

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10673 SENATE STATE AFFAIRS

518

CALIFORNIA**Supreme Court**

Appointive System: Gubernatorial Appointment without Nominating Commission

Initial Term of Office: 12 Years

Method of Retention: Retention Election (12 year term)

Courts of Appeal

Appointive System: Gubernatorial Appointment without Nominating Commission

Initial Term of Office: 12 Years

Method of Retention: Retention Election (12 year term)

Superior Court

Elective System: Non-Partisan Election*

Initial Term of Office: 6 Years

Method of Retention: Nonpartisan Election (6 year term)**

*[Compiler's Note: The California constitution provides that local electors may choose gubernatorial appointments instead of nonpartisan election to select superior court judges. As of June 2000, no counties have chosen gubernatorial appointments.]

**[Compiler's Note: If the election is uncontested, the incumbent's name does not appear on the ballot.]

COLORADO**Supreme Court**

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 2 Years

Method of Retention: Retention Election (10 year term)

Court of Appeals

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 2 Years

Method of Retention: Retention Election (8 year term)

District Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 2 Years

Method of Retention: Retention Election (6 year term)

CONNECTICUT**Supreme Court**

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 8 Years

Method of Retention: Commission reviews incumbent's performance

on noncompetitive basis; governor renominates and legislature confirms

Appellate Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 8 Years

Method of Retention: Commission reviews incumbent's performance

on noncompetitive basis; governor renominates and legislature confirms

Superior Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 8 Years

Method of Retention: Commission reviews incumbent's performance

on noncompetitive basis; governor renominates and legislature confirms

DELAWARE*

Supreme Court*Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 12 Years*Method of Retention:* ****Court of Chancery***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 12 Years*Method of Retention:* ****Superior Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 12 Years*Method of Retention:* **

*[Compiler's Note: Merit Selection established by executive order in Delaware, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.]

**[Compiler's Note: Incumbent reapplies to nominating commission and competes with other applicants for nomination to the governor. The governor may reappoint the incumbent or another nominee. The Senate confirms the appointment.]

DISTRICT OF COLUMBIA**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 15 Years*Method of Retention:* Reappointment by judicial tenure commission***Superior Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 15 Years*Method of Retention:* Reappointment by judicial tenure commission*

[Compiler's Note: Initial appointment is made by the President of the United States and confirmed by the Senate. Three months prior to the expiration of the term of office, the judge's performance is reviewed by the tenure commission. Those found "Exceptionally Well Qualified" or "Well Qualified" are automatically reappointed. If a judge is found to be "Qualified" the President may nominate the judge for an additional term (subject to Senate confirmation). If the President does not wish to reappoint the judge, the District of Columbia Nomination Commission compiles a new list of candidates.]

FLORIDA**Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**District Court of Appeal***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**Circuit Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**GEORGIA*****Supreme Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Court of Appeals***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Superior Court**

Elective System: Non-Partisan Election
Initial Term of Office: 4 Years
Method of Retention: Re-election for additional 4 year terms

*[Compiler's Note: Georgia uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

HAWAII

Supreme Court

Appointive System: Merit Selection through Nominating Commission
Initial Term of Office: 10 Years
Method of Retention: Reappointed to subsequent term by the
 Judicial

Selection Commission (10 year term)

Intermediate Court of Appeals

Appointive System: Merit Selection through Nominating Commission
Initial Term of Office: 10 Years
Method of Retention: Reappointed to subsequent term by the
 Judicial

Selection Commission (10 year term)

Circuit Court and Family Court

Appointive System: Merit Selection through Nominating Commission
Initial Term of Office: 10 Years
Method of Retention: Reappointed to subsequent term by the
 Judicial

Selection Commission (10 year term)

IDAHO*

Supreme Court

Elective System: Non-Partisan Election
Initial Term of Office: 6 Years
Method of Retention: Re-election for additional 6 year terms

Court of Appeals

Elective System: Non-Partisan Election
Initial Term of Office: 6 Years
Method of Retention: Re-election for additional 6 year terms

District Court

Elective System: Non-Partisan Election
Initial Term of Office: 4 Years
Method of Retention: Re-election for additional 4 year terms

*[Compiler's Note: Idaho uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

ILLINOIS

Supreme Court

Elective System: Partisan Election
Initial Term of Office: 10 Years
Method of Retention: Retention Election (10 year term)

Appellate Court

Elective System: Partisan Election
Initial Term of Office: 10 Years
Method of Retention: Retention Election (10 year term)

Circuit Court

Elective System: Partisan Election
Initial Term of Office: 6 Years
Method of Retention: Retention Election (6 year term)

INDIANA

Supreme Court*Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 2 Years*Method of Retention:* Retention Election (10 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 2 Years*Method of Retention:* Retention Election (10 year term)**Circuit Court (not including Vanderburgh County)***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Circuit Court (Vanderburgh County only)***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Superior Court (not including Allen, Lake, St. Joseph, or Vanderburgh Counties)***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Superior Court (Allen and Vanderburgh Counties only)***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Superior Court (Lake* and St. Joseph Counties only)***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 2 Years*Method of Retention:* Retention Election (6 year term)

[Compiler's Note: Three of the judges in Lake County run in partisan elections for 6 year terms then have to be re-elected for additional terms.]

IOWA**Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (8 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**District Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**KANSAS****Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (4 year term)**District Court (seventeen districts)***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year

Method of Retention: Retention Election (4 year term)
District Court (fourteen districts)
Elective System: Partisan Election
Initial Term of Office: 4 Years
Method of Retention: Re-election for additional 4 year terms

KENTUCKY*

Supreme Court

Elective System: Non-Partisan Election
Initial Term of Office: 8 Years
Method of Retention: Re-election for additional 8 year terms

Court of Appeals

Elective System: Non-Partisan Election
Initial Term of Office: 8 Years
Method of Retention: Re-election for additional 8 year terms

Circuit Court

Elective System: Non-Partisan Election
Initial Term of Office: 8 Years
Method of Retention: Re-election for additional 8 year terms

*[Compiler's Note: Kentucky uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

LOUISIANA

Supreme Court

Elective System: Partisan Election*
Initial Term of Office: 10 Years
Method of Retention: Re-election for additional 10 year terms

Court of Appeals

Elective System: Partisan Election*
Initial Term of Office: 10 Years
Method of Retention: Re-election for additional 10 year terms

District Court

Elective System: Partisan Election*
Initial Term of Office: 6 Years
Method of Retention: Re-election for additional 10 year terms

*[Compiler's Note: Louisiana judicial elections are partisan inasmuch as the candidates' party affiliations appear on the ballot. However, two factors lead a somewhat nonpartisan character to these elections: (1) primaries are open to all candidates; and (2) judicial candidates generally do not solicit party support for their campaigns.]

MAINE

Supreme Judicial Court

Appointive System: Governatorial Appointment without Nominating Commission
Initial Term of Office: 7 Year
Method of Retention: Reappointment by governor, subject to legislative confirmation

Superior Court

Appointive System: Governatorial Appointment without Nominating Commission
Initial Term of Office: 7 Years
Method of Retention: Reappointment by governor, subject to legislative confirmation

MARYLAND*

Court of Appeals

Appointive System: Merit Selection through Nominating Commission
Initial Term of Office: **

Method of Retention: Retention Election (10 year term)

Court of Special Appeals

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: **

Method of Retention: Retention Election (10 year term)

Circuit Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: **

Method of Retention: Nonpartisan Election (15 year term)***

*[Compiler's Note: Merit Selection established by executive order in Delaware, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.]

**[Compiler's Note: Until the first general election following the expiration of one year from the date of the occurrence of the vacancy.]

***[Compiler's Note: May be challenged by other candidates.]

MASSACHUSETTS*

Supreme Judicial Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: to age 70

Method of Retention: NA

Appeals Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: to age 70

Method of Retention: NA

Trial Court of Massachusetts

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: to age 70

Method of Retention: NA

*[Compiler's Note: Merit Selection established by executive order in Delaware, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.]

MICHIGAN

Supreme Court*

Elective System: Partisan Election

Initial Term of Office: 8 Years

Method of Retention: Re-election for additional 8 year terms

Court of Appeals

Elective System: Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

Circuit Court

Elective System: Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

*[Compiler's Note: Candidates for the Michigan Supreme Court are nominated at party conventions, but in general elections, party affiliations are not listed on the ballot. Candidates, however, most often run with party endorsements.]

MINNESOTA*

Supreme Court

Elective System: Non-Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

Court of Appeals

Elective System: Non-Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

District Court*Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms

*[Compiler's Note: Minnesota uses a judicial nominating commission to fill midterm vacancies only on the District Court.]

MISSISSIPPI**Supreme Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**Court of Appeals***Elective System:* Non-Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**Chancery Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 4 Years*Method of Retention:* Re-election for additional 4 year terms**Circuit Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 4 Years*Method of Retention:* Re-election for additional 4 year terms**MISSOURI****Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (12 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (12 year term)**Circuit Court (excluding Jackson, Clay, Platte, Saint Louis Counties)***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Circuit Court (Jackson, Clay, Platte, Saint Louis Counties only)***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 1 Year*Method of Retention:* Retention Election (6 year term)**MONTANA*****Supreme Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election; unopposed judges run for retention**District Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election; unopposed judges run for retention

*[Compiler's Note: Montana uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

NEBRASKA**Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 3 Years*Method of Retention:* Retention Election (6 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 3 Years*Method of Retention:* Retention Election (6 year term)**District Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 3 Years*Method of Retention:* Retention Election (6 year term)**NEVADA*****Supreme Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**District Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms

*[Compiler's Note: Nevada uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

NEW HAMPSHIRE***Supreme Court***Appointive System:* Merit Selection through Nominating Commission***Initial Term of Office:* to age 70*Method of Retention:* NA**Superior Court***Appointive System:* Merit Selection through Nominating Commission***Initial Term of Office:* to age 70*Method of Retention:* NA

[Compiler's Note: Merit Selection established by executive order in Delaware, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.]

**[Compiler's Note: The Governor's nomination is subject to the approval of a five-member executive council.]

NEW JERSEY**Supreme Court***Appointive System:* Gubernatorial Appointment without Nominating Commission*Initial Term of Office:* 7 Years*Method of Retention:* Reappointment by governor (to age 70) with advice and consent of the Senate**Appellate Division of Superior Court***Appointive System:* Gubernatorial Appointment without Nominating Commission*Initial Term of Office:* 7 Years*Method of Retention:* Reappointment by governor (to age 70) with advice and consent of the Senate**Superior Court***Appointive System:* Gubernatorial Appointment without Nominating

Commission*Initial Term of Office: 7 Years**Method of Retention: Reappointment by governor (to age 70) with advice and consent of the Senate***NEW MEXICO****Supreme Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: until next general election**Method of Retention: ****Court of Appeals***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: until next general election**Method of Retention: ****District Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: until next general election**Method of Retention: **

*[Compiler's Note: Partisan election at next general election after appointment for eight-year term for appellate judges, six-year term for district. The winner thereafter runs in a retention election for subsequent terms.]

NEW YORK**Court of Appeals***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: 14 Years**Method of Retention: ****Appellate Division of the Supreme Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: 5 Years**Method of Retention: Commission reviews and recommends for or against reappointment by governor***Supreme Court***Elective System: Partisan Election**Initial Term of Office: 14 Years**Method of Retention: Re-election for additional 14 year terms***County Court***Elective System: Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Re-election for additional 10 year terms*

*[Compiler's Note: Incumbent reapplies to nominating commission and competes with other applicants for nomination to the governor. The governor may reappoint the incumbent or another nominee. The senate confirms the appointment.]

NORTH CAROLINA**Supreme Court***Elective System: Partisan Election**Initial Term of Office: 8 Years**Method of Retention: Re-election for additional 8 year terms***Court of Appeals***Elective System: Partisan Election**Initial Term of Office: 8 Years**Method of Retention: Re-election for additional 8 year terms***Superior Court***Elective System: Non-Partisan Election**Initial Term of Office: 8 Years**Method of Retention: Re-election for additional 8 year terms*

NORTH DAKOTA***Supreme Court***Elective System: Non-Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Re-election for additional 10 year terms***District Court***Elective System: Non-Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms*

*[Compiler's Note: North Dakota uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

OHIO***Supreme Court***Elective System: Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***Court of Appeals***Elective System: Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***District Court***Elective System: Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms*

*[Compiler's Note: Ohio primary elections are partisan, but in general elections, party affiliations are not listed on the ballot. Candidates, however, most often run with party endorsements and appear on party slate cards.]

OKLAHOMA**Supreme Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: 1 Year**Method of Retention: Retention Election (6 year term)***Court of Criminal Appeals***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: 1 Year**Method of Retention: Retention Election (6 year term)***Court of Appeals***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: 1 Year**Method of Retention: Retention Election (6 year term)***District Court***Elective System: Non-Partisan Election**Initial Term of Office: 4 Years**Method of Retention: Re-election for additional 4 year terms***OREGON****Supreme Court***Elective System: Non-Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***Court of Appeals***Elective System: Non-Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***Circuit Court**

*Elective System:**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***Tax Court***Elective System: Non-Partisan Election**Initial Term of Office: 6 Years**Method of Retention: Re-election for additional 6 year terms***PENNSYLVANIA****Supreme Court***Elective System: Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Retention Election (10 year term)***Superior Court***Elective System: Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Retention Election (10 year term)***Commonwealth Court***Elective System: Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Retention Election (10 year term)***Court of Common Pleas***Elective System: Partisan Election**Initial Term of Office: 10 Years**Method of Retention: Retention Election (10 year term)***RHODE ISLAND****Supreme Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: Life**Method of Retention: NA***Superior Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: Life**Method of Retention: NA***Worker's Compensation Court***Appointive System: Merit Selection through Nominating Commission**Initial Term of Office: Life**Method of Retention: NA***SOUTH CAROLINA*****Supreme Court***Appointive System: Legislative Appointment**Initial Term of Office: 10 Years**Method of Retention: Reappointment by legislature***Court of Appeals***Appointive System: Legislative Appointment**Initial Term of Office: 6 Years**Method of Retention: Reappointment by legislature***Circuit Court***Appointive System: Legislative Appointment**Initial Term of Office: 6 Years**Method of Retention: Reappointment by legislature*

*[Compiler's Note: The Judicial Merit Selection Commission first screens candidates. The commission submits to the General Assembly the names and qualifications of the three candidates it considers best qualified. The General Assembly then must meet in joint session for the election of judges. In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly voting in joint session.]

SOUTH DAKOTA

Supreme Court*Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 3 Years*Method of Retention:* Retention Election (8 year term)**Circuit Court***Elective System:* Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**TENNESSEE****Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* until next biennial general election*Method of Retention:* Retention Election (8 year term)**Court of Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* until next biennial general election*Method of Retention:* Retention Election (8 year term)**Court of Criminal Appeals***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* until next biennial general election*Method of Retention:* Retention Election (8 year term)**Chancery Court***Elective System:* Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**Criminal Court***Elective System:* Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**Circuit Court***Elective System:* Partisan Election*Initial Term of Office:* 8 Years*Method of Retention:* Re-election for additional 8 year terms**TEXAS****Supreme Court***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Court of Criminal Appeals***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Court of Appeals***Elective System:* Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**District Court***Elective System:* Partisan Election*Initial Term of Office:* 4 Years*Method of Retention:* Re-election for additional 4 year terms**UTAH****Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* First general election > 3 years after appointment*Method of Retention:* Retention Election (10 year term)

Court of Appeals*Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* First general election > 3 years after appointment*Method of Retention:* Retention Election (6 year term)**District Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* First general election > 3 years after appointment*Method of Retention:* Retention Election (6 year term)**Juvenile Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* First general election > 3 years after appointment*Method of Retention:* Retention Election (6 year term)**VERMONT****Supreme Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 6 Years*Method of Retention:* Retained by vote of General Assembly (6 year term)**Superior Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 6 Years*Method of Retention:* Retained by vote of General Assembly (6 year term)**District Court***Appointive System:* Merit Selection through Nominating Commission*Initial Term of Office:* 6 Years*Method of Retention:* Retained by vote of General Assembly (6 year term)**VIRGINIA****Supreme Court***Appointive System:* Legislative Appointment without Nominating Commission*Initial Term of Office:* 12 Years*Method of Retention:* Reappointment by legislature**Court of Appeals***Appointive System:* Legislative Appointment without Nominating Commission*Initial Term of Office:* 8 Years*Method of Retention:* Reappointment by legislature**Circuit Court***Appointive System:* Legislative Appointment without Nominating Commission*Initial Term of Office:* 8 Years*Method of Retention:* Reappointment by legislature**WASHINGTON****Supreme Court***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years*Method of Retention:* Re-election for additional 6 year terms**Court of Appeals***Elective System:* Non-Partisan Election*Initial Term of Office:* 6 Years

Method of Retention: Re-election for additional 6 year terms

Superior Court

Elective System: Non-Partisan Election

Initial Term of Office: 4 Years

Method of Retention: Re-election for additional 4 year terms

WEST VIRGINIA*

Supreme Court

Elective System: Partisan Election

Initial Term of Office: 12 Years

Method of Retention: Re-election for additional 12 year terms

Circuit Court

Elective System: Partisan Election

Initial Term of Office: 8 Years

Method of Retention: Re-election for additional 8 year terms

*[Compiler's Note: West Virginia uses a judicial nominating commission to fill midterm vacancies only on the Circuit Court.]

