appropriate candidate.

Alaska has a highly regarded judicial system that results in only the most qualified candidates becoming judges.

Ross has been submitted for two separate Judicial positions in the past two years, for the Alaska Supreme Court in 2007 and the Alaska Court of Appeals in 2008. He was not nominated by the Alaska Judicial Council either time.

His mediocre Alaska Bar Association scores have been cited as the reason he did not receive a nomination.

If he isn't qualified to be a judge in our state, he certainly isn't qualified to be Alaska's next Attorney General.

Please do not confirm him.

Eric McCallum and Robin Smith
14100 Jarvi Drive
Anchorage, Ak 99515

(Please note that we are constituents of Sen. McGuire.)

**LETTERS
OF
SUPPORT
FOR
CONFIRMATION
OF
ROSS**

Cindy Smith

From: glenner@gci.net on behalf of glenne ralls [glenner@gci.net]
Sent: Friday, April 10, 2009 11:21 AM
To: Sen. Gene Therriault; Sen. Hollis French
Subject: Wayne Ross for Attorney General

In my dealings with Wayne Ross I believe him to be an upstanding citizen with moral character. He has many years in the legal system that make him an outstanding candidate. I recommend you recommend him for the job. Sincerely, Glenne Ralls

Cindy Smith

From: Wendy McKinnis [schultz@mtaonline.net]
Sent: Friday, April 10, 2009 12:45 AM
To: Sen. Hollis French
Subject: Vote to Confirm Wayne Anthony Ross

Follow Up Flag: Follow up
Flag Status: Red

Dear Chairman French:

Please ensure my letter is given to each member of the Senate Judiciary Committee.

Please vote to confirm Wayne Anthony Ross to be Alaska's next Attorney General.

Mr. Ross is an exceptional individual and attorney. He keeps his word, is a man of principal, and will serve to ensure Alaska's best interests are considered.

Governor Palin has chosen him to serve and he deserves to be appointed to fill the position.

Being the fair and impartial chairman you are, I expect that your disdainful behavior toward and the unprofessional political bias that you demonstrated against Governor Palin during the "Trooper-gate" fiasco a thing of the past. Though you failed to lead fairly then, acted in a ways which brought shame to the state, and wasted precious state money, I have all hopes you have since learned to serve Alaska's interests first and not your own liberal political agenda when conducting business from the chair.

Should you oppose Mr. Ross' confirmation, it will be clearly seen by all that your own interests will have trumped Alaska's best interests.
I truly hope this will not be the case.

Mr. Ross, an outstanding and well-respected attorney, should be given nothing short of a considerate and fair hearing.

Thank you for your service and for supporting Mr. Ross.

Sincerely,

Doug McKinnis

Cindy Smith

From: schwaaby@gci.net on behalf of Bill and Jeannie Schwaab [schwaaby@gci.net]
Sent: Thursday, April 09, 2009 8:34 PM
To: Sen. Hollis French; Sen. Gene Therriault
Subject: Confirmation of Wayne Ross as Attorney General of Alaska

Dear Senators French and Therriault,

Please include our statements as testimony into the record of the Judiciary Committee and share it with each person on the committee.

I, Bill, have know Wayne Ross since 1972, when he was a State of Alaska Prosecutor. He is an outstanding choice for Attorney General of this great State of Alsaka, which he loves. He is an honorable, Godly man who is bound by principal and will be an exceptional Attorney General. He has been in the legal profession in Alaska for approximately 40 years with experience as a State Prosecutor and his own law firm. He was a vice president of the NRA. He has strong convictions and says what he means, with no pretence or double meaning. He will have best interests of the State in mind while fulfilling the duties of Attorney General.

We cannot urge you strongly enough to confirm the nomination of Wayne Anthony Ross as Attorney General of Alaska. He will do an excellent job.

Sincerely,

Bill & Jean Schwaab
2647 Havitur Way
Anchorage, AK 99504

Cindy Smith

From: Adele Morgan [adele@mtaonline.net]
Sent: Thursday, April 09, 2009 1:32 PM
To: Sen. Hollis French; Sen. Gene Therriault
Subject: Wayne Anthony Ross

Senator Hollis French and Senator Gene Therriault,

I strongly encourage you to keep Governor Palin's choice for Attorney General. In a world where common sense is not so common, Wayne Anthony Ross will be able to judge fairly and continue to fight for Alaska. I know Wayne personally and respect his character and his values! Thank you for your consideration and listening to the people of Alaska.