WISCONSIN*

Supreme Court

Elective System: Non-Partisan Election

Initial Term of Office: 10 Years

Method of Retention: Re-election for additional 10 year terms

Court of Appeals

Elective System: Non-Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

Circuit Court

Elective System: Non-Partisan Election

Initial Term of Office: 6 Years

Method of Retention: Re-election for additional 6 year terms

*[Compiler's Note: Wisconsin uses a judicial nominating commission to fill midterm vacancies on all levels of court.]

WYOMING

Supreme Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 1 Year

Method of Retention: Retention Election (8 year term)

District Court

Appointive System: Merit Selection through Nominating Commission

Initial Term of Office: 1 Year

Method of Retention: Retention Election (6 year term)

- **Judicial Selection**
- **AJS Supports Tennessee's Merit Selection Plan**
- **Merit Selection: The Best Way to Choose the Best Judges**
- **Ensuring Judicial Excellence: A Video Program on Merit Selection**
- **Judicial Retention Evaluations Assist Both Voters and Judges**



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

To: Senate Majority Legislators
From: Senator Dave Donley
Date: 04/27/01
Re: Alaska's Judges Terms

My staff has prepared this information in regards to Alaska's judicial officer's terms. It clearly shows that Alaska's judges have longer terms and less public accountability than 47 other states.

Alaska's judicial officers, on average, serve longer terms and have less public accountability than judges in forty-seven other states. The vast majority of the states exercise more public control in two ways; judges are elected by the public and the average terms are shorter than in Alaska. In the seven states with a combination of merit system appointment and elections, the average terms of all levels of judicial officers are less than Alaska. In the five states with a combination of merit system appointment and confirmation by a legislative body, the average terms are longer but this is mitigated by the requirement for legislative confirmation. In the only seven other pure merit system states, judicial terms are shorter on average for appellate and supreme courts. With only two exceptions (Colorado and Utah), Alaska's judicial officers serve longer terms with less public accountability than in any other place in the nation.

Average Terms for Judges Using Various Systems of Selection and Retention

| STATE | SUPERIOR | APPELLATE | SUPREME |
|--------|----------|-----------|---------|
| Alaska | 6 | 8 | 10 |

The following terms are for the seven states that, similar to Alaska, use the Merit System solely:

| | | | |
|----------------------|-----|-----|-----|
| Colorado | 6 | 8 | 10 |
| Florida | 6 | 6 | 6 |
| Iowa | 6 | 6 | 8 |
| Massachusetts | --- | --- | --- |
| Nebraska | 6 | 6 | 6 |
| Utah | 6 | 10 | 10 |
| Wyoming | 6 | --- | 8 |
| Average No. of Years | 6 | 7.2 | 8 |

Co-Chair: Senate Finance Committee
Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

Average Terms for Judges Using Various Systems of Selection and Retention

There are seven states that use a mixture of systems, including the Merit System and either partisan or nonpartisan elections. Their data is as follows:

| STATE | SUPERIOR | APPELLATE | SUPREME |
|----------------------|----------|-----------|---------|
| Arizona | 4 | 6 | 6 |
| Indiana | 6 | 10 | 10 |
| Kansas | 4 | 4 | 6 |
| Missouri | 6 | 12 | 12 |
| New Mexico | 6 | 8 | 8 |
| Oklahoma | 4 | 6 | 6 |
| South Dakota | 8 | --- | 8 |
| Average No. of Years | 5.4 | 7.7 | 8 |

There are five states that use the Merit System, but the Senate confirms appointments. Their data is as follows:

| | | | |
|----------------------|-----|-----|------|
| Delaware | 12 | --- | 12 |
| Hawaii | --- | 10 | 10 |
| Maryland | --- | 10 | 10 |
| Vermont | 6 | --- | 6 |
| District of Columbia | 15 | --- | 15 |
| Average No. of Years | 11 | 10 | 10.6 |

The following are the terms for those states that elect their judicial officers either through partisan or nonpartisan ballots:

| | | | |
|----------------|---|-----|----|
| Alabama | 6 | 8 | 6 |
| Arkansas | 4 | 8 | 8 |
| Georgia | 4 | 6 | 6 |
| Idaho | 4 | 6 | 8 |
| Illinois | 6 | 10 | 10 |
| Kentucky | 8 | 8 | 8 |
| Louisiana | 6 | 10 | 10 |
| Michigan | 6 | 6 | 8 |
| Minnesota | 6 | 6 | 6 |
| Mississippi | 4 | 8 | 8 |
| Montana | 6 | --- | 8 |
| Nevada | 6 | --- | 6 |
| North Carolina | 8 | 8 | 8 |
| North Dakota | 6 | --- | 10 |
| Ohio | 6 | 6 | 6 |

Average Terms for Judges Using Various Systems of Selection and Retention

| | | | |
|----------------------|----|-----|----|
| Oregon | 6 | 6 | 6 |
| Pennsylvania | 10 | 10 | 10 |
| Tennessee | 8 | 8 | 8 |
| Texas | 4 | 6 | 6 |
| Washington | 4 | 6 | 6 |
| West Virginia | 8 | --- | 12 |
| Wisconsin | 6 | 6 | 10 |
| Average No. of Years | 6 | 6 | 8 |

--- / Court does not exist in jurisdiction or not applicable

The Alaska Judicial Council Opposes SJR 22 and SB 159

The Alaska Judicial Council recommends that the Legislature not adopt SJR22 and SB159 which shorten supreme court retention terms from 10 to 6 years, court of appeals terms from 8 to 4 years, and superior court terms from 6 to 4 years.

Alaska's Constitution strikes the right balance between public accountability and judicial independence. Even a cursory review of the minutes of the Constitutional convention shows that Alaska's Constitutional delegates worked hard to create a judicial merit selection system that delicately balances the public's right to an accountable judiciary with the important goal of an independent judiciary able to protect the Constitutional rights of citizens. The current proposal to change retention terms would upset that balance and damage the integrity of Article IV. Indeed, the drafters of our constitution specifically considered and rejected lowering the retention term for supreme court justices to six years. The American Judicature Society recommends retention terms of at least eight years.

The Judicial Council's thorough evaluation process is more effective in ensuring public accountability than shorter retention terms. Alaska has a system of judicial performance evaluation that is used as a model throughout the United States and in many other countries. The Judicial Council has created a system in which about 10,000 Alaskans in 2000 had an opportunity to critique judicial performance. Citizens commenting included jurors, citizens at public hearings, police, probation officers, social workers, court employees, attorneys and independent court watchers. Their input was summarized and considered by the Judicial Council along with detailed information about appellate affirmances and reversals, peremptory challenges, promptness, conflicts of interest and other aspects of performance. The information was available throughout the state in news articles, on the Internet, in the Alaska Voters' Pamphlet and through other media.

Shorter terms discourage qualified attorneys from applying. Shorter retention terms, with the lesser job security they entail, will discourage highly qualified judicial applicants. This will be especially true for experienced and successful private practitioners. The result of SJR 22 and SB159 may be a lesser qualified judiciary with less experience representing private citizens and businesses.

Increased numbers of judges on the ballot decrease voters' scrutiny of individual judges. At each general election voters are bombarded with information about candidates and ballot propositions leading to what are referred to as "bed-sheet ballots." Voters already have limited time to study information on judges standing for retention. (There were 30 judges on the ballot this past year.) Increasing the numbers of judges on the ballot would only exacerbate that problem.

Shorter retention terms increase costs. An integral part of retention elections is the retention evaluation process. The Judicial Council gathers extensive information on each judge or justice and provides that information to the voters so that they can make informed retention decisions. Increasing the frequency of retention elections would increase the costs of the evaluation or, in the alternative, lead to a less intensive evaluation. Election costs also would increase.

Alaska's current retention terms are in line with retention terms in other merit selection states. Twenty other states have merit selection and retention laws similar to Alaska's Retention terms. In many of those states they are similar to or longer than Alaska's current terms, while only three of those states have terms as short as the six years proposed in SJR 22 for supreme court justices.

Retention terms in Colorado, Indiana, South Carolina and Utah are identical to Alaska's. Five states have longer retention terms longer than Alaska's: California (12 years supreme, 6 years trial court), Hawaii (10 year terms), Maryland (10 years), Massachusetts (to age 70) and Missouri (12 years supreme court, 6 years circuit court).

Retention terms in eight other states are longer than the terms proposed in SJR 22 and SB 159. Florida (6 years supreme, 6 years circuit), Iowa (8 years supreme, 6 years other), Nebraska (6 years), New Mexico (8 years for appellate, 6 years for district), South Dakota (8 years for supreme court), Tennessee (8 years supreme court), Vermont (6 years), Wyoming (8 years for supreme, 6 years for district court).

Only three states have retention terms as short as the terms proposed in SJR 22: Arizona (6 years supreme, 4 years superior), Kansas (6 years supreme court, 4 years district court), Oklahoma (6 years supreme court, 4 years district court).

The Judicial Council already conducts mid-term evaluations of judges. The Council conducts attorney and peace officer surveys every two years of judges who are on the ballot that year, or who will be on the ballot 2 ½ years in the future. The mid-term evaluation gives judges a chance to improve performance and the Council advance notice of any problems.

Voters already have an early opportunity to vote on supreme court justices and superior court judges. Alaska's retention system requires newly appointed superior court judges and justices to first stand for retention after a short, probationary term (three years after appointment). This evaluation period gives judges early feedback on their performance and gives voters an early chance to assess the judges.

Conclusion. Alaska already has a system that emphasizes both judicial accountability and judicial independence. A thorough evaluation gives Alaska voters more information on judicial performance than is available anywhere else in the world and thus Alaska's judges already are more accountable than elsewhere. The judicial independence so prized by our constitutional drafters allows courts to protect the constitutional rights of Alaskans. Shortening retention terms as proposed in SJR 22 and SB 159 will upset this delicate balance. The change is unnecessary, expensive, and would discourage quality judicial applicants. Ultimately, the goal of the Judicial Council is to maximize judicial excellence. This proposal is counterproductive to that goal.

Judicial Terms of Intermediate Appellate Courts

| Merit Selection | | Appointment | | Elective | |
|------------------------------|-----------------|----------------|-----------------|----------------|------------|
| Alaska | 8 | California | 12 | Alabama | 6 |
| Arizona | 6 | New Jersey | 15 ² | Arkansas | 8 |
| Colorado | 8 ¹ | South Carolina | 6 | Georgia | 6 |
| Connecticut | 8 ¹ | Virginia | 8 ¹ | Idaho | 6 |
| Florida | 6 | | | Illinois | 10 |
| Hawaii | 10 ¹ | | | Kentucky | 8 |
| Indiana | 10 | | | Louisiana | 10 |
| Iowa | 6 | | | Michigan | 6 |
| Kansas | 4 | | | Minnesota | 6 |
| Maryland | 10 | | | Mississippi | 8 |
| Massachusetts (to age 70) | 20 ⁴ | | | North Carolina | 8 |
| Missouri | 12 | | | Ohio | 6 |
| Nebraska | 6 | | | Oregon | 6 |
| New Mexico | 8 ³ | | | Pennsylvania | 10 |
| New York | 5 ⁵ | | | Texas | 6 |
| Oklahoma | 6 | | | Washington | 6 |
| Tennessee | 8 | | | Wisconsin | 6 |
| Utah | 6 | | | | |
| Average | 8.2 | Average | 10.3 | Average | 7.2 |

¹ Judges re-nominated or re-appointed rather than up for retention election.

² New Jersey - After initial 7 year term, re-appointed until age 70. Term of appointment until age 70 after 7 year initial term is conservatively averaged as a term of 15 years.

³ First election after appointment is partisan; thereafter retention elections.

⁴ Term of appointment until age 70 is conservatively averaged as a term of 20 years.

⁵ New York - Trial court judges are designated to serve on the intermediate appellate court for a term of 5 years by the governor. But the term for the judge is 14 years as a trial court judge.



ALASKA COURT SYSTEM
State of Alaska Court System
Office of the Administrative Director

Stephanie J. Cole
Administrative Director

303 K Street
Anchorage, Alaska 99501
(907) 264-0547
(907) 264-0881
scole@courts.state.ak.us

THE ALASKA COURT SYSTEM OPPOSES SB 159

SB 159 would shorten the period between retention elections for judges of the court of appeals. **The proposed shortened retention period would increase costs to the state, lower voters' scrutiny of individual judges, and is not in line with retention terms in other merit selection states.**

The people of Alaska have the opportunity to approve or reject judges at periodic retention elections. Alaska has the nation's most extensive system for seeking public input on retention. The Judicial Council surveys lawyers, law enforcement officers, jurors, court employees and children's caseworkers. It looks at a judge's disciplinary record, disqualifications from assigned cases, appellate record, and the evaluation by the CourtWatch program. The Judicial Council holds public hearings to allow people to testify about their experiences with judges who are standing for retention. Most of this information is made available to the voters. A judge will be voted out of office if enough voters are unhappy with the judge's performance.

The following periods between retention elections for judges of the court of appeals are set forth in AS 15.35.053:

“Each judge of the court of appeals shall be subject to approval or rejection at the first general election held more than three years after the judge’s appointment. If approved, the judge is thereafter subject to approval or rejection in a like manner every eighth year.”

Alaska’s Constitution strikes the right balance between public accountability and judicial independence. Alaska’s Constitutional delegates worked hard to create a judicial merit and selection system that delicately balances the public’s right to an accountable judiciary with the important goal of a strong and independent judiciary. The current proposal to change this retention term would upset that balance and damage the integrity of Article IV.

Although terms for the judges of the court of appeals were not specified in the Alaska Constitution because the court of appeals was created by statute in 1980, the current retention term fits within the constitutional scheme. It is less than the retention term for a supreme court justice (10 years) but more than the term for a superior court judge (6 years).

Shortening this retention term would decrease voters’ scrutiny of individual judges. Shortening this retention term would cause more judges to be on the ballot at each general election. Voters are bombarded with information about candidates and ballot propositions. Voters have limited time to study information on judges standing for retention, and increasing the number of judges on the ballot would only exacerbate that problem.

Shorter retention terms increase costs. The judicial evaluation process is integral to retention elections. The Judicial Council provides voters with important information on

the performance of each judge or justice, so that voters can make informed retention decisions. Increasing the frequency of retention elections would increase the number, and thus the cost, of these evaluations.

Alaska's current retention terms are in line with retention terms in other states. There are currently 39 states that have an intermediate court of appeals. 17 states other than Alaska have merit selection and retention laws for their courts of appeal similar to the laws found here. Of these, nine states have retention terms equal to or longer than Alaska's, and eight have retention terms that are shorter. 21 states have judicial selection and retention by methods other than merit selection, including elections and direct gubernatorial appointment. Of those states, 10 have retention terms equal to or longer than Alaska's, and 11 have retention terms that are shorter. Thus, retention terms in one-half of the other states with courts of appeal are equal to or longer than Alaska's current terms.

Shorter terms will tend to discourage the most highly qualified people from seeking judicial office. Short-term positions are inherently less attractive because of the lack of job security. Highly skilled attorneys with well established practices will be less inclined to leave their private-sector positions knowing that they must stand for retention at four year intervals.

Voters already have an early opportunity to vote on judges of the court of appeals. Alaska's retention system requires newly appointed judges of the court of appeals to first stand for retention after a short, probationary term (three years after appointment). This evaluation period gives judges early feedback on their performance and gives voters an early chance to unseat them if necessary.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: March 15, 2002

Re: Senate Bill 159

I request that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

This is the seventh hearing request that I have submitted. Previous hearing requests were delivered on.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Kristie Keele of his staff at 269-0234.

Previous Hearing Requests: April 17, 2001
April 26, 2001
April 27, 2001
April 30, 2001
May 1, 2001
May 3, 2001
May 15, 2001

Co-Chair: Senate Finance Committee
Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

Subject: [Fwd: FROM JO]
Date: Fri, 15 Mar 2002 19:56:00 -0900
From: Gene Therriault <Senator_Gene_Therriault@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Joseph Balash <Joseph_Balash@Legis.state.ak.us>

Joe,

Please have legal draft up a CS for Donley's bill in the S/STA committee that would add a retention vote for magistrates.

Gene

Subject: FROM JO
Date: Thu, 14 Feb 2002 11:16:47 -0900
From: "Jo Kuchle" <jkuchle@mosquitonet.com>
Reply-To: <jkuchle@alaskalaw.com>
To: <Senator_Gene_Therriault@legis.state.ak.us>

Dearest Senator Therriault:

As one of your constituents and certainly one of your biggest fans and supporters, I am requesting you look into the following issue. Currently in AK magistrates and court masters (such as probate masters) are appointed by presiding judges. As such, they do not stand for retention elections. While they are subject to evaluation by attorneys through a survey by the judicial council (see the response below), they are never removed by office through the election process. Although it is difficult to remove a judge from office through the election process, at least it is possible. It is not at all possible to remove a sitting magistrate or master. The argument why retention elections are not necessary will be that magistrates and masters serve "under the supervision of a judge who is subject to election" the reality is that most masters and magistrates recommendations are upheld by Superior Court judges. In most instances, Masters and Magistrates ACT as judges and there is little review of their decisions.

I would strongly encourage your office to introduce legislation to subject magistrates and masters to retention election, just as superior and district court judges are subject to retention elections. As you can tell from the response of the executive director of the Judicial Council, only legislation will change the current process.

As a Republican, I would think anything to give the people control over their judiciary, would be something that would be applauded. Please feel free to contact me with questions.

BY THEY WAY, HAPPY Valentine's DAY!

I love you (how many constituents tell you that!? . . . hopefully not many)

Jo

-----Original Message-----

From: Larry Cohn [mailto:LCohn@ajc.state.ak.us]
Sent: Thursday, February 07, 2002 2:06 PM
To: 'jkuchle@alaskalaw.com'
Subject: RE: Retention Survey

The Supreme Court has requested the Judicial Council to evaluate masters and magistrates. We have done so twice and provided the results to the Supreme Court, the presiding judges, and the masters and magistrates themselves. You should have received Judicial Council surveys related to these evaluations. Requiring masters and magistrates to stand for retention would necessitate legislation. Thanks for responding.

Larry Cohn

[Fwd: FROM JO]

Executive Director

Alaska Judicial Council

1029 West Third Avenue, Suite 201

Anchorage, AK 99501

907-279-2526

-----Original Message-----

From: Jo Kuchle [mailto:jkuchle@mosquionet.com]

Sent: Thursday, February 07, 2002 1:55 PM

To: Larry Cohn

Subject: RE: Retention Survey

I think MASTERS and MAGISTRATES should be evaluated. I would propose to the judicial council that they make recommendations to the Supreme Court to require masters and magistrates be subject to retention.

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman
Sen. Dave Donley, Vice-Chair
Sen. John Cowdery
Sen. Gene Therriault
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: May 1, 2001

Re: Senate Bill 159

I request that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

This is the fifth hearing request that I have submitted. Previous hearing requests were delivered on April 17, April 26, April 27 and April 30.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

DD/kk

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman
Sen. Dave Donley, Vice-Chair
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Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
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Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: May 3, 2001

Re: Senate Bill 159

I request that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

This is the sixth hearing request that I have submitted. Previous hearing requests were delivered on April 17, April 26, April 27, April 30, May 1.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

DD/kk

ALASKA STATE LEGISLATURE



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Juneau, AK 99801-1182
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Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: April 30, 2001

Re: Senate Bill 159

I request that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

This is the fourth hearing request that I have submitted. Previous hearing requests were delivered on April 17, April 26, and April 27.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

DD/kk

ALASKA STATE LEGISLATURE



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Sen. Johnny Ellis

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Juneau, AK 99801-1182
(907) 465-3717
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Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: April 27, 2001

Re: Senate Bill 159

I request that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

HR: April 10, 2001
April 26, 2001
April 27, 2001

DD/kk

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman
Sen. Dave Donley, Vice-Chair
Sen. John Cowdery
Sen. Gene Therriault
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
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Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: April 20, 2001

Re: Senate Bill 159

The Senate Judiciary Committee requests that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35 ^53 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

HR: April 10, 2001
April 20, 2001

DD/kk

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman
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Sen. John Cowdery
Sen. Gene Therriault
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: April 26, 2001

Re: Senate Bill 159

The Senate Judiciary Committee requests that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

HR: April 10, 2001
April 26, 2001

DD/kk

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chairman
Sen. Dave Donley, Vice-Chair
Sen. John Cowdery
Sen. Gene Therriault
Sen. Johnny Ellis



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Juneau, AK 99801-1182
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Senate Judiciary Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Senate Judiciary Committee

Date: April 10, 2001

Re: Senate Bill 159

GLT

The Senate Judiciary Committee requests that Senate Bill 159 "An Act relating to retention elections for judges of the court of appeals" be scheduled for a hearing in the State Affairs Committee at your earliest convenience.

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact Senator Donley at x3892 or Jomo Stewart of his staff at x2705.

DD/kk

ALASKA STATE LEGISLATURE



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Senate Judiciary Committee

SPONSOR STATEMENT SENATE BILL 159 (3/30/01)

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection by the voters at the first general election held more than three years after he or she is appointed. After the initial election, they are up for approval or rejection only every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

There are twenty-two states who select their judges by public elections and another ten states where the legislature either chooses or confirms appointees. Accordingly, in the majority of the United States there is much greater public input, than in Alaska, into who becomes a judge. In Alaska, the opportunity for the public's input comes only through the retention election process. Such a low level of accountability is poor public policy, especially when retention elections are eight years apart. By allowing Alaskans to evaluate court of appeals judges every four years, we will ensure increased public accountability and better job performance.

DD/kk

Sec. 15.35.030. Approval or rejection of supreme court justice. Each supreme court justice shall be subject to approval or rejection at the first general election held more than three years after the justice's appointment. If approved, the justice shall thereafter be subject to approval or rejection in a like manner every tenth year. (§ 7.51 ch 83 SLA 1960)

Sec. 15.35.040. Filing declaration by supreme court justice. Each justice seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite. (§ 7.52 ch 83 SLA 1960; am § 148 ch 100 SLA 1980; am § 30 ch 85 SLA 1986)

Sec. 15.35.041. Requirement of filing fee for supreme court candidate. At the time the declaration is filed, each candidate for retention shall pay a filing fee to the director. The filing fee for a candidate for retention on the supreme court is \$100. (§ 23 ch 80 SLA 1963; am § 149 ch 100 SLA 1980)

Sec. 15.35.050. Placing name of supreme court justice on ballot. The director shall place the name of a supreme court justice who has properly filed a declaration of candidacy for retention on the ballot in each judicial district of the state for the general election at which approval is sought. (§ 7.53 ch 83 SLA 1960; am § 2 ch 18 SLA 1969; am § 150 ch 100 SLA 1980; am § 26 ch 67 SLA 1989)

Sec. 15.35.053. Approval or rejection of a judge of the court of appeals. Each judge of the court of appeals shall be subject to approval or rejection at the first general election held more than three years after the judge's appointment. If approved, the judge is thereafter subject to approval or rejection in a like manner every eighth year. (§ 151 ch 100 SLA 1980)

Sec. 15.35.055. Filing declaration by judge of the court of appeals. Each judge of the court of appeals seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite. (§ 151 ch 100 SLA 1980; am § 31 ch 85 SLA 1986)

Sec. 15.35.057. Requirement of filing fee for court of appeals. At the time the declaration is filed, each candidate for retention shall pay a filing fee to the director. The filing fee for a candidate for retention on the court of appeals is \$100. (§ 151 ch 100 SLA 1980)

Sec. 15.35.059. Placing name of judge of the court of appeals on ballot. The director shall place the name of a judge of the court of appeals who has properly filed a declaration of candidacy for retention on the ballot in each judicial district of the state for the general election at which approval is sought. (§ 151 ch 100 SLA 1980; am § 27 ch 67 SLA 1989)

Sec. 15.35.060. Approval or rejection of superior court judge. Each superior court judge shall be subject to approval or rejection at the first general election held more than three years after the judge's appointment. If approved, the judge shall thereafter be subject to approval or rejection in a like manner every sixth year. (§ 7.54 ch 83 SLA 1960)

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman
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Juneau, AK 99801-1182
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Senate Judiciary Committee

Memorandum

TO: Senator Gene Therriault
Chair, Senate State Affairs Committee

FROM: Senator Robin L. Taylor *R.L.T.*

DATE: April 2, 2001

RE: Request for Hearing

I respectfully request the State Affairs Committee schedule for hearing SB 159
"Appeals Court Judges Retention".

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chairman
Sen. Dave Donley, Vice-Chair
Sen. John Cowdery
Sen. Gene Therriault
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
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Senate Judiciary Committee

SPONSOR STATEMENT SENATE BILL 159 (3/30/01)

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection by the voters at the first general election held more than three years after he or she is appointed. After the initial election, they are up for approval or rejection only every eighth year. SB 159 changes this interval to four years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

There are twenty-two states who select their judges by public elections and another ten states where the legislature either chooses or confirms appointees. Accordingly, in the majority of the United States there is much greater public input, than in Alaska, into who becomes a judge. In Alaska, the opportunity for the public's input comes only through the retention election process. Such a low level of accountability is poor public policy, especially when retention elections are eight years apart. By allowing Alaskans to evaluate court of appeals judges every four years, we will ensure increased public accountability and better job performance.

DD/kk

SB

163

ALASKA STATE LEGISLATURE
Senator Georgianna Lincoln

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3732
Fax (907) 465-2652
1-888-461-3732

Email: Senator_Georgianna_Lincoln@legis.state.ak.us

Standing Committees:
Resources
Community & Regional Affairs
Budget Subcommittees:
Natural Resources
Corrections
Public Safety
Commerce & Economic Development

DISTRICT R

Alatna
Alcan
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bethel
Big Delta
Birch Creek
Boundary
Canyon Village
Central
Chalkyitsik
Chenega Bay
Chicken
Chitochina
Chitina
Chuathbaluk
Circle
Cold Foot
Copper Center
Copperville
Cordova
Crooked Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Gakona
Galena
Georgetown
Glennallen
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaltag
Kenny Lake
Koyukuk
Lake Minchumna
Lime Village
Livengood
Lower Kalskag
Manley Hot Springs
Marshall
McCarthy
McGrath
Mestla
Mendeltna
Mentasta
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Paces
Pilot Station
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Tatortna
Tanana
Tanana
Tatulek
Tatchna
Tefuda
Teluk
Teluk
Tok
Tolsana
Tomona
Tulokuk
Tyonek
Upper Kalskag
Valdez
Venetie
Whittier
Wiseman

MEMORANDUM

TO: Senator Gene Therriault, Chair
Senate State Affairs Committee

FM: Senator Georgianna Lincoln *geon*

RE: Committee Hearing for SSSB 163

DATE: February 28, 2002

At your earliest convenience please schedule SSSB 163 for a hearing in the Senate State Affairs Committee. Attached you will find the following documents:

- 1) Sponsor statement
- 2) Sectional analysis
- 3) Current version of the bill
- 4) Letters of support

At the request of your office, I worked with the Department of Law and the Governor's office to introduce a more comprehensive bill addressing crimes motivated by prejudice, bias and hatred. The Governor is supportive of this effort.

If you have any questions please do not hesitate to contact my Chief of Staff, Sara Boario, who will be working on this legislation.

ALASKA STATE LEGISLATURE

Senator Georgianna Lincoln

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Juneau, Alaska 99801-1182
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Standing Committees:
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DISTRICT R

Alatna
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Canyon Village
Central
Chalkyok
Chenega Bay
Chickena
Chitoshina
Chitina
Chunahalik
Circle
Cold Foot
Copper Center
Copperville
Cordova
Crooked Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Grech
Fort Yukon
Gakona
Galena
Georgetown
Glenallen
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaktog
Kenny Lake
Koyukuk
Lake Minchumina
Lame Village
Livensod
Lower Kalslag
Mantley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mendelino
Mentasta
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Paxson
Pilot Station
Rampart
Red Devil
Ruby
Ruslan Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Taketna
Tanatross
Tanana
Tanilek
Tashina
Telida
Terlin
Tik
Tolsona
Tomina
Tolukuk
Wonek
Upper Kalslag
Valdez
Venette
Whittier
Wiseman

Sponsor Statement Senate Bill 163

The diversity of its people makes the United States a unique nation. However, when crimes are committed because of our differences, the effects can reverberate beyond a single person or group into an entire community, city, or society as a whole. These crimes committed because of a bias against race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin are not limited to cities of a particular size or a region of the country, but occur in communities of all sizes throughout the country. On January 14th of 2001, it occurred in an Alaskan community. The paint ball attacks on Alaska Natives in Anchorage two months ago awakened all to the existence of brutal and dehumanizing crimes motivated by prejudice, bias or hatred.

In the weeks following the inhumane and inexcusable paint-ball attacks, I began to carefully research crimes motivated by prejudice, bias or hatred. The stories and statistics I uncovered were appalling and revealed that the paintball attacks were not an isolated event.

- From 1993 through the first three months of 2001, the Anchorage Police Department documented 81 bias/hate-motivated incidents. 36 incidents were anti-black; 12 incidents were anti-white; 6 incidents were anti-American Indian / Alaska Native; 13 incidents were anti-homosexual/gay/lesbian; 4 incidents were anti-Asian / Pacific Islander; 2 incidents were anti-multi-racial; 1 incident was anti-ethnic; 4 incidents were anti-Jewish; 1 incident was anti-Catholic; 1 incident was anti-Protestant; and 1 unidentified incident.
- Unfortunately, Anchorage is the only Alaska community compiling bias/hate-motivated crime statistics. Therefore, the above statistics paint an incomplete picture of bias/hate-motivated crimes in Alaska.
- Nationwide, the FBI reported 7,876 bias/hate-motivated incidents in 1999, of which 4,295 were racially motivated and 1,411 were attributed to religious bias, 1,317 to sexual-orientation bias, 826 to ethnic bias and 19 to disability bias. Five of the incidents reported were motivated by multiple biases. These numbers don't communicate the magnitude of the problem. Reporting of bias/hate-motivated crimes by state and local jurisdictions to the FBI is voluntary – Many state and local law enforcement agencies do not compile statistics on bias/hate-motivated crimes.

I have introduced Senate Bill 163 because I believe it is inherent in our duties as leaders to take a substantive role in eliminating discrimination, and fostering a climate of

tolerance. Senate Bill 163 alone cannot eliminate bias/hate-motivated crimes from occurring, but Senate Bill 163 sends the message that we will not tolerate bias/hate-motivated crime in any form.

Section 1 provides that a person may bring a civil lawsuit for both compensatory and punitive damages against another who has caused physical injury or damage to property, with the intent to harass the person because of actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. A lawsuit may be brought against the parent or legal guardian of a minor who has caused physical injury or damage if it is based on reckless conduct by the parent or legal guardian. Certain entities such as state agencies may not be sued under this provision.

Section 2 adopts a new crime, motivation by prejudice, bias, or hatred, AS 11.76.200. It provides that any crime in Title 11 that is knowingly directed toward a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin, is elevated to the next higher level of offense. For example, a class B felony, such as assault in the second degree, would be a class A felony if motivated by prejudice, bias, or hatred.

Sections 3 and 4 are conforming amendments that provide that a predicate class A felony that is motivated by prejudice, bias, or hatred, is an unclassified felony.

Section 5 provides that a sentencing court may not suspend imposition of sentence for a person convicted of motivation by prejudice, bias, or hatred, or convicted of any offense that is knowingly directed at a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin.

Section 6 provides that a person convicted of motivation by prejudice, bias, or hatred, where the predicate offense is a class A felony, may be sentenced to a term of imprisonment of at least five years but not more than 99 years.

Sections 7, 8, and 9 establish mandatory minimum terms of imprisonment for certain misdemeanor or hate crimes that are not prosecuted under AS 11.76.200, but where the court finds clear and convincing evidence that the offense is a hate crime. If a person is sentenced to these mandatory minimums, the sentence may not be suspended or reduced, and imposition of sentence may not be suspended.

Section 10 amends the aggravating factor in sentencing felony cases for conduct directed at a victim because of the victim's race, sex, color, creed, physical or mental disability, ancestry or national origin, to add actual or perceived race, sex, and so on. It also adds sexual orientation to these factors.