Adele Morgan

www.adelemorgan.com

www.blondetonemusicgroup

Cindy Smith

From: John & Candy Miller [3in1oil@gmail.com]
Sent: Thursday, April 09, 2009 12:56 PM
To: Sen. Hollis French
Cc: Sen. Gene Therriault
Subject: YES CONFIRM WAYNE ANTHONY ROSS

YES CONFIRM WAYNE ANTHONY ROSS!!!!

He will uphold the Alaska & Federal Constitution and

Stand for freedom justice and rights for all!

Candus Miller
Palmer
Alaska

Cindy Smith

From: Sally Heath [chuck38heath@gmail.com]

Sent: Thursday, April 09, 2009 12:26 PM

To: Rep. Nancy Dahlstrom; Rep. Anna Fairclough; Rep. Carl Gatto; Rep. John Harris; Rep. Wes Keller;
Rep. Mark Neuman; Rep. Bill Stoltze; Sen. Fred Dyson; Sen. Linda Menard; Sen. Charlie Huggins;
Sen. Gene Therriault; Sen. Hollis French

Subject: ATTY GENERAL

PLEASE show your support for Wayne A. Ross for attorney general. We are well aware of his integrity, fairness, and no-nonsense approach in dealing with a large variety of issues. He will be an asset to our state government.

Thank you,

Chuck and Sally Heath

425 Klouda Cir

Wasilla AK 99654

907-376-5790

--

Sally Heath

April 8, 2009

Dear Judiciary Committee,

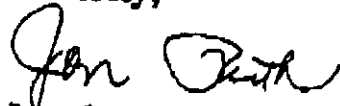
We are unable to be involved in the public testimony time concerning Wayne Ross as Attorney General. We are in complete support of this appointment by Governor Palin as Mr. Ross has served us well in the interior on many Constitutional matters. It is not hard to realize he is the man for the job and he is not easily intimidated when pressured. He is a 2nd Amendment Rights advocate and is principled in every area of our lives. He works as an attorney for Individual Rights and stands firm on the Rule of Law--the Constitution.

Any of you who may have reservations do not know the backbone it takes to protect our state in matters of law but Mr. Ross will successfully do it where others will cower. You can be assured of security with him as attorney general.

Here in the Interior when our First Amendment Rights of peaceful assembly were going to be trampled, he stepped in and wrote a letter for us and gave us his phone number to let him know if it happened again. When our fair board was not going to let us have a pro-life booth even though there was a pro-abortion booth, he wrote a letter citing precedent and the case down in the Mat-su and the fair board backed off.

Most importantly, all it takes is a few good men to run the state government well and one of those needs to be Mr. Wayne Ross.

Sincerely,



Jonathan and Ruth Ewig
2325-30th Avenue
Fairbanks, Alaska 99701

Cindy Smith

From: Eva Heller [evaheller@hotmail.com]
Sent: Thursday, April 09, 2009 9:22 AM
To: Sen. Hollis French; evaheller@hotmail.com
Subject: confirm Wayne Ross

Thank you for your attention
Please vote your confirmation of Gov Palin's pick for Attorney General.
Please pass this message on to the Senate Judiciary Committee.
Eva LoForte

Rediscover Hotmail@: Now available on your iPhone or BlackBerry [Check it out.](#)



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
555 CAPITOL MALL, SUITE 625
SACRAMENTO, CALIFORNIA 95814
(916)446-2455 voice ■ (916)448-7469 fax

STATE & LOCAL AFFAIRS DIVISION
BRIAN JUDY, ALASKA STATE LIAISON

TO: Members of the Alaska State Legislature
FROM: Brian Judy, NRA-ILA Alaska State Liaison
DATE: April 15, 2009
RE: Wayne Anthony Ross AG Confirmation – **SUPPORT**

On behalf of the tens of thousands of National Rifle Association members who live in the State of Alaska, I would like to register strong support for the confirmation of Wayne Anthony Ross for Attorney General.