Section 11 requires the Department of Health and Social Services, when taking informal action in a delinquency case based on prejudice, bias, or hatred, to require the minor to

perform a minimum of 100 hours of community work, and to participate in a diversity tolerance program or other educational program.

Section 12 provides that in a delinquency case, if the court finds by clear and convincing evidence that the minor's delinquent act was motivated by prejudice, bias, or hatred, the court must order the minor to perform a minimum of 100 hours of community work. It also requires the court to ensure that the plan proposed for the minor by the department provides the minor and the minor's parents or guardian with an opportunity to develop respect for the ethnic, cultural, and personal diversity of all persons in the state.

Section 13 requires the Department of Health and Social Services, in cooperation with other agencies, to develop a diversity tolerance program. The program will be designed to help persons under 18 years of age to develop respect for all cultures and peoples.

Sections 14 and 15 are applicability and effective date clauses.

I have heard many arguments against so called "hate-crime legislation." Perhaps the most frequently recounted myth is that bias/hate crime legislation punishes thought. However, to be convicted of a bias/hate-motivated crime, a person must first violate a criminal statute; thus, the offender is not punished for his thoughts, but his actions.

I have been asked, "Isn't every crime a hate crime?" Every act of violence is destructive and heart-rending, but not all crime is motivated by prejudice, bias or hatred. A crime motivated by prejudice, bias or hatred occurs when the perpetrator of the crime knowingly selects the victim because of who the victim is. A crime motivated by prejudice, bias or hatred affects not only the victim and their family, but also an entire community or category of people and their families. This intentional selection of an individual because of who they are terrorizes an entire group of people. A study funded by the Bureau of Justice Statistics released in September 2000, shows that 85% of law enforcement officials surveyed recognized bias/hate-motivated crime to be more serious than similar cases not motivated by prejudice, bias or hatred.

Senate Bill 163 continues a process that began with the "Penalty Enhancement" provisions in Alaska Statute. Bias/hate-motivated crime and violence hurts everyone in our society and we must do everything in our power to eradicate it in Alaska. It is the bias/hate-motivated crimes that divide us and devalue certain people's lives, not the laws that address the problem. SB 163 does not discriminate. *This bill protects all victims of bias/hate-motivated crimes.* I respectfully request your consideration and support of SB 163.

ALASKA FEDERATION OF NATIVES, INC.

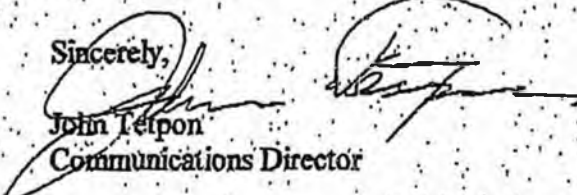
1577 C Street, Suite 300, Anchorage, Alaska 99501
907-274-3611 Fax 907-276-7989

Senator Georgianna Lincoln
State Capitol
Juneau, Alaska 99801

Dear Senator Lincoln:

This is a letter of support for passage of SB 163, legislation that we feel is of great importance to the Alaska Native community and to other minority groups in Alaska. As you know, AFN has sought and gotten the help of the U.S. Commission on Civil Rights to seek an end to violence and crimes of hate against all people of color. We support SB 163 because it clearly outlines remedies for violations of our civil rights and allows appropriate penalties for hate crimes based on race, color, gender, and other differences.

Sincerely,


John Letpon
Communications Director

TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE, SUITE 600
FAIRBANKS, ALASKA 99701-4897
PHONE 907/452-8251 • FAX 907/459-3850

May 4, 2001

| | | | |
|-------------------|--------------------|---------|------------|
| Post-it* Fax Note | 7671 | Date | # of pages |
| To | Georgianna Lincoln | From | |
| Co/Dept | 0 | Co | |
| Phone # | | Phone # | |
| Fax # | 465-2652 | Fax # | |

Senator Georgianna Lincoln
State Capitol, Room 11
Juneau, AK 99801-1182

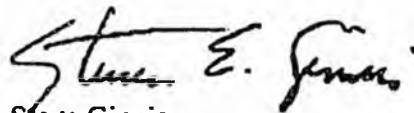
Dear Senator Lincoln,

The Tanana Chiefs Conference, Inc. would like to express our total support for Senate Bill 163. TCC does not perceive the many instances of prejudice, bias or expressions of hatred against Native Alaskans as isolated occurrences. Anchorage is the only Alaskan community that compiles hate crime statistics. Between 1993 and 2001, 81 bias/hate-motivated incidents were documented. There is no way of knowing how many instances were undocumented. Other Alaskan communities do not compile this data; there is no way to measure these crimes statewide.

Bias/hate motivated-crimes are destructive and divisive, regardless of the number of cases in any one community or statewide. The message sent to members of a certain group is that they hold no value. Senate Bill 163 cannot eliminate racism or other forms of discrimination, but it would send a very strong message that bias/hate-motivated crimes will not be tolerated in Alaska. Thank you for your leadership on the very important legislation.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.



Steve Ginnis
President

KENAI NATIVES ASSOCIATION, INC.



215 Fidalgo Ave, Suite 101
Kenai, AK 99611
Office: (907) 283-4851 Fax: (907) 283-4854

May 4, 2001

Senator Georgianna Lincoln
State Capitol Building
Juneau, AK

Sent Via Fax 465-2652

Dear Senator Lincoln:

The Kenai Natives Association, Inc. commends you on the excellent work you have done with Senate Bill 163. It is unfortunate such legislation is necessary in these times, the dawn of the new millennium. By now we should have reached a level of acceptance that transcends all racial distinctions and recognizes each individual as our fellow man.

It is not the frequency or number of hate crimes, alone, that distinguished these acts of violence from other types of crimes. Rather, it is the impact these crimes have on our people as a 'targeted' race that set them apart.

The intentional selection, intimidation, beating, or murder of an individual because of who they are, terrorizes an entire group of people, leaving them feel unwelcome, isolated, vulnerable, and unprotected by the law.

Kenai Natives Association, Inc. strongly supports SB 163 because it protects all victims of bias/hate-motivated crimes. These types of crimes especially bring shame on all Alaskans and have no place in this land we call our home.

Thank you once again for introducing this important piece of legislation. It is time for all Alaskans to take a pro-active stance against the terrorists that commit these types of crimes. We will not tolerate these acts of intimidating and violent bigotry.

Sincerely

Richard Segura
President & CEO

RS/jr



Alaska Federation of Natives, Inc.

1577 C Street, Suite 300
Anchorage, Alaska 99501
(907) 274-3611 Fax: (907) 276-7989
www.nativefederation.org

FACSIMILE TRANSMITTAL

DATE: March 1, 2002

TO: Senate State Affairs
Committee Members - Gene Therriault

FAX: 465 3884

FROM: Julie Kitka sm

NOTES: _____

ALASKA FEDERATION OF NATIVES, INC.

1577 C Street, Suite 300, Anchorage, Alaska 99501
907-274-3611 Fax 907-276-7989

March 1, 2002

The Honorable Rick Halford
President of the Senate
State Capitol Room 111
Juneau, AK 99801

The Honorable Brian Porter
Speaker of the House of Representatives
State Capitol Room 208
Juneau, AK 99801

The Honorable Gene Therriault,
Chair, Senate State Affairs Committee
State Capitol Room 121
Juneau, AK 99801

The Honorable Norman Rokeberg
Chair, House Judiciary Committee
State Capitol Room 118
Juneau, AK 99801

RE: Support for SB 163 -- Hate Crimes Legislation; Opposition to SB 169

Dear Senate President Halford, Senator Therriault, Speaker Porter, and Rep. Rokeberg:

I am writing to you on behalf of the Alaska Federation of Natives to express our strong support for SB 163, entitled "*An Act relating to the commission of an offense or a juvenile delinquency act involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; relating to a civil cause of action for certain acts involving discriminatory harassment.*" This "Hate Crimes" bill was introduced by Senator Georgianna Lincoln, and is co-sponsored by Senators Davis, Ellis, Hoffman and Elton.

AFN believes that hate crimes are serious, well-documented problems that remain inadequately recognized and largely unaddressed in this state. While the Alaska Legislature has condemned hate crimes (Legislative Resolve 27, July 7, 2001), and called on the citizens of the state to likewise condemn hate crimes and racism, we believe much more needs to be done. This fact is reflected in the final report of the Governor's Commission on Tolerance. That Commission held 11 public meetings around the state and heard testimony of discrimination and injustice. The Commission concluded that

Letter re: SB 163
March 1, 2002
Page 2 of 3

"Alaska's statutes regarding punishment for crimes motivated by bias or hate are limited, too lenient, and do not offer positive approaches to preventing further offenses." It went on to recommend that the legislature pass hate crimes legislation that would address crimes against individuals that are based upon race, religion, disability, national origin, gender, and sexual orientation. It recommended changes in the law that would encourage cultural diversity/sensitivity training for offenders and consideration of a separate criminal charge for hate crimes, as opposed to the current law which simply allows harsher sentences for crimes in which hate is a factor. AFN supports these recommendations and believes that SB 163 addresses each of them.

SB 163 expands the legal protection given to those of our citizens who are most vulnerable to attack because of prejudice. The bill incorporates much of what was proposed by the Governor in SB 200. It creates a separate criminal charge for hate crimes and expands the law to cover crimes targeting a victim's sexual orientation; it clarifies that the law may apply even if the offender mistakenly perceived the victim to fall into one of the listed attributes; it imposes mandatory minimum sentences for hate crime misdemeanors; prohibits the suspension of imposition of sentences in hate crime cases and requires sanctions for juveniles who commit hate crimes, including retribution in the form of community work service and referral to diversity tolerance programs. Finally, the bill creates a civil cause of action that would allow the victims of such crimes to sue their attacker or the parents or guardian of a juvenile attacker.

SB 163 has been assigned to the Senate State Affairs, Judiciary and Finance Committees, but to date has not been scheduled for a hearing in any of these committees. We have heard some say that SB 169 sufficiently addresses the hate crimes issue. That bill has passed the Senate and is now scheduled for a hearing in the House Judiciary Committee on March 6, 2002. Unfortunately, SB 169 does not adequately deal with the issue of hate crimes. We believe that every Alaskan has the right to live in an environment free of the terror brought on by hate violence, and that Alaska's laws need to be expanded and strengthened so that prosecutors have an additional set of tools to reinforce society's moral response to such crimes. Hate crimes have no place in a civilized society, and for that reason the issue needs to be addressed in a comprehensive way. SB 169 does not do that. It only provides for harsher punishment for some juveniles (those over the age of 16) who commit certain felony crimes that target the victims based on their race, sex, color, creed, physical or mental disability, ancestry, or national origin. It does not include alternative sentencing and rehabilitation for young hate crime offenders. Studies have shown that early intervention and education can help prevent future crimes of this nature. SB 163, unlike SB 169, contains provisions that require juveniles who commit hate crimes to participate in a diversity tolerance program or other educational program and to perform a minimum of 100 hours of community work.

SB 163 offers a more comprehensive approach to the problem. It would significantly increase the ability of state law enforcement agencies to work together to solve and prevent a wide range of hate crimes committed because of bias based on race,

Letter re: SB 163
March 1, 2002
Page 3 of 3

color, national origin, religion, sexual orientation, gender or disability of the victim. The bill is a thoughtful, measured response to the problem. For that reason we strongly urge your support for SB 163 and ask that you oppose passage of SB 169.

Thank you for your consideration and assistance on this important issue.

Sincerely,



Julie Kitka
President

JK/chd

Cc: ✓ Senator Georgianna Lincoln, Sponsor, SB 163
Senator Bettye Davis, co-sponsor
Senator Johnny Ellis, co-sponsor
Senator Lyman Hoffman, co-sponsor
Senator Kim Elton, co-sponsor
Senate State Affairs Committee members
House Judiciary Committee members
Members of the Bush Caucus

ALASKA FEDERATION OF NATIVES, INC.

1577 C Street, Suite 300, Anchorage, Alaska 99501
907-274-3611 Fax 907-276-7989

March 1, 2002

The Honorable Rick Halford
President of the Senate
State Capitol Room 111
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Letter re: SB 163
March 1, 2002
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SB 163 expands the legal protection given to those of our citizens who are most vulnerable to attack because of prejudice. The bill incorporates much of what was proposed by the Governor in SB 200. It creates a separate criminal charge for hate crimes and expands the law to cover crimes targeting a victim's sexual orientation; it clarifies that the law may apply even if the offender mistakenly perceived the victim to fall into one of the listed attributes; it imposes mandatory minimum sentences for hate crime misdemeanors; prohibits the suspension of imposition of sentences in hate crime cases and requires sanctions for juveniles who commit hate crimes, including retribution in the form of community work service and referral to diversity tolerance programs. Finally, the bill creates a civil cause of action that would allow the victims of such crimes to sue their attacker or the parents or guardian of a juvenile attacker.

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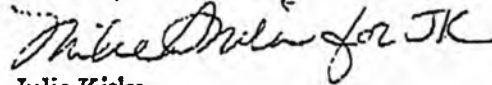
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Letter re: SB 163
March 1, 2002
Page 3 of 3

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Thank you for your consideration and assistance on this important issue.

Sincerely,



Julie Kitka
President

JK/chd

Cc: Senator Georgianna Lincoln, Sponsor, SB 163
Senator Bettye Davis, co-sponsor
Senator Johnny Ellis, co-sponsor
Senator Lyman Hoffman, co-sponsor
Senator Kim Elton, co-sponsor
Senate State Affairs Committee members
House Judiciary Committee members
Members of the Bush Caucus



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832
EMAIL: senate_secretary@legis.ctate.ak.us

FOR YOUR IMMEDIATE ATTENTION

DATE: February 19, 2002
TO: State Affairs
Senator Gene Therriault, Rm. 121
FROM: Office of the Senate Secretary
SUBJ: Sponsor Substitute

A Sponsor Substitute has been introduced for the following bill/resolution pending in your Committee:

RETRIEVE

SENATE BILL NO. 163

"An Act relating to the commission of a crime when the defendant directed the conduct constituting the crime at the victim based on the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin."

Please pull this bill/resolution folder from your files and give to the page. The bill/resolution may be returned to you with the Sponsor Substitute.

Thank you.



320 W. WILLOUGHBY AVE., SUITE 100, JUNEAU, ALASKA 99801

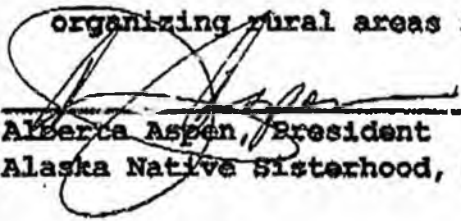
POSITION STATEMENT
OF THE
ALASKA NATIVE SISTERHOOD, CAMP 2
April 16, 2001

The Alaska Native Sisterhood, Camp #2, at its meeting held April 16, 2001, adopted the following positions relating to pending legislation for fiscal year 2002:

- The Alaska Native Sisterhood, Camp #2, supports SJR 19, HJR 22 and S163 on hate crimes.
- The Alaska Native Sisterhood, Camp #2, recommends Section 1.AS 11.76, S163, under paragraph (b) (1) be amended to include:

First time offenders should be required to give service to victims by living and working from six months to a year within the victim's community, be it a village or section of town or city.

- The Alaska Native Sisterhood supports Governor Knowles proposal for full funding of education capital projects for the next five years, HB169 and SB124.
- The Alaska Native Sisterhood opposes the re-introduction of boarding schools in Alaska as an alternative to fully funding rural schools.
- The Alaska Native Sisterhood stands against the proposed zero funding level of VPSO's, and requires the State of Alaska to fund public safety in addition to the Federal funding obtained through the Alaska Federation of Natives own initiative.
- The Alaska Native Sisterhood opposes the adoption of SB48 organizing rural areas into boroughs.



Alberta Aspen, President
Alaska Native Sisterhood, Camp #2

ALASKA STATE LEGISLATURE
Senator Georgianna Lincoln

State Capitol
Juneau, Alaska 99801-1182

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Sponsor Statement
Senate Bill 163

DISTRICT R

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Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bethel
Big Delta
Birch Creek
Boundary
Canyon Village
Central
Chalkyitsik
Chenega Bay
Chicken
Chitochina
Chitna
Chunahbuluk
Circle
Coldfoot
Copper Center
Cordova
Crooked Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Four Mile Road
Gakona
Galena
Georgetown
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Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaktag
Kenny Lake
Kosikuk
Lake Minchumina
Lime Village
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Lower Kalskag
Manley Hot Springs
Marshall
McCarthy
McGrath
Medina
Merlethna
Mentasta
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Paxson
Pilot Station
Rampart
Red Devil
Ruby
Ruston Mission
Shageluk
Silver Springs
Slana
Sleetmute
Stevens Village
Stony River
Takovna
Tanacetos
Tanana
Tanukuk
Tatlin
Telida
Terley
Tok
Tolsona
Tonina
Tuluksuk
Tymek
Upper Kalskag
Vulkeg
Venetie
Whittier
Wiseman

The diversity of its people makes the United States a unique nation. However, when crimes are committed because of our differences, the effects can reverberate beyond a single person or group into an entire community, city, or society as a whole. These crimes committed because of a bias against race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin are not limited to cities of a particular size or a region of the country, but occur in communities of all sizes throughout the country. On January 14th of this year, it occurred in an Alaskan community. The paint ball attacks on Alaska Natives in Anchorage two months ago awakened all to the existence of brutal and dehumanizing crimes motivated by prejudice, bias or hatred.

In the weeks following the inhumane and inexcusable paint-ball attacks, I began to carefully research crimes motivated by prejudice, bias or hatred. The stories and statistics I uncovered were appalling.

- From 1993 through the first three months of 2001, the Anchorage Police Department documented 81 bias/hate-motivated incidents. 36 incidents were anti-black; 12 incidents were anti-white; 6 incidents were anti-American Indian / Alaska Native; 13 incidents were anti-homosexual/gay/lesbian; 4 incidents were anti-Asian / Pacific Islander; 2 incidents were anti-multi-racial; 1 incident was anti-ethnic; 4 incidents were anti-Jewish; 1 incident was anti-Catholic; 1 incident was anti-Protestant; and 1 unidentified incident.
- Unfortunately, Anchorage is the only Alaska community compiling bias/hate-motivated crime statistics. Therefore, the above statistics paint an incomplete picture of bias/hate-motivated crimes in Alaska. Finally, the above statistics do not include the rapes of five Alaska Native women earlier this year in Anchorage. Nor do they include the unsolved homicides of six Alaska Native women in Anchorage.
- Nationwide, the FBI reported 7,876 bias/hate-motivated incidents in 1999, of which 4,295 were racially motivated and 1,411 were attributed to religious bias, 1,317 to sexual-orientation bias, 826 to ethnic bias and 19 to disability bias. Five of the incidents reported were motivated by multiple biases. These numbers don't communicate the magnitude of the problem. Reporting of bias/hate-motivated crimes by state and local jurisdictions to the FBI is voluntary - Many state and local law enforcement agencies do not compile statistics on bias/hate-motivated crimes.

I have introduced Senate Bill 163 because I believe it is inherent in our duties as leaders to take a substantive role in eliminating discrimination, and fostering a climate of tolerance. Senate Bill 163 alone cannot eliminate bias/hate-motivated crimes from occurring, but Senate Bill 163 sends the message that we will not tolerate bias/hate-motivated crime in any form.

Hate crime legislation is not new to Alaska. We already have a "Penalty Enhancement" provision in statute. However, the current "Penalty Enhancement" provision only applies to defendants facing a presumptive sentence, which is usually, repeat felony offenders. The "Penalty Enhancement" statute would not apply to anyone found guilty of a misdemeanor or most first-time felony offenders. Under SB 163 a person committing a class "B" misdemeanor would also face a class "A" misdemeanor charge, if their actions are determined to be motivated by prejudice, bias or hate. If the crime committed is a class A misdemeanor, it would be elevated to a class C felony, and so on. In the case of the paint ball attack for instance, one young man was charged with seven counts of Class A misdemeanor assault. SB 163 would add a Class C felony hate crime charge for each assault charge.

I have heard many arguments against so called "hate-crime legislation." Perhaps the most frequently recounted myth is that bias/hate crime legislation punishes thought. However, to be convicted of a bias/hate-motivated crime, a person must first violate a criminal statute; thus, the offender is not punished for his thoughts, but his actions. The U.S Supreme court has upheld hate crimes legislation, *ruling unanimously* that the State of Wisconsin could give longer prison terms to people who committed crimes motivated by bias without violating their right to free speech. The Court held that because the bias/hate motivation would have to be connected with a specific act, there was little risk that the statute would chill bigoted speech. The Supreme Court justices concluded that "the First Amendment . . . does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent."

I have been asked, "isn't every crime a hate crime?" Every act of violence is destructive and heart-rending, but not all crime is motivated by prejudice, bias or hatred. A crime motivated by prejudice, bias or hatred occurs when the perpetrator of the crime knowingly selects the victim because of who the victim is. A crime motivated by prejudice, bias or hatred affects not only the victim and their family, but also an entire community or category of people and their families. This intentional selection of an individual because of who they are terrorizes an entire group of people. A study funded by the Bureau of Justice Statistics released in September 2000, shows that 85% of law enforcement officials surveyed recognized bias/hate-motivated crime to be more serious than similar cases not motivated by prejudice, bias or hatred.

Senate Bill 163 continues a process that began with the "Penalty Enhancement" provisions in Alaska Statute. Bias/hate-motivated crime and violence hurts everyone in our society and we must do everything in our power to eradicate it in Alaska. It is the bias/hate-motivated crimes that divide us and devalue certain people's lives, not the laws that address the problem. SB 163 does not discriminate. *This bill protects all victims of bias/hate-motivated crimes.* I respectfully request your consideration and support of SB 163.

ALASKA STATE LEGISLATURE
Senator Georgianna Lincoln

State Capitol
Juneau, Alaska 99801-1182

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- Central
- Chalkyitsik
- Chenega Bay
- Chicken
- Chitochina
- Chitina
- Chuathbaluk
- Circle
- Coldfoot
- Copper Center
- Cordova
- Crowded Creek
- Delta Junction
- Dot Lake
- Dry Creek
- Eagle
- Eagle Village
- Evansville
- Fort Greely
- Fort Yukon
- Four Mile Road
- Gakona
- Galena
- Georgetown
- Gentlemen
- Grayling
- Gulkana
- Healy Lake
- Holy Cross
- Hughes
- Huslia
- Kaktog
- Kenny Lake
- Koyukuk
- Lake Minchumna
- Lime Village
- Lavengood
- Lower Kalskag
- Manley Hot Springs
- Marshall
- McCarthy
- McGrath
- Melita
- Mendeltna
- Mentasta
- Minto
- Nabesna
- Nenana
- Nikolai
- Northway
- Nulato
- Pavson
- Pilot Station
- Rampart
- Red Devil
- Ruby
- Russow Mission
- Shageluk
- Silver Springs
- Slana
- Sleetmute
- Stevens Village
- Stony River
- Takotna
- Tanacross
- Tanna
- Tatitlek
- Tedna
- Telida
- Tetlin
- Tok
- Tolsona
- Tonsina
- Tukalik
- Tyonek
- Upper Kalskag
- Valdez
- Venette
- Whittier
- Wiseman

MEMORANDUM

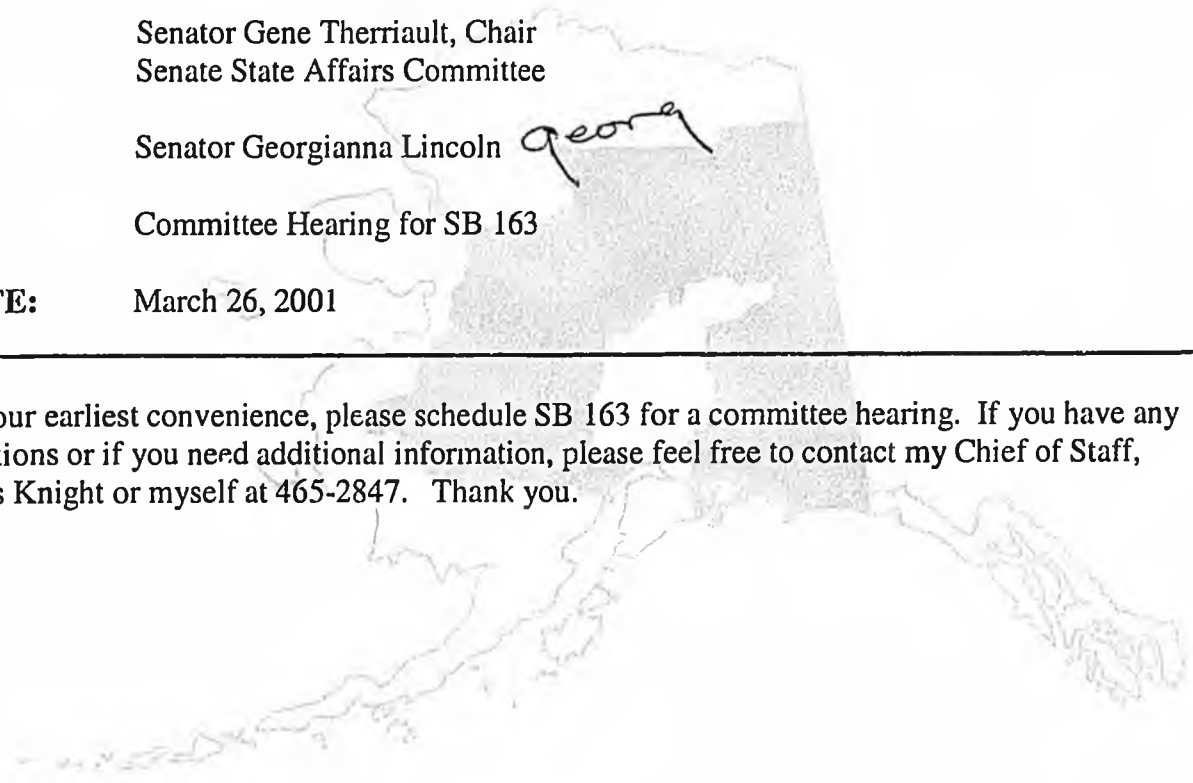
TO: Senator Gene Therriault, Chair
Senate State Affairs Committee

FM: Senator Georgianna Lincoln *georg*

RE: Committee Hearing for SB 163

DATE: March 26, 2001

At your earliest convenience, please schedule SB 163 for a committee hearing. If you have any questions or if you need additional information, please feel free to contact my Chief of Staff, Chris Knight or myself at 465-2847. Thank you.





National Alliance
PO Box 210784
Anchorage, AK 99521-0784
www.natall.com



"Toward a New Consciousness; a New Order; a New People"

Dear Alaska Legislator:

Enclosed with this letter are several fliers and an expose' written by our research staff. We ask you to review this material and then consider whether hate-crime laws focus on the right group of people. We ask you to look at this material and be your own judge, do we really need hate crime legislation?

In our "Double Standards" flier we take quotes made by various elements of the Anchorage Police Department. This is the flier we distributed in Anchorage at the recent "Roundtable on Racism." With all the press coverage this flier received no news source ever got to the point of the flier. Mr. Poindexter targeted Native women yet he will not be charged with a hate crime nor would he be even if such legislation were currently on the books. Yet three White youths committing a far less violent crime with paint balls would undoubtedly be charged under a hate crime statute.

We are also providing you with our hard hitting expose' "Who Rules America." This well written, accurate booklet not only shows who owns the media but how they are using it. The truth hurts and the media masters don't want you to know "Who Rules America." This is a must read for those of you that suspect the media of biased reporting and programming.

We would like to give you a few statistics taken from the FBI's Uniform Crime Reports:

From 1964 to 1994 over 25 million violent inter-racial crimes were committed. Of these, 90% were committed by non-whites against Whites. According to Table 42 in interracial cases of Completed Violence in 1999, European Americans were victims in 192,182* black on white cases and blacks were victims of 8,198 white on black cases. Balanced? (* Single Offender Incidents Only) According to Table 42 documents there were 20,003 black on white rapes and so few white on black rapes that they do not list any during 1999. Are these crimes to be ignored and hidden? Apparently the news media and the US Government say YES.

Hiding European American crime victimization is a common practice in America. How many Americans know about the recent Wichita interracial killing, rape and robbery of five European Americans, four shot in the head

execution style? We all know who James Byrd is but do we know about Patricia Stansfield of Streator, Illinois? She was dragged to death behind a car just like James Byrd but she was White so apparently her vicious murder wasn't news worthy. Matthew Shepherd is a name we recognize as well but what about Jesse Dirkhising? He was sodomized and murdered by two homosexual predators. In recent weeks we have heard a few stories on this incident but none suggesting that it should be a hate crime.

The most disturbing thing about these statistics is that non-whites are less than 30% of the population, but they commit 90% of the inter-racial crime. Over the last 36 years 31 million White people have been murdered, raped, robbed, bludgeoned, stabbed, strangled and beaten by non-whites. Think about these statistics when you are asked to cast your vote for a politically expedient law that will send only White people to jail and ultimately change nothing.

Sincerely,
National Alliance

Double Standard?

You decide

"A 30 year-old Anchorage man was arrested Monday and charged as a serial rapist in the case of five Alaska Native women assaulted between last August and January."

"Gregory Lemon Poindexter is charged with 14 counts of sexual assault, three counts of kidnapping and one count of assault. He is jailed at Cook Inlet Pre-Trail Facility with bail set at \$100,000, a booking officer said"

"Investigators said they did not have evidence suggesting Poindexter targeted the women because they were Native."

Anchorage Daily News March 20, 2001

But when a WHITE commits a crime, like shooting Natives with paintballs, Anchorage Police Chief Monegan says;

"To legally establish that the attack was a hate crime, it's important to identify as many victims as possible, Monegan said.

"If it's just one or two or three, the shooting could be random," he said. "The more (victims) we have, the better it cements the motive."

Anchorage Daily News March 3, 2001

When a BLACK clearly targets Natives there is no "evidence suggesting" a hate-crime has taken place. Why is that?

The truth is Blacks commit a majority of interracial crime in the US. WHITES are fifty times as likely to be the victim of BLACK crime then the reverse. But don't take our word for it look at the FBI Uniform Crime Report for yourself, <http://www.fbi.gov/ucr.htm>

If you are a WHITE man or woman over the age of 18 and are sick and tired of this kind of DOUBLE STANDARD, contact us. You are not alone.

We Believe . . .

- **That the future is what we make it**
- **That we have a responsibility for the racial quality of the coming generations of our people**
- **That no multi-racial society is a healthy society**
- **That if the White race is to survive we must unite our people on the basis of common blood, organize them within a progressive social order, and inspire them with a common set of ideals**
- **That the time to begin is now.**

For more information, write or call:

National Alliance

(Local Unit)

PO Box 210784

Anchorage, Alaska 99521

(304) 653-4600 (24 hour message line)

www.natall.com OR www.natvan.com

"Toward a New Consciousness; a New Order; a New People"

When is a Crime a "Hate Crime"?



Aaron McKinney was convicted of murder in the slaying of Matthew Shepard.

When You're a White Male!

An article in the 28 September 1999 Northwest Arkansas Morning News reports that two homosexual men living in Rogers, Arkansas—Joshua Macave Brown, age 22, and Davis Don Carpenter, a 38 year old hair-stylist—are charged with luring a boy, 13-year-old Jesse Dirkhising, to their apartment, then raping and murdering him. The homosexuals tied Jesse with duct tape, force-fed him sedatives, and then stuffed cloth in his mouth to muffle his cries for help.

The crime occurred on 26 September. The combination of the drugs, the binding and the sexual molestation caused Jesse to stop breathing, and he died at the hands of filthy perverts. Because the victim was a normal White boy, while the accused perpetrators are homosexuals, the media have elected to minimize news coverage of the crime. Evidently, crimes involving homosexuals are "hate crimes" only when the homosexual is the victim. The media gave lengthy, sensationalized publicity to another murder involving homosexual Matthew Shepard, who was killed by a normal White man whom he'd accosted in a bar, but there has been no national coverage of the homosexual rape and murder of Jesse Dirkhising.

In the summer of 1998 in Fayetteville, North Carolina. Donald, a 25-year-old White soldier assigned to Fort Bragg, was beaten and kicked in the face so badly by seven Black soldiers that his mind was destroyed, leaving him in a permanent "vegetable" state. The media chose to black out any news coverage of this attack, although they gave lengthy national publicity to another crime involving a Black drug dealer killed by a White soldier, in this very same town.

On 1 August 1998 in Streator, Illinois. Patricia, a 46-year-old White woman, was abducted by a Black man who had stolen a car belonging to one of her friends. The Black man tied Ms. Stansfield to the car's rear bumper and proceeded to drag her across a two-mile stretch of Highway 18 as he drove from Streator into the countryside. The dragging caused Ms. Stansfield to die. The media blacked out any coverage of this murder, although they had sensationalized a very similar murder in Jasper, Texas, involving a White killer and a Black victim.