The Right to Keep and Bear arms and the natural right of self-defense are fundamental. There are few issues of greater importance to citizens in the State of Alaska. Wayne Anthony Ross is a staunch defender of Constitutional freedom. Based on his proven dedication and passion for the Second Amendment, Alaskans can rest assured their firearm freedoms and hunting heritage will have a consistent defender in the State Attorney General's office.

The National Rifle Association has been quite surprised to hear some of the things alleged by those who have spoken out in their opposition to this confirmation. Particularly shocking are suggestions that the nominee would be weak in going after perpetrators of domestic violence. It is impossible to believe that Wayne Anthony Ross would coddle any criminals, domestic abusers or otherwise.

In closing I would just reiterate, on behalf of its members, the strong support of the National Rifle Association for the confirmation of Wayne Anthony Ross to the office of Attorney General for the State of Alaska.

FROM: 4/11/07 10:28 AM 8725
FROM: 4/11/07 10:28 AM 8725
FROM: APR 13 2008 10:27:51.10:28/No. 750000705 P 1

To: Senator Hollis French *File 465-6595*

From: Christopher M. Cromer

**COVER PAGE
FOR
LETTER REF: ATTORNEY GENERAL CONFIRMATION**

Please review attached letter, distribute as needed and consider it as a reference in the current proceedings. I hope this provides some clarification. You may reach me for any further clarification at (907)306-1818 or via email at christophercromer@gmail.com.

Sincerely,



Christopher M. Cromer

To: Senator Hollis French

cc: *Twenty-Sixth Alaska State Legislature*

From: Christopher M. Cromer

April 13, 2009

RE: Attorney General Confirmation

For nearly twenty years I have been an Alaskan resident. In 2002, I chose to leave Alaska to pursue a law degree, *since Alaska is the only state to not have a law school*. During my second year of law school, in 2004, I sought employment with Mr. Ross' law firm. He was known to me as an advocate of second amendment rights and domestic relations. After the summer, I returned to law school ultimately graduating in 2005. I then returned to Alaska and the position of law clerk at the law firm of Ross & Miner. At the same time, I was employed as an adjunct faculty member at the University of Alaska in Anchorage.

It is usually beyond my desires to engage in political matters through the means presented. However, I feel it is necessary, given the recent allegations and questions of Mr. Ross's character that I provide you with this letter. There is no secret between Mr. Ross and I that we differ in various political and religious views. As Mr. Ross attributes his philosophies to his rearing, as do I. My generation is extremely different in many respects from those of the hat-tipping and door opening generation. Today, we multi-task and often forget the consequences of immediate action. However, as a result, we as a culture have become more resilient and tolerant of one another. Mr. Ross exhibits a practice that is respectful and duty bound. While he is often outspoken, he serves as a guarantee that all respective sides of an issue are discussed. This is exactly what Alaska needs.

As for the recent allegations, they are clearly false. During my term of employment with Mr. Ross, never did I see him treat, act or hint of anything less than full advocacy for the preservation of dignity for both sexes. He has always proved himself to be a strong and capable advocate for both men and women whose rights have been violated or compromised.

According to his reply to the Burton letter, Mr. Ross states that a claim was made regarding statements during a UAA forum. I offer to you that he attended that meeting at my request and I was also at that meeting. The forum was in fact a summary of a study on domestic violence in Alaska. When asked by the panel of what other factors or considerations should be measured, Mr. Ross replied that it may be important to also identify the male victims of domestic violence. He added that it should be determined whether a reporting could be accurate with the likelihood of a stigma being attached to those individuals who do report. Mr. Ross then added, through his professional

experience, that restraining orders are sometimes misused by petitioners to immediately secure property and custody. I assure you that Mr. Ross made no sexist comments during this forum. He merely wished the panel to remain objective, view all sides and determine that victims of domestic violence are not limited to a single gender.

In closing, I can offer little more than that which I have already provided as a testimonial of Mr. Ross' character and fitness as Attorney General. It is my sincere belief that as representatives of the public and guardians of the Alaska Constitution that you reject the temptation to allow a difference of opinion guide you away from your duty. There is no question that Mr. Ross is passionate in his personal beliefs. But his sense of duty to Alaska trumps any personal philosophy. That alone will provide the greatest guarantee that individual rights in Alaska will be protected upon his confirmation.

Sincerely,



Christopher M. Cromer



17035 N. Eagle River Loop Road
Eagle River, Alaska 99577

Phone: 907-694-2699

Fax: 907-694-8763

www.cozycarpet.com

melissa@cozycarpet.com

Fax Transmittal Form

To: Hollis French From: Melissa
 Name: _____ Date: 4/8
 Phone: _____ Number of Pages: _____
 Fax: 907-445-6595

Message:
 I strongly urge you to approve
 of Wayne Ross and his ability
 to serve as our State Attorney
 General. He is an excellent
 choice. I would like for
 my voice to be heard on this
 matter.
 Thank you for your service

Melissa Hickey
 MELISSA HICKEY

Cindy Smith

From: Molly Friess [molly.harbor@alaska.net]
Sent: Wednesday, April 08, 2009 3:18 PM
To: Sen. Hollis French
Cc: Sen. Gene Therriault
Subject: Wayne Anthony Ross

Dear Senators Therriault & French,

Please provide this testimony to everyone on the Senate Judiciary Committee.

Wayne Anthony Ross is an outstanding choice for Attorney General. Please support Governor Palin's selection of this fine man for the position of Attorney General for the State of Alaska.

Molly Friess
PO Box 240566
Anchorage, AK 99524-0566

Home: (907) 522-5725
Work: (907) 277-1391
Cell: (907) 227-4066

Cindy Smith

From: Eileen Becker [ELBecker@webtv.net]
Sent: Wednesday, April 08, 2009 3:17 PM
To: Sen. Hollis French
Subject: Wayne Ross for Attorney General

Please vote for Wayne Ross for the position of AK State Attorney General. He is an excellent choice. A man of high integrity solid character and an asset to the State of Alaska. Consider this as our personal testimony for today's hearing. Eileen & David Becker, PO ox
109 Homer, AK 99603

Senator Hollis French
1-907-465-6595

Senator Gene Therriault
1-907-465-3884

Governor Sarah Palin's choice of Wayne Anthony Ross as the A.G. for Alaskans is a great choice. Mr. Ross is a long time Alaskan, moral, upright. He will uphold our laws.

Please put your partisan "stuff" aside and look at integrity.

Thank you,
Sherri R. Jackson

cle-410-
269-0111
269-0229

To: Senate Judiciary Committee

From: Carole Hart, small business owner/registered voter (907) 339-8083
6108 Winding Way in Anchorage, 99504

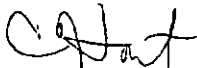
RE: Testimony to support Wayne Anthony Ross' appointment to Attorney General

I am writing today to urge you to confirm Wayne Anthony Ross to the position of Attorney General for the State of Alaska. I believe him to be an exceptional choice and a man of principle, and I fully support Gov. Palin's choice.

Again, please confirm Wayne Anthony Ross to the office of Attorney General.
Thank you.

(Please disseminate to everyone on the Senate Judiciary Committee.)

Regards,



Mrs. Carole Michele Hart

To: Senate Judiciary Committee

From: Carole Hart, small business owner/registered voter (907) 339-8083
6108 Winding Way in Anchorage, 99504

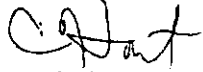
RE: Testimony to support Wayne Anthony Ross' appointment to Attorney General

I am writing today to urge you to confirm Wayne Anthony Ross to the position of Attorney General for the State of Alaska. I believe him to be an exceptional choice and a man of principle, and I fully support Gov. Palin's choice.

Again, please confirm Wayne Anthony Ross to the office of Attorney General.
Thank you.

(Please disseminate to everyone on the Senate Judiciary Committee.)

Regards,



Mrs. Carole Michele Hart

Dear Gentlemen,

I support Governor Sarah Palin's nomination of Wayne A. Ross as Attorney General for the State of Alaska. Mr. Ross's experience and qualifications will most certainly be an asset to the Department of Law serving as the legal advisor for the Governor and other State officials.

I believe that he is the right man for this position.

Thank you for serving.