Reference: Violent Crimes Against Whites <http://pw1.netcom.com/~jna/index.html>

If these crimes were committed by Whites, there would be headlines across America and demands for prosecution as "Hate Crimes"

Whites, Blacks, and Violent Crime

Sources: Census Bureau and FBI Uniform Crime Reports

U.S. Population in 1994

74.0% White, 12.5% Black, 9.1% Hispanic, 3.5% Asian

Perpetrators of Murder

Perpetrators of Rape

1993 - 40.7% White, 57.6% Black

1993 - 56.9% White, 41.3% Black

1995 - 43.4% White, 54.4% Black

1995 - 55.6% White, 42.4% Black

The average Black commits murder 7.9 times as often as the average White.

The average Black commits rape 4.4 times as often as the average White.

Send \$2.00 to the address below and we will send you our book catalog and information on America's foremost patriot organization.

National Alliance

P.O. Box 90

Hillsboro, WV 24946

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<http://www.natall.com> and <http://www.natvan.com>

Why haven't you heard about these "hate crimes"?

Black man Shoots Five Whites, Kills Three in Racially Motivated Shooting Spree

March 1, 2000

Source: Pittsburgh Tribune Review, WTAE-TV, and Reuters

Black Man Faces Hate Crime Charges in Two Aggravated Assaults and a Murder

February 15, 2000

Source: UPI

Black Woman Murders White Man in Racially-Motivated Shooting

January 30, 2000

Source: America's Most wanted

Black Louisville Teen Charged in Racially-Motivated Arson and Murder

January 27, 2000

Source: Courier-Journal (Indiana)

White Woman Beaten, Raped, and Sodomized in Racial Attack by Black Man

December 23, 1999

Source: NY Post

Black Man Shoots Two White Co-workers, Kills One in Racially-Motivated Attack

November 22, 1999

Source: Reuters

Two Whites Lynched by Black Mob in Racially-Motivated Attack

October 19, 1999

Source: Post and Courier

Elderly White Woman Dies After Being Knocked Down by Black Woman

September 16, 1999

Source: Associated Press

Two Black Men Beat Handicapped White Man To Death in Racially-Motivated Attack

September 5, 1999

Source: Associated Press

Asian Gang Arrested in Racially-Motivated Gang-Rape of White Woman

August 29, 1999

Source: Denver Rocky Mountain News

Black Gang Murders White Couple

July 16, 1999

Source: American-Statesman (Austin, Texas)

Former Black NFL Player Charged in Racially-Motivated Murder of White Man. Admitted to Seven Other Racial Killings.

March 22, 1999

Source: Miami Herald

The next time the media report on an incident involving a White perpetrator and a non-White victim, imagine the races reversed and ask yourself whether or not the media would report the story the same way and with equal intensity. Think about these things and ask yourself again whether or not having Jews in control of our media makes a difference. It's the difference between truth and lies, news and Politically Correct propaganda, what's good for White Americans and the destructive, anti-White political agenda of the Jew-controlled media. For information on who controls our media go to <http://www.natall.com/who-rules-america/>

**The Truth Is Out There,
Thanks to the good work of the
National Alliance**

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Your Child is in DANGER!

If your child is currently dating a non-White in the State of Alaska your child is in danger of catching chlamydia, gonorrhea or HIV. The Department of Health and Social Services, Section of Epidemiology recently released the following statistics:

Sexually Transmitted Disease Cases by Race Alaska, 2000

| Race | % of pop., 1999 | Chlamydia | Gonorrhea | HIV |
|----------------------------|-----------------|-----------|-----------|-----|
| White | 74% | 30% | 21% | 59% |
| Black | 4% | 13% | 12% | 8% |
| Asian/ Pacific Islander | 5% | 6% | 3% | 1% |
| Alaska Native | 17% | 46% | 59% | 21% |
| Other/unknown | -- | 5% | 5% | 4% |

Now let's take a look at the reasons for the high HIV infection rate among Whites. Cumulative HIV Cases by Exposure Risk through December 31, 2000

| | | |
|--|-----|--|
| <i>Male-Male Sex (MSM)</i> | 46% | <i>Who says HIV isn't a gay disease</i> |
| Transfusion/Transplant | 2% | |
| MSM and IDU | 5% | |
| <i>Heterosexual Contact to person at High Risk</i> | 9% | <i>Sex with Bisexuals or IV drug users</i> |
| Perinatal | 1% | |
| <i>Injection Drug use</i> | 12% | |
| <i>Unspecified/Unknown/Other</i> | 24% | <i>We assume this means they don't want us to know</i> |
| Hemophilia | 1% | |

There is one more thing you should know, females aged 15-24 are at greatest risk. Protect your children from Sexually Transmitted Diseases, don't let them date non-Whites.

If you would like copies of State of Alaska Epidemiology Bulletin No. 1, 2 or 3 send \$2.00 for the copies and postage to:



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Anchorage Daily News

Paint ball measure gets sticky

CONDEMNATION: Senate changes House version in emotional debate; two say resolution is out of bounds.

By Cathy Brown
The Associated Press

(Published April 12, 2001)

Juneau -- After a tense, angry debate Wednesday, the Senate voted 16-2 in favor of a narrowed version of a House resolution that condemns the recent paint ball attacks on Alaska Natives in Anchorage.

It passed only after the Senate amended the measure to condemn only "unlawful" discrimination, a change that raised the ire of some senators.

The measure is in response to an incident earlier this year in which three young white men videotaped themselves shooting paint balls at Alaska Natives in downtown Anchorage. The measure condemns the act and calls for the U.S. Commission on Civil Rights to investigate that and other incidents of racism.

Sen. Loren Leman, R-Anchorage, said the word "unlawful" needed to be added to the measure because some forms of discrimination are legal, such as providing state aid based on income or allowing people to vote and drive based on age.

Sen. Pete Kelly, R-Fairbanks, pointed to services or privileges only Natives receive like Indian Health Services care and ownership of shares in Native corporations as examples of lawful discrimination.

Democrats in the Senate objected to the change.

Sen. Bettye Davis, D-Anchorage, said it's obvious from the context of the resolution what kind of discrimination it refers to. She said some forms of discrimination, such as name-calling are legal, but nevertheless hurtful, and the Legislature should condemn them as well.

Sen. Georgianna Lincoln, R-Rampart, agreed.

"I just bothers me that we're wordsmithing here," Lincoln said. "I knew what discrimination was the first day I went to school, and I went home crying to my mother and she didn't talk to me about lawful discrimination."

But Sen. Jerry Ward, R-Anchorage, said he could not vote for the resolution without the change because he did not want to be condemning thoughts or words that are "politically incorrect" but not illegal.

The amendment nearly failed on a 10-9 vote, but Sens. Drue Pearce, Kelly and Sen. Gary Wilken,

R-Fairbanks, changed their votes from no to yes and it passed. Sen. Alan Austerman, R-Kodiak, joined Democrats in voting against it.

An amendment by Davis to add language asking that schools be active in eliminating discrimination failed.

Wilken and Sen. Lyda Green, R-Wasilla, voted against the resolution itself.

Green said she doesn't believe the problem is anything government can fix.

"It's what's in the heart that's going to change people," Green said. "It's not a resolution of words."

Wilken said he was voting against it because he did not think it was the Legislature's role to get involved. He compared it to a drunken-driving accident last year that killed prominent Juneau residents and said the Legislature did not pass a resolution condemning that. Rather, it allowed the justice system to take care of it, he said.

"My 'no' vote does not mean I condone racism," Wilken said. "What troubles me is this is not the place for a Legislature. This is not the place for us to ring in."

Davis said the Legislature should speak out, and she was surprised the issue even needed to be debated.

"I thought we'd be able to vote on it without any discussion," Davis said.

Lincoln said the paint ball incident made news because it was videotaped, but it's not an isolated case. The Anchorage Police Department has records of 81 bias-motivated crimes between 1983 and 2001, against people of 10 different groups, including African-Americans, whites and Natives, Lincoln said.

Wilken gave notice that he might bring the measure up for reconsideration today, at which time members could change their votes.

If the resolution passes in its current form, it will have to go back to the House, which will vote on whether to accept the changes.

Close Window

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Anchorage Daily News

Group plans boycotts for Native rights

COMMITTEE: Six activists seek hate crimes bill and lessening of racism.

By Dan Joling
The Associated Press

(Published April 15, 2001)

Alaska Native activists announced Saturday that they have formed a boycott committee to take economic measures that will advance civil and human rights of Alaska Natives.

Group members say they plan boycotts that will not end until the Legislature passes a hate crimes bill and racism diminishes statewide.

John Tetpon of Anchorage, one of six members of the Economic Boycott Committee, said committee members have not yet agreed on action.

"We're going to first focus on the visitor area, tourism probably, patterned after the people in South Carolina who boycotted South Carolina over the use of the flag," Tetpon said. That state experienced boycotts over the use of the Confederate flag in positions of state sovereignty, including the Capitol.

Tetpon said the committee may try to discourage Outside groups from considering Alaska as a host for conventions or other meetings.

Group member Desa Jacobsson of Juneau said committee members are still planning strategy but individual Alaska businesses could be targeted for a boycott.

The action also could take the form of encouraging rural Alaskans to stay out of urban areas for meetings, instead gathering in Bethel, Nome, Kotzebue or Barrow, Jacobsson said.

Tetpon, who is a spokesman for the Alaska Federation of Natives, said the committee is not affiliated with any other groups.

Other members include Robert Willard of Juneau, the state's first Alaska Native state trooper; longtime Anchorage resident Donna Mae Willoya; Diane Benson of Wasilla, who led a protest against portrayal of Alaska Natives in a poem by a University of Alaska Anchorage creative writing professor; and Ole Lake, city manager of Hooper Bay.

In a statement distributed to the media Saturday, group members said the formation of the committee comes on the heels of a Jan. 14 drive-by paint ball attack on Alaska Natives in Anchorage that the participants videotaped. An Eagle River man has been charged with seven counts of misdemeanor assault in the case. Two underage teenagers with him were expelled from school for the rest of the school year and

may face proceedings in juvenile court, which is not open to the public.

Jacobsson criticized the Anchorage Police Department for not solving the slayings of four Alaska Native women and what she said was lack of attention to rapes of Native women.

But Tetpon said group members are most frustrated with racism that has persisted since they were children and is now affecting their grandchildren.

"I think things have gotten worse than when I was going to school," he said. "There's a lot of racial animosity against Native children. Why do they deserve that? What did they do?"

As an example, he noted a 50 percent dropout rate among Native children in Anchorage schools.

"It's not because they can't do academic work," Tetpon said. "It's because of the atmosphere in schools. It has to change. Why hasn't it changed in 30 or 40 years?"

Ask Anchorage's Native children what problems they face, Tetpon said.

"My guess is they would list racism as one of the issues they have to deal with on a daily basis," Tetpon said.

He said the problem is not just in Anchorage but throughout Alaska.

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Knowles forms 15-member panel on tolerance

By SEAN COCKERHAM
News-Miner Juneau Bureau

JUNEAU--Racial tolerance in Alaska has emerged as a fiery issue at the state Capitol this year, with the introduction of bills, resolutions and now a commission to address the matter.

Gov. Tony Knowles on Tuesday announced the composition of his 15-member Governor's Commission on Tolerance, whose members include Interior Sen. Georgianna Lincoln, Fairbanks Mayor Jim Hayes, and Fairbanks anti-discrimination activist Kelly Brown.

"In February, Alaskans were sickened to see the videotape of three teen-agers who targeted Alaska Natives for violence in downtown Anchorage," Knowles said as he announced the appointments.

"This assault was only the latest in a series of incidents of racial intolerance eating away at Alaska's social fabric," Knowles added.

The multiracial commission is slated to hold hearings throughout the state and provide recommendations to the governor by Nov. 30. That will allow time for its findings to be considered in the next legislative session, Knowles said.

Knowles and Lincoln, both Democrats, have introduced hate crimes bills since the paintball attack. They complained on Tuesday that neither of those bills has received a hearing in the Republican-controlled Legislature.

"I'm very disheartened that we have not had one hearing... to hear what folks have to say about this critical piece of legislation," said Lincoln, a Rampart senator who represents much of the rural Interior. "That is absolutely inexcusable to me."

North Pole Republican Sen. Gene Therriault said he intended to hold a combined hearing on the hate crimes bills introduced by Lincoln and the governor.

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Cella Hunter
Gary Moore

But when the governor introduced his bill in late April the Senate president did not refer it to Therriault's State Affairs Committee, which is where Lincoln's bill sits.

Now the Legislature is less than a week away from adjournment. "I don't know if we're going to get to that," Therriault said.

A Republican bill, sponsored by Anchorage Sen. Dave Donley, is moving in the Senate. It would permit youths between 16 and 18 to be charged as adults should they commit hate crimes that are felonies or the most serious of misdemeanors.

But Lincoln objects to the fact that the bill only focuses on juveniles.

Whether Donley's bill has enough support to pass both the Senate and House in the final days is an open question.

Also unclear is the fate of a nonbinding legislative resolution to condemn the Anchorage paintball attacks and other discrimination in Alaska.

The House originally passed the measure. Then the Senate modified it to only condemn "unlawful" discrimination, saying there is legal discrimination such as providing state aid based on income.

A House-Senate conference committee has thus far failed to find common ground on the language differences. The lack of progress on that resolution became an issue on the Senate floor Tuesday.

Fairbanks Republican Sen. Pete Kelly argued that, while the Anchorage paintball attack was horrible, people should recognize that the overwhelming majority of Alaskans are not racist.

"It's a great state, it's not a racist state," Kelly said. "We are a diverse, understanding, tolerant state and we need to start giving ourselves credit for it. I'm tired of those who claim otherwise."

The coming months will see tolerance hearings in Alaska from the governor's panel and from the U.S. Commission on Civil Rights. The hearings from the federal panel were sought by the Alaska Federation of Natives.

The governor's commission will be led by the Rev. Chuck Eddy of Anchorage and contains members from throughout the state. Lt. Gov. Fran Ulmer is also a member.

In appointing the Interior members, Knowles said Lincoln has been an outspoken advocate of Native rights and served on the Local-State Tribal Relations Task Force.

Hayes, a third-term Fairbanks mayor, is the first black to be elected mayor



in Alaska and has served on the city's human rights commission, Knowles said.

Brown, the third Interior member, is the business agent for the Alaska State Employees Association. She also helped organize a "Not in Our Town" campaign against hate violence and intolerance in Fairbanks, Knowles said.

"I'm looking forward to the opportunity to hear from all Alaskans," Brown said. "Over the past 10 years we have seen an increase in intolerance in our community. And I think it's important we not remain silent."

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**2000-2001
GRAND OFFICERS**

May 1, 2001

JACKIE MARTIN
Grand President

Honorable Gene Therriault
House of Representatives
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

DOLORESA CADIENTE
1st Grand Vice President

MONICA WOLF
2nd Grand Vice President

DELLA CHENEY
Grand Secretary

JOHANNA DYBDAHL
Grand Treasurer

CECILIA TAVOLIERO
Grand Sergeant-at-Arms

Dear Senator Therriault;

The Grand Camps of the Alaska Native Brotherhood and the Alaska Native Sisterhood (ANB-ANS), appeal to the Alaska Legislature to enact appropriate legislation that serve to avoid repetition of Hate Crimes in Alaska, because of race, color, age, sex, physical condition, or national origin. A hate crime measure is now before the Senate State Affairs Committee of which you serve as Chairman.

EXECUTIVE COMMITTEE

STELLA MARTIN
Grand President Emeritus

The Legislation should and can enact appropriate Hate Crime legislation that would serve as deterrent to any future acts, as those actions that gave rise to the hate crime issue coming before the lawmakers, and the Alaska public.

EVELYN HOTCH
Grand Treasurer Emeritus

ANNA ZUBOFF PETERSON
MARTHA BRADLEY
GERTRUDE WOLFE
MARY JONES
BARBARA LEWIS
JOHANNA HOTCH
EMMA G. WIDMARK
ETHEL LUND
CAROL JORGENSEN
SELINA EVERSON
MARY E. GUTHRIE
MILLIE BERRY STEVENS
KIMBERLEY STRONG

The ANB-ANS calls upon the Alaska Legislature to enact appropriate legislation prior to adjournment of the first session of the twenty second legislature that will serve as public notice that the Legislature will not tolerate actions that violate an Alaskans right to live in harmony as has been described in the Hate Crime Act. The pain-ball acts that has been shown on TV news nation wide; the killing of six Alaska native women by an apparent serial killer; the University of Alaska; a professional official derogatory remarks against Alaska natives; and many other actions in Alaska larger communities that occur.