**Jo Pedersen
1729 University Ave #E52
Fairbanks, AK 99709**

Dear Gentlemen,

I support Governor Sarah Palin's nomination of Wayne A. Ross as Attorney General for the State of Alaska. Mr. Ross's experience and qualifications will most certainly be an asset to the Department of Law serving as the legal advisor for the Governor and other State officials.

I believe that he is the right man for this position.

Thank you.

**Mary R. Pedersen
2221 Eagan Avenue #117
Fairbanks, AK 99701**

Dear Gentlemen,

I support Governor Sarah Palin's nomination of Wayne A. Ross as Attorney General for the State of Alaska.

Mr. Ross's experience and qualifications will most certainly be an asset to the Department of Law serving as the legal advisor for the Governor and other State officials.

I believe that he is the right man for this position.

Thank you.

**Kenneth Lamb
1515 Noble Street
Fairbanks, AK 99701**

Cindy Smith

From: John C Fleming [akflemings@gci.net]
Sent: Wednesday, April 08, 2009 4:19 PM
To: Sen. Hollis French
Cc: Sen. Gene Therriault
Subject: New Attorney General

Dear Senator French,
I understand that the Judiciary Committee will be taking testimony today regarding the Governors choice for Attorney General. I have known Wayne Anthony Ross for many years. He was in the State Militia when I first met him but I've had many other encounters with him over the years. All were positive! He strikes me as fair and honest and he is willing to listen to all sides of an issue. I urge you to support Mr. Ross for this important position in State government.

John C. Fleming
4701 Cambridge Way
Anchorage, AK 99503
230-7783

Cindy Smith

From: Kathy Newman [k_e_newman@yahoo.com]
Sent: Wednesday, April 08, 2009 4:16 PM
To: Sen. Hollis French
Subject: Wayne Ross

Dear Senator,

This is just to let you know that I think Wayne Ross is an excellent choice for Attorney General. He is a man of principal and won't be swayed by special interest groups. Please share this with the rest of the Senate Judiciary Committee.

Sincerely,
Kathy Newman
613 Oja St.
Sitka, AK 99835

Cindy Smith

From: Bill Lowe [snodinak@acsalaska.net]
Sent: Wednesday, April 08, 2009 7:00 PM
To: Sen. Hollis French
Cc: Sen. Gene Therriault
Subject: Wayne Ross

I hope it is not too late to say my two bits about Wayne Ross. My wife and I are 100% in favor his election to Attorney General. He has showed in the past to be a good man who stands up for Alaska and what is right. His record is as good as it gets. He is a honest man who does not falter to or be corrupted by the media, or other groups but plays it as he sees it, fair and honest. He has been a leader in NRA issues and stands up for the conservative rights my family lives by and live in Alaska for. We are 40 year Alaskans and proud of it and I do not want our state following the ways of those in the big cities of the lower 48. Thank-you.

Please put our vote in for Wayne Ross,

Bill & Shirley Lowe, Sterling Alaska. Thank-you once again.

Cindy Smith

From: Dan Crawford [dansandy@mtaonline.net]
Sent: Wednesday, April 08, 2009 8:01 PM
To: 'Alaska Right to Life'
Cc: Sen. Hollis French
Subject: RE: Urgent! Wayne Ross testimonies needed!

Hollis,

We (my wife and I) both wholeheartedly support Wayne Ross in his quest for Attorney General for the State of Alaska. We truly need some 'change' back to some common sense in our political system.

Thanks for your help!

Dan and Sandra Crawford
2208 W Lake Lucille Dr
Wasilla, Alaska 99654
907-357-1066

-----Original Message-----

From: Alaska Right to Life [mailto:prolife@mtaonline.net]
Sent: Wednesday, April 08, 2009 3:05 PM
To: dansandy@mtaonline.net
Subject: Urgent! Wayne Ross testimonies needed!

April 8, 2009

URGENT ALERT!!

The Senate Judiciary Committee is holding a teleconference TODAY (Wednesday, April 8th) at 5:30 to hear testimony about Wayne Anthony Ross and his ability to be the Attorney General for the State of Alaska.

Governor Palin has chosen him for this position, and the LIBERAL Legislators are trying to block his conformation for that position.

PLEASE either fax or email the Senate Judiciary Committee (ask that your testimony be given to everyone on the Senate Judiciary Committee) and let them know that Wayne Ross is an exceptional choice for Attorney General.

Wayne is man of principal and has Godly morals. He says what he means, and means what he says. There is no pretense or illusionary aspect to Wayne Ross. He's a true conservative, which is why the liberals are trying to take him out. Please help.

Chairman-Senator Hollis French
phone:1-907-465-3717
fax:1-907465-6595
email:Senator_Hollis_French@legis.state.ak.us

I strongly suggest notifying Senator Gene Therriault, also, just to make sure your voice will be heard. He's the only TRUE conservative on the Senate Judiciary Committee. His phone # is:1-907-465-4797. Fax:1-907-465-3884
email:Senator_Gene_Therriault@legis.state.ak.us

You can testify in person (via teleconference) at your local LIO (Legislative Information Office). You will find your area LIO number in the phone book.

Call ahead to the LIO, so the people who work there don't lock up and go home, as it is after hours.

Thank you for helping and God Bless you!

In His service,

Karen L. Lewis
Executive Director

Cindy Smith

From: Burt Mason [burtmason@yahoo.com]
Sent: Thursday, April 09, 2009 6:09 AM
To: Sen. Hollis French
Subject: WA Ross

Senator

I have been practicing law in Alaska since 1979, and have known Ross for most of those years. Although I dont always agree with him, Ross is a very able and knowledgable lawyer. I think he will provide the State with high quality legal services, especially dealing with the oil companies. I urge you to approve his appointment.

Robert Burt Mason
Eagle River

Cindy Smith

From: DA McGilvary [grammy@gci.net]
Sent: Wednesday, April 08, 2009 5:08 PM
To: Sen. Hollis French; Sen. Gene Therriault
Subject: Urgent! Wayne Ross is a fabulous choice, None better.

Dear Senators,
(Please repeat my testimony to everyone on the Senate Judiciary Committee.)

Wayne Ross is an exceptional choice for Attorney General.
Wayne is man of principal and has Godly morals. He says what he means, and means what he says. There is no pretense or illusionary aspect to Wayne Anthony Ross. He'll uphold the Constitution of the US as well as Alaska's Constitution.

Wayne is a GREAT CHOICE for Attorney General.

Sincerely yours,
Frank McGilvary
Dorothy (D. A.) McGilvary

907 452-6929
<fmm@gci.net>
Fairbanks, Alaska

Cindy Smith

From: Katie [novcaski@gci.net]
Sent: Wednesday, April 08, 2009 5:13 PM
To: Sen. Hollis French
Cc: Sen. Gene Therriault
Subject: Wayne Ross

To: Senate Judiciary Committee

We are writing to voice our support of Wayne Anthony Ross for Attorney General for the State of Alaska. While we have only spent a little time with him personally, we see his actions at Church and hear statements he has made in the paper and in public, and know people who are good friends of his. What I hear from Mr. Ross is always clearly stated, what you see is what you get. We need people like him in our government that live by principals, even if they aren't always the most popular principals at the time.

Wayne Ross is one who would treat everyone fairly while looking at the law for our state. As a fellow Catholic, I know that Wayne looks at every person with the respect and dignity due to each person by their nature of being created by God (basic Catholic teaching). Wayne Ross is a very ethical and moral man, qualities that are essential for the Attorney General role.

Sincerely,

Richard and Katherine Novcaski



Alaska State Legislature

Please enter into the record my testimony to the Judiciary Comm.
committee name
 committee on appt of W.A. Ross, dated 4/8/09
bill/subject as Attn. General

I listened to the testimony before your committee today. I feel the state of Alaska would be fortunate and well served to have Mr. Ross as our AG.

Signed: Audrey E. Murphy
Testifier

Representing (Optional)
2490 Hayes St. Delta Junction AK
Address
895-4234
Phone No.

**4-8-09 Jake's testimony for the Ak.Senate Judiciary Committee
Hearing on Confirmation of Wayne Anthony Ross for Attorney General**

I've known Wayne Anthony Ross for many years & accompanied him in many endeavors, from hunting & fishing to political issues.

I've seen him in times of stress & disappointment. He is consistent in good times & bad. He does not panic or succum to knee jerk temptations.