The State of Alaska administration should heed to investigate and prosecute perpetrators to justice —on behalf of the victims and the families. There is the strong possibility that all the crimes could be averted – had the State of Alaska appropriated laws to counter any such acts. That, Mr. Chairman is our plea in this communication.

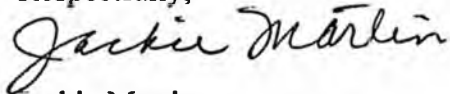
With enactment of public laws that forbid hate crimes, it would serve to avert any act(s) that violate an Alaskan's Civil Rights.

The ANB-ANS holds that we Alaskans can and should live in harmony. Since the day the ANB was organized in the year 1912, that has been one of our goals. We strongly believe that Alaskans can live in harmony and fully enjoy all of the attributes of the Great State of Alaska and is now the essence of our endeavors, in humbly asking our legislators to take actions that would let the public know that the acts of yesterdays hate crime, will not be tolerated from the year 2001 AD

It is the ANB-ANS hope and prayer that the 22nd Alaska Legislature enacts appropriate hate crime statutes that are enforceable, for our Children, Grandchildren's sake.

The ANB-ANS is prepared to assist the State of Alaska in this regard.

Respectfully,

A handwritten signature in cursive script that reads "Jackie Martin".

Jackie Martin

ANS Grand President

Who Rules America?

**You already know that the news and
entertainment media are biased.
Now you will find out why they're biased.**

Who Rules America?

by the research staff of National Vanguard Books

There is no greater power in the world today than that wielded by the manipulators of public opinion in America. No king or pope of old, no conquering general or high priest ever disposed of a power even remotely approaching that of the few dozen men who control America's mass news and entertainment media.

Their power is not distant and impersonal; it reaches into every home in America, and it works its will during nearly every waking hour. It is the power that shapes and molds the mind of virtually every citizen, young or old, rich or poor, simple or sophisticated.

The mass media form for us our image of the world and then tell us what to think about that image. Essentially everything we know—or *think* we know—about events outside our own neighborhood or circle of acquaintances comes to us via our daily newspaper, our weekly news magazine, our radio, or our television.

It is not just the heavy-handed suppression of certain news stories from our newspapers or the blatant propagandizing of history-distorting TV "docudramas" that characterizes the opinion-manipulating techniques of the media masters. They exercise both subtlety and thoroughness in their management of the news and the entertainment that they present to us.

For example, the way in which the news is covered: which items are emphasized and which are played down, the reporter's choice of words, tone of voice, and facial expressions; the wording of headlines; the choice of illustrations—all of these things subliminally and yet profoundly affect the way in which we interpret what we see or hear.

On top of this, of course, the columnists and editors remove any remaining doubt from our minds as to just what we are to think about it all. Employing carefully developed psychological techniques, they guide our thought and opinion so that we can be in tune with the "in" crowd, the "beautiful people," the "smart money." They let us know exactly what our attitudes should be toward various types of people and behavior by placing those people or that behavior in the context of a TV drama or situation comedy and having the other TV characters react to them in the Politically Correct way.

Molding American Minds

For example, a racially mixed couple will be respected, liked, and socially sought after by other characters, as will a "take charge" Black scholar or businessman, or a sensitive and talented homosexual, or a poor but honest and hardworking illegal alien from Mexico. On the other hand, a White racist—that is, any racially conscious White person who looks askance

at miscegenation or at the rapidly darkening racial situation in America—is portrayed, at best, as a despicable bigot who is reviled by the other characters, or, at worst, as a dangerous psychopath who is fascinated by firearms and is a menace to all law-abiding citizens. The White racist "gun nut," in fact, has become a familiar stereotype on TV shows.

The average American, of whose daily life TV-watching takes such an unhealthy portion, distinguishes between these fictional situations and reality only with difficulty, if at all. He responds to the televised actions, statements, and attitudes of TV actors much as he does to his own peers in real life. For all too many Americans the real world has been replaced by the false reality of the TV environment, and it is to this false reality that his urge to conform responds. Thus, when a TV scriptwriter expresses approval of some ideas and actions through the TV characters for whom he is writing, and disapproval of others, he exerts a powerful pressure on millions of viewers toward conformity with his own views.

And as it is with TV entertainment, so it is also with the news, whether televised or printed. The insidious thing about this form of thought control is that even when we realize that entertainment or news is biased, the media masters still are able to manipulate most of us. This is because they not only slant what they present, but they establish tacit boundaries and ground rules for the permissible spectrum of opinion.

As an example, consider the media treatment of Middle East news. Some editors or commentators are slavishly pro-Israel in their every utterance, while others seem nearly neutral. No one,

however, dares suggest that the U.S. government is backing the wrong side in the Arab-Jewish conflict and that it served Jewish interests rather than American interests to send U.S. forces to cripple Iraq, Israel's principal rival in the Middle East. Thus, a spectrum of permissible opinion, from pro-Israel to nearly neutral, is established.

Another example is the media treatment of racial issues in the United States. Some commentators seem almost dispassionate in reporting news of racial strife, while others are emotionally partisan—with the partisanship always on the non-White side. All of the media spokesmen without exception, however, take the position that "multiculturalism" and racial mixing are here to stay, and that they are good things.

Because there are differences in degree, however, most Americans fail to realize that they are being manipulated. Even the citizen who complains about "managed news" falls into the trap of thinking that because he is presented with an apparent spectrum of opinion he can escape the thought controllers' influence by believing the editor or commentator



Media Boss Michael Eisner: Television, films

of his choice. It's a "heads I win, tails you lose" situation. Every point on the permissible spectrum of public opinion is acceptable to the media masters—and no impermissible fact or viewpoint is allowed any exposure at all, if they can prevent it.

The control of the opinion-molding media is nearly monolithic. All of the controlled media—television, radio, newspapers, magazines, books, motion pictures—speak with a single voice, each reinforcing the other. Despite the appearance of variety, there is no real dissent, no alternative source of facts or ideas accessible to the great mass of people that might allow them to form opinions at odds with those of the media masters. They are presented with a single view of the world—a world in which every voice proclaims the equality of the races, the inerrant nature of the Jewish "Holocaust" tale, the wickedness of attempting to halt the flood of non-White aliens pouring across our borders, the danger of permitting citizens to keep and bear arms, the moral equivalence of all sexual orientations, and the desirability of a "pluralistic," cosmopolitan society rather than a homogeneous one. It is a view of the world designed by the media masters to suit their own ends—and the pressure to conform to that view is overwhelming. People adapt their opinions to it, vote in accord with it, and shape their lives to fit it.

And who are these all-powerful masters of the media? As we shall see, to a very large extent they are Jews. It isn't simply a matter of the media being controlled by "corporate interests." If that were the case, the ethnicity of the media masters would reflect, at least approximately, the ratio of rich Gentiles to rich Jews. The preponderance of Jews in the media is so overwhelming, however, that we are obliged to assume that it is due to more than mere happenstance.

Electronic News & Entertainment Media

Continuing government deregulation of the telecommunications industry has resulted, not in the touted increased competition, but rather in an accelerating wave of corporate mergers and acquisitions that have produced a handful of multi-billion-dollar media conglomerates. The largest of these conglomerates are rapidly growing even bigger by consuming their competition, almost tripling in size during the 1990s. Whenever you watch television, whether from a local broadcasting station or via a cable or a satellite dish; whenever you see a feature film in a theater or at home; whenever you listen to the radio or to recorded music; whenever you read a newspaper, book, or magazine—it is very likely that the information or entertainment you receive was produced and/or distributed by one of these megamedia companies.

The largest media conglomerate today is AOL, which bought out Time Warner for \$160 billion early in 2000. The merger brought together Steve Case, a White Gentile, as Chairman of the new AOL, and Gerald Levin, a Jew, as the CEO. Although AOL isn't (yet) run entirely by Jews, the effect of this blend of leadership between a White capitalist whose biggest concern is money and a racially conscious Jew will be

gradually to increase the Jewish influence within AOL. Steve Case won't complain when Gerald Levin begins hiring mostly Jews to fill key positions beneath him because Case's own profits won't be affected. After Case dies or retires, the Jews will have complete control at AOL.

Before the merger, AOL was the largest Internet service provider in America, and it will now be used as an online platform for the Jewish content from Time Warner.

Time Warner, Inc., with 1997 revenues of more than \$13 billion, was the second largest of the international media leviathans when it was bought by AOL. Levin, chairman and CEO of Time Warner, had bought Turner Broadcasting System in 1996 from Ted Turner, who had been one of the few Gentile entrepreneurs in the media business. Ted Turner as the company president, is the number three man at the new AOL, after Case and Levin.

When Ted Turner, the Gentile media maverick, made a bid to buy CBS in 1985, there was panic in media boardrooms across the nation. Turner had made a fortune in advertising and then had built a successful cable-TV news network, CNN, with over 70 million subscribers. Although Turner employed a number of Jews in key executive positions in CNN and had

never taken public positions contrary to Jewish interests, he is a man with a large ego and a strong personality and was regarded by Chairman William Paley and the other Jews at CBS as uncontrollable: a loose cannon who might at some time in the future turn against them. Furthermore, Jewish newsman Daniel Schorr, who had worked for Turner, publicly charged that his former boss held a personal dislike for Jews.

To block Turner's bid, CBS executives invited billionaire Jewish theater, hotel, insurance, and cigarette magnate Laurence Tisch to launch a "friendly" takeover of the company, and from 1986 until 1995 Tisch was the chairman and CEO of CBS, removing

any threat of non-Jewish influence there. Subsequent efforts by Turner to acquire a major network were obstructed by Levin's Time Warner, which owns nearly 20 percent of CBS stock and has veto power over major deals. When his fellow Jew Sumner Redstone offered to buy CBS for \$34.8 billion on September 7, 1999, Levin had no objection.

Thus, despite being an innovator and garnering headlines, Turner never commanded the "connections" necessary for being a true media master. He finally decided if you can't lick 'em, join 'em, and he sold out to Levin. Ted Turner is in one respect a reflection of Steve Case. Both of these White men are capitalists with no discernible degree of racial consciousness or responsibility.

Time Warner's subsidiary HBO is the country's largest pay-TV cable network. Until the purchase in May 1998 of PolyGram by Edgar Bronfman, Jr., Warner Music was America's largest record company, with 50 labels, the biggest of which is Warner Brothers Records. Warner Music was an early promoter of "gangsta rap." Through its involvement with Interscope Records (prior to Interscope's acquisition by MCA), it helped to popularize a genre whose graphic lyrics explicitly urge Blacks to commit acts of violence against Whites.



Media Boss Gerald Levin: Films, magazines, music

In addition to cable and music, Time Warner is heavily involved in the production of feature films (Warner Brothers Studio, Castle Rock Entertainment, and New Line Cinema) and in publishing. Time Warner's publishing division (editor-in-chief Norman Pearlstine, a Jew) is the largest magazine publisher in the country (*Time*, *Sports Illustrated*, *People*, *Fortune*).

AOL has absorbed Time Warner financially, but ideologically it is Time Warner that has infected AOL. Levin has lost none of his ability to pervert our culture. Steve Case certainly will not interfere with whatever plans Levin has in that respect, since money is what he cares about. If he can get richer by letting Levin promote anti-White music on the Internet while keeping White patriots out of AOL chatrooms, it's all the same to him.

The second-largest media conglomerate today, with 1997 revenues of \$23 billion, is the Walt Disney Company. Its chairman and CEO, Michael Eisner, is a Jew. The Disney empire, headed by a man described by one media analyst as "a control freak," includes several television production companies (Walt Disney Television, Touchstone Television, Buena Vista Television) and cable networks with more than 100 million subscribers altogether.

As for feature films, the Walt Disney Motion Pictures Group, under Walt Disney Studios, headed by Joseph E. Roth (also a Jew), includes Walt Disney Pictures, Touchstone Pictures, Hollywood Pictures, and Caravan Pictures. Roth founded Caravan Pictures in January 1993, and it is now headed by his fellow Jew Roger Birnbaum. Disney also owns Miramax Films, run by the Weinstein brothers, Bob and Harvey, who have produced such ultra-raunchy movies as *The Crying Game*, *Priest*, and *Kids*.

When the Disney Company was run by the Gentile Disney family, prior to its takeover by Eisner in 1984, it epitomized wholesome, family entertainment. While it still holds the rights to *Snow White*, the company under Eisner has expanded into the production of a great deal of so-called "adult" material.

In August 1995, Eisner acquired Capital Cities/ABC, Inc., which owns the ABC Television Network, which in turn owns ten TV stations outright in such big markets as New York, Chicago, Philadelphia, Los Angeles, San Francisco, and Houston. In addition, it has 225 affiliated stations in the United States and is part owner of several European TV companies.

ABC's cable subsidiary, ESPN, is headed by president and CEO Steven Bornstein, who is a Jew. The corporation also has a controlling share of Lifetime Television and A & E Television Networks cable companies, with 67 million subscribers each. ABC Radio Network owns 26 AM and FM stations, again in major cities such as New York, Washington, and Los Angeles, and has over 3,400 affiliates.

Although primarily a telecommunications company, Capital Cities/ABC earned over \$1 billion in publishing in 1997. It owns seven daily newspapers, Fairchild Publications (*Women's Wear Daily*), Chilton Publications (automotive manuals), and the Diversified Publishing Group.

Number three on the list, with 1997 revenues of just over

\$13 billion, is Viacom, Inc., headed by Sumner Redstone (born Murray Rothstein). Viacom, which produces and distributes TV programs for the three largest networks, owns 13 television stations and 12 radio stations. It produces feature films through Paramount Pictures, headed by Jewess Sherry Lansing. Redstone acquired CBS following the December 1999 stockholders' votes at CBS and Viacom.

Viacom's publishing division includes Simon & Schuster, Scribner, The Free Press, and Pocket Books. It distributes videos through over 4,000 Blockbuster stores. It is also involved in satellite broadcasting, theme parks, and video games.

Viacom's chief claim to fame, however, is as the world's largest provider of cable programming, through its Showtime, MTV, Nickelodeon, and other networks. Since 1989 MTV and Nickelodeon have acquired larger and larger shares of the juvenile television audience. Redstone, who actually owns 76 per cent of the shares of Viacom, until recently offered *Beavis and Butt-head* as teen role models and currently is the largest single purveyor of race-mixing propaganda to White teenagers and sub-teens in America and in Europe. MTV pumps its racially mixed rock and rap videos into 210 million homes in 71 countries and is the dominant cultural influence on White teenagers around the world.

Nickelodeon, with about 65 million subscribers, has by far the largest share of the four-to-11-year-old TV audience in America and also is expanding rapidly into Europe. Most of its shows do not yet display the blatant degeneracy that is MTV's trademark, but Redstone is gradually nudging the fare presented to his kiddie viewers toward the same poison purveyed by MTV.

The new boy on the megamedia block is Edgar Bronfman, Jr., president and CEO of Seagram Company, Ltd., the liquor giant. His father, Edgar Bronfman, Sr., is president of the World Jewish Congress. Seagram owns two large production companies, MCA and Universal Pictures (now merged under the name Universal Studios). Among its many other properties, MCA owns Interscope Records, the foremost promoter of "gangsta rap."

Bronfman became the biggest man in the record business in May 1998 when he also acquired control of PolyGram, the European record giant, by paying \$10.6 billion to the Dutch electronics manufacturer Philips. With the expected revenue from PolyGram added to that from MCA and Universal, Bronfman will have the fourth largest media empire, with annual revenues around \$12 billion. One especially unfortunate aspect of the PolyGram acquisition is that it gives Bronfman control of the world's largest producer of classical music CDs: PolyGram owns the Deutsche Grammophon, Decca-London, and Philips record companies.

With three of the top four media conglomerates in the hands of Jews, and with a Jew in executive charge of the remaining one, it is difficult to believe that such an overwhelming degree of control came about without a deliberate, concerted effort on their part.

What about the other big media companies?



Media Boss Sumner Redstone: TV, films, books

Rupert Murdoch's News Corporation, which owns Fox Television Network, 20th Century Fox Films, and Fox 2000, is the fifth largest megamedia corporation in the country, with 1997 revenues of over \$11 billion. It is the only other media company which comes even close to the top four. Murdoch is a Gentile Australian, but Peter Chernin, who is president and CEO of Fox Group, which includes all of News Corporation's film, television, and publishing operations in the United States, is a Jew. Under Chernin, as president of 20th Century Fox, is Laura Ziskin, a Jewess who formerly headed Fox 2000. Jew Peter Roth works under Chernin as president of Fox Entertainment. News Corporation also owns the *New York Post* and *Guide*, and they are published under Chernin's supervision. Murdoch told *Newsweek* magazine (July 12, 1999) that he would probably elevate Chernin to CEO of News Corporation, rather than allow the company to fall into the hands of his own children, none of whom are younger than their late twenties. It is hard to imagine a Jew giving a major media corporation to a Gentile underling when he has children waiting in the wings. For his part, Chernin was quite candid: "I get to control movies seen all over the world. . . . What could be more fun?"

Most of the television and movie production companies that are not owned by the largest corporations are also controlled by Jews. For example, New World Entertainment, proclaimed by one media analyst as "the premier independent TV program producer in the United States," is owned by Ronald Perelman, a Jew who also owns Revlon cosmetics and offered a job to Monica Lewinsky when Bill Clinton was trying to keep her quiet.

The best known of the smaller media companies, DreamWorks SKG, is a strictly kosher affair. DreamWorks was formed in 1994 amid great media hype by recording industry mogul David Geffen, former Disney Pictures chairman Jeffrey Katzenberg, and film director Steven Spielberg, all three of whom are Jews. The company produces movies, animated films, television programs, and recorded music. Considering the cash and connections that Geffen, Katzenberg, and Spielberg have, DreamWorks may soon be in the same league as the big four.

It is well known that Jews have controlled most of the production and distribution of films since shortly after the inception of the movie industry in the early decades of this century. When Walt Disney died in 1966, the last barrier to the total Jewish domination of Hollywood was gone, and Jews were able to grab ownership of the company that Walt built. Since then they have had everything their way in the movie industry.

Films produced by just the four largest motion picture companies mentioned above—Disney, Warner Brothers, Paramount (Viacom), and Universal (Seagram)—accounted for two-thirds of the total box-office receipts for the year 1997.

The big three in television network broadcasting used to be ABC, CBS, and NBC. With the consolidation of the media empires, these three are no longer independent entities. While they were independent, however, each was controlled by a Jew

since its inception: ABC by Leonard Goldenson; NBC first by David Sarnoff and then by his son Robert; and CBS first by William Paley and then by Laurence Tisch. Over periods of several decades these networks were staffed from top to bottom with Jews, and the essential Jewishness of network television did not change when the networks were absorbed by other corporations. The Jewish presence in television news remains particularly strong.

For example, the executive producers of two of the three main network news programs are Jews. The executive producer of ABC's *World News Tonight* with Peter Jennings is Paul Friedman. The executive producer of *NBC Nightly News* with Tom Brokaw is Neal Shapiro. Until recently, the executive producer of *CBS Evening News* with Dan Rather was Al Ortiz, also a Jew. However, Ortiz moved to head the CBS "Special Events" coverage in February 2000, leaving the *Evening News* to a Gentile named Jim Murphy. If you prefer *CBS This Morning News* instead, the executive producer is Al Berman, who also is a Jew. Or if you get your news from CNN, the boss there is Rick Kaplan, also a Jew.

The Print Media

After television news, daily newspapers are the most influential information medium in America. Sixty million of them are sold (and presumably read) each day. These millions are divided among some 1,600 different publications. One might conclude that the sheer number of different newspapers across America would provide a safeguard against minority control and distortion. Alas, such is not the case. There is less independence, less competition, and much less representation of majority interests than a casual observer would think.

The days when most cities and even towns had several independently owned newspapers published by local people with close ties to the community are gone. Most of them were bought out or driven out of business by the mid-1970s. Today most "local" newspapers are owned by a rather

small number of large companies controlled by executives who live and work hundreds or even thousands of miles away. The fact is that only about 20 percent of the country's 1,600 papers are independently owned; the rest belong to multi-newspaper chains. Only 104 of the total number have circulations of more than 100,000. Only a handful are large enough to maintain independent reporting staffs outside their own communities; the rest must depend on these few for all of their national and international news.

In only 47 cities in America are there more than one daily newspaper, and competition is frequently nominal even among them, as between morning and afternoon editions under the same ownership. Examples of this are the Huntsville, Alabama, morning *News* and afternoon *Times*; the Birmingham, Alabama, morning *Post Herald* and afternoon *News*; the Mobile, Alabama, morning *Register* and afternoon *Press*; the Springfield, Massachusetts, morning *Union*, afternoon *News*, and Sunday-only *Republican*; the Syracuse, New York, morning *Post-Standard* and afternoon *Herald-*



Media Boss Samuel Newhouse:
Newspapers, magazines

Journal—all owned by the Jewish Newhouse brothers through their holding company, Advance Publications.

The Newhouse media empire provides an example of more than the lack of real competition among America's daily newspapers: it also illustrates the insatiable appetite Jews have shown for all the organs of opinion control on which they could fasten their grip. The Newhouses own 26 daily newspapers, including several large and important ones, such as the *Cleveland Plain Dealer*, the *Newark Star-Ledger*, and the *New Orleans Times-Picayune*; Newhouse Broadcasting, consisting of 12 television broadcasting stations and 87 cable-TV systems, including some of the country's largest cable networks; the Sunday supplement *Parade*, with a circulation of more than 22 million copies per week; some two dozen major magazines, including the *New Yorker*, *Vogue*, *Mademoiselle*, *Glamour*, *Vanity Fair*, *Bride's*, *Gentlemen's Quarterly*, *Self*, *House & Garden*, and all the other magazines of the wholly owned Conde Nast group.

This Jewish media empire was founded by the late Samuel Newhouse, an immigrant from Russia. When he died in 1979 at the age of 84, he bequeathed media holdings worth an estimated \$1.3 billion to his two sons, Samuel and Donald. With a number of further acquisitions, the net worth of Advance Publications has grown to more than \$8 billion today.

The gobbling up of so many newspapers by the Newhouse family was in large degree made possible by the fact that newspapers are not supported by their subscribers, but by their advertisers. It is advertising revenue—not the small change collected from a newspaper's readers—that largely pays the editor's salary and yields the owner's profit.

Whenever the large advertisers in a city choose to favor one newspaper over another with their business, the favored newspaper will flourish while its competitor dies. Since the beginning of this century, when Jewish mercantile power in America became a dominant economic force, there has been a steady rise in the number of American newspapers in Jewish hands, accompanied by a steady decline in the number of competing Gentile newspapers—primarily as a result of selective advertising policies by Jewish merchants.

Furthermore, even those newspapers still under Gentile ownership and management are so thoroughly dependent upon Jewish advertising revenue that their editorial and news reporting policies are largely constrained by Jewish likes and dislikes. It holds true in the newspaper business as elsewhere that he who pays the piper calls the tune.

Three Jewish Newspapers

The suppression of competition and the establishment of local monopolies on the dissemination of news and opinion have characterized the rise of Jewish control over America's newspapers. The resulting ability of the Jews to use the press as an unopposed instrument of Jewish policy could hardly be better illustrated than by the examples of the nation's three

most prestigious and influential newspapers: the *New York Times*, the *Wall Street Journal*, and the *Washington Post*. These three, dominating America's financial and political capitals, are the newspapers that set the trends and the guidelines for nearly all the others. They are the ones that decide what is news and what isn't, at the national and international levels. They originate the news; the others merely copy it. And all three newspapers are in Jewish hands.

The *New York Times*, with a September 1998 circulation of 1,067,000, is the unofficial social, fashion, entertainment, political, and cultural guide of the nation. It tells America's "smart set" which books to buy and which films to see; which opinions are in style at the moment; which politicians, educators, spiritual leaders, artists, and businessmen are the real comers. And for a few decades in the 19th century it was a genuinely American newspaper.

The *New York Times* was founded in 1851 by two Gentiles, Henry J. Raymond and George Jones. After their deaths, it was purchased in 1896 from Jones's estate by a wealthy Jewish publisher, Adolph Ochs. His great-great-grandson, Arthur Sulzberger, Jr., is the paper's current publisher and the chairman of the New York Times Co. The executive editor is Joseph Lelyveld, also a Jew (he is a rabbi's son).

The Sulzberger family also owns, through the New York Times Co., 33 other newspapers, including the *Boston Globe*, purchased in June 1993 for \$1.1 billion; twelve magazines, including *McCall's* and *Family Circle* with circulations of more than 5 million each; seven radio and TV broadcasting stations; a cable-TV system; and three book publishing companies. The New York Times News Service transmits news stories, features, and photographs from the *New York Times* by wire to 506 other newspapers, news agencies, and magazines.

Of similar national importance is the *Washington Post*, which, by establishing its "leaks" throughout government agencies in Washington, has an inside track on news involving the Federal government.

The *Washington Post*, like the *New York Times*, had a non-Jewish origin. It was established in 1877 by Stilson Hutchins, purchased from him in 1905 by John R. McLean, and later inherited by Edward B. McLean. In June 1933, however, at the height of the Great Depression, the newspaper was forced into bankruptcy. It was purchased at a bankruptcy auction by Eugene Meyer, a Jewish financier and former partner of the infamous Bernard Baruch, industry czar in America during the First World War.

The *Washington Post* is now run by Katherine Meyer Graham, Eugene Meyer's daughter. She is the principal stockholder and the board chairman of the Washington Post Co. In 1979 she appointed her son Donald publisher of the paper. He now also holds the posts of president and CEO of the Washington Post Co. The newspaper has a daily circulation of 810,000, and its Sunday edition sells 1.1 million copies.

The Washington Post Co. has a number of other media holdings in newspapers (The Gazette Newspapers, including



Media Boss Edgar Bronfman: TV, films, music

11 military publications), in television (WDIV in Detroit, KPRC in Houston, WPLG in Miami, WKMG in Orlando, KSAT in San Antonio, WJXT in Jacksonville), and in magazines, most notably the nation's number-two weekly newsmagazine, *Newsweek*. The Washington Post's various television ventures reach a total of about 7 million homes, and its cable TV service, Cable One, has 635,000 subscribers.

In a joint venture with the *New York Times*, the *Post* publishes the *International Herald Tribune*, the most widely distributed English language daily in the world.

The *Wall Street Journal*, which sells 1.8 million copies each weekday, is the nation's largest-circulation daily newspaper. It is owned by Dow Jones & Company, Inc., a New York corporation that also publishes 24 other daily newspapers and the weekly financial tabloid *Barron's*, among other things. The chairman and CEO of Dow Jones is Peter R. Kann, who is a Jew. Kann also holds the posts of chairman and publisher of the *Wall Street Journal*.

Most of New York's other major newspapers are in no better hands than the *New York Times* and the *Wall Street Journal*. In January 1993 the *New York Daily News* was bought from the estate of the late Jewish media mogul Robert Maxwell (born Ludvik Hoch) by Jewish real-estate developer Mortimer B. Zuckerman. The *Village Voice* is the personal property of Leonard Stern, the billionaire Jewish owner of the Hartz Mountain pet supply firm. And, as mentioned above, the *New York Post* is owned by News Corporation under the Jew Peter Chernin.

News Magazines

The story is pretty much the same for other media as it is for television, radio, films, music, and newspapers. Consider, for example, newsmagazines. There are only three of any importance published in the United States: *Time*, *Newsweek*, and *U.S. News & World Report*.

Time, with a weekly circulation of 4.1 million, is published by a subsidiary of Time Warner Communications, the new media conglomerate formed by the 1989 merger of Time, Inc., with Warner Communications. The CEO of Time Warner Communications, as mentioned above, is Gerald Levin, a Jew.

Newsweek, as mentioned above, is published by the Washington Post Company, under the Jewess Katherine Meyer Graham. Its weekly circulation is 3.2 million.

U.S. News & World Report, with a weekly circulation of 2.3 million, is owned and published by the aforementioned Mortimer B. Zuckerman, who also has taken the position of editor-in-chief of the magazine for himself. Zuckerman also owns the *Atlantic Monthly* and New York's tabloid newspaper, the *Daily News*, which is the sixth-largest paper in the country.

Our Responsibility

Those are the facts of media control in America. Anyone willing to spend a few hours in a large library looking into current editions of yearbooks on the radio and television industries and into directories of newspapers and magazines; into registers of corporations and their officers, such as those

published by Standard and Poors and by Dun and Bradstreet; and into standard biographical reference works can verify their accuracy. They are undeniable, and when confronted with them Jewish spokesmen customarily will use evasive tactics. "Ted Turner isn't a Jew!" they will announce triumphantly, as if that settled the issue. If pressed further they will accuse the confronter of "anti-Semitism" for even raising the subject. It is fear of this accusation that keeps many persons who know the facts silent.

But we must not remain silent on this most important of issues! The Jewish control of the American mass media is the single most important fact of life, not just in America, but in the whole world today. There is nothing—plague, famine, economic collapse, even nuclear war—more dangerous to the future of our people.

Jewish media control determines the foreign policy of the United States and permits Jewish interests rather than American interests to decide questions of war and peace. Without Jewish media control, there would have been no Persian Gulf war, for example. There would have been no NATO massacre of Serb civilians. There would be no continued beating of the drums for another war against Iraq.

By permitting the Jews to control our news and entertainment media we are doing more than merely giving them a decisive influence on our political system and virtual control of our government; we also are giving them control of the minds and souls of our children, whose attitudes and ideas are shaped more by Jewish television and Jewish films than by parents, schools, or any other influence.

The Jew-controlled entertainment media have taken the lead in persuading a whole generation that homosexuality is a normal and acceptable way of life; that there is nothing at all wrong with White women dating or marrying Black men, or with White men marrying Asian women; that all races are inherently equal in ability and character—except that the character of the White race is suspect because of a history of oppressing other races; and that any effort by Whites at racial self-preservation is reprehensible.

We must oppose the further spreading of this poison among our people, and we must break the power of those who are spreading it. It would be intolerable for such power to be in the hands of *any* alien minority, with values and interests different from our own. But to permit the Jews, with their 3,000-year history of nation-wrecking, from ancient Egypt to Russia, to hold such power over us is tantamount to race suicide. Indeed, the fact that so many White Americans today are so filled with a sense of racial guilt and self-hatred that they actively seek the death of their own race is a *deliberate* consequence of Jewish media control.

Once we have absorbed and understood the fact of Jewish media control, it is our inescapable responsibility to do *whatever is necessary* to break that control. We must shrink from *nothing* in combating this evil power which has fastened its deadly grip on our people and is injecting its lethal poison into their minds and souls. If we fail to destroy it, it certainly will destroy our race.

Let us begin now to acquire knowledge and to take action toward this necessary end.

Owners, managers, and corporate relationships change from time to time, of course. All of the names and other data in this report have been checked carefully and are accurate as of June 2000.

Who Rules America? is published by National Vanguard Books, the educational arm of the National Alliance. The National Alliance is a voluntary organization of patriotic men and women whose concern for the future of their race has united them into a growing force for raising the racial consciousness of their fellow Americans of European descent, educating them, and providing an opportunity for them to begin living and working for a better future. The National Alliance distributes this pamphlet and many other printed, audio, and video educational materials to the public; produces a weekly radio program, **American Dissident Voices**, which is heard worldwide on shortwave and in a number of areas in the United States on independent AM stations; and uses every other available means to reach the public with its message of hope and progress.

An essential element of the National Alliance's message is contained in the pamphlet you have just read: We European-Americans can pull ourselves up from the gutter of moral depravity and "multiculturalism" only after we have regained control of our news and entertainment media. There are many other elements in our message, however:

- We must halt the flow of Third World immigrants across our borders, and we must take whatever other steps are necessary to reclaim our cities from the hordes of non-Whites who have invaded them during the past 50 years.
- We must build a new government, based on racial principles and answerable only to White Americans, which provides real leadership instead of pandering to every racial minority, organized perversion, and special interest.
- We must build a new moral and ideological foundation for American society, free of the degeneracy, hypocrisy, and multi-racial madness that prevail today, having been propagated primarily by the controlled mass media.
- We must strive for a new order in which every citizen prides himself on his mental, moral, and physical fitness—no more "victim politics"—and on his service to his people; and we must have an educational system that instills these values in every young person.

If you'd like to learn more about the National Alliance and its program for a better America, use the coupon below to request our National Alliance information pamphlet, which has information on becoming a member. Whether you join our organization or not, you can help us distribute **Who Rules America?** to your friends, neighbors, and coworkers. Please order as many as you can today!

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