His defense of the water thrower, behavior which neither he nor I approved, was courageous; however, bound to bring him bad PR, but indicative of his devotion to the law.

Every man deserves his day in court & proper defense. The foundation for the US is based upon individual rights, not group or mob rights, as Wayne Ross knows & practices.

It takes courage, at times, to do the right thing, when it is unpopular. Wayne Anthony Ross does not dodge his responsibilities to do the right thing.

His efforts to secure Subsistence rights, equally for all Alaskans is consistent with our State Constitution & the US Constitution, *unprofessionally inclusive.*

fireless
His consistent defense of the Second Amendment - the right to keep & bear arms - is unpopular with some, but part of our Bill of Rights & crucial to the American & Alaskan way of life.

He knows that the Consitutions (both the US & Alaskan) are owner's manuals - which should be read & followed, by all citizens as owner/operators. Without this adherence to our fundamental rights, our society would slip into chaos, like that which we see in some of the radical societies around the world.

As he stated when Frank Murkowski beat him in the primary election for Governor, "This goes to show that the voters know, as I do, that I'm a better lawyer than politician."

We need this lawyer, not a politician as AG !

It is my hope that Wayne Anthony Ross will be confirmed unanimously by the Alaska Legislature. I know he will serve all Alaskans well.

"Jake" Jacobson, Kodiak & Kotzebue

*Jonas P. Jacobson
POB-1313
Kodiak AK 99615
HUNTFRISK@AK.NET*

Cindy Smith

From: maryjane@gci.net on behalf of Mary Jane Sutliff [maryjane@gci.net]
Sent: Thursday, April 09, 2009 7:00 AM
To: Sen. Hollis French
Subject: Re: Confirmation of Wayne Ross

Mary Jane Sutliff
2205 Arcadia Drive
Anchorage, Alaska 99517-1341

April 9, 2009

Re: Confirmation of Wayne Ross

Dear Senator French,

I was a former prosecutor For the State of Alaska. My sister has been a social worker for 30 years in Sacramento, California. My brother-in-law was the head of Child Protective Services before he retired. My niece is a social worker in Oakland California. My Niece's husband is a supervising social worker in a unit that deals with severely abused children. I am an attorney and was previously a kindergarten teacher who stayed home to raise my child. I have heard of and seen child abuse cases from both sides of the issue of the removal of a child from a home.

The issue to take a child from a family is a delicate balance where wisdom, knowledge of the brain development of a child, awareness of stages of development and cultural awareness, not regulation, is needed. The State's handling of the "best interests of a child" does not mandate or teach these principles.

Mr. Ross has always been known as someone who listens and, with a bit of humor and good intentions chides people into compliance. His methods, manner, good heart and wisdom are *severely* needed in a young State with unresolved procedures that deal with delicate issues of grave concern.

Simply put Alaska needs the service of Wayne Anthony Ross. The fact that his opinions differ from some should not be the sum total of the objections to his confirmation. His opinions are based upon a solid understanding of the issues and law and a *seering* desire to be fair and just. He possesses the integrity that can give State government the respect that we all desire.

Mr. Ross is well known and controversial. His confirmation will reflect well on you and those who vote for him. It sits well with the voters that Mr. Ross did not "buy" his nominations. Favoritism shown to financial supporters, partisan selection, selections based upon nepotism are sensitive issues for the public. Mr. Ross is the product of none of these issues.

I urgently request that you move for his confirmation. His service is sorely needed.

Sincerely,
Mary Jane Sutliff, Attorney



Official Business

Alaska State Legislature

Senate

Office of the Secretary

State Capitol, Room 213
Juneau, Alaska 99801-1182

Phone: (907) 465-3701

Fax: (907) 465-2832

Email: senate_secretary@legis.state.ak.us

Memorandum

TO: Senator French, Chair
Judiciary Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

DATE: March 30, 2009

SUBJECT: Confirmation of Governor's Appointments

Pursuant to AS 39.05.080, the President has referred the following name, with attached resume, for legislative confirmation to your committee for a hearing, recommendation and report:

Attorney General
Wayne Anthony Ross Appointed 3/26/2009

Attachment

KW:lc
gl # 7