

JUSTICE NOT POLITICS ALASKA



Dec. 8, 2015

Dear Legislator:

Each of us has served as Alaska Attorney General. Having seen our judiciary system up close, we are deeply concerned by recent efforts to amend the Alaska Constitution in a way that would introduce politics into the selection of Alaska's judges. We oppose Senate Joint Resolution 3, presently pending before the Senate, because it would weaken one of the best judicial selection and retention systems in America. We have been asked by Justice Not Politics Alaska, an Alaskan non-profit formed to defend Alaska's merit selection system for judges, to set out our reasons for opposing SJR 3.

We served Republican and Democratic governors who came from all segments of the political spectrum. But we agree that our Constitutional framers got it right when they created a merit selection system that ensures that only the most qualified judicial applicants — the “tallest timber” — will be nominated for the governor to consider appointing to the bench.

The Alaska Constitution first requires the Judicial Council to send only the very best candidates to the governor, then provides for the governor to make the appointment from among those nominated by the council, and finally it gives the voters the final decision in retention elections. In this way our system finely balances all of the interests in having the best possible judiciary. And it has worked well: Almost uniquely among the states, Alaska's judiciary has been free of the taint of corruption and scandal that has plagued so many other state judiciaries.

The Alaska Constitution's Judiciary Article has served the state well and should not be amended. Please reject SJR 3.

Sincerely,

John E. Havelock
1970-1973
Appointing Governor: Egan

Avrum M. Gross
1974-1980
Appointing Governor: Hammond

Harold M. Brown
1985-1986
Appointing Governor: Sheffield

Douglas B. Baily
1989-1990
Appointing Governor: Cowper

Charles E. Cole
1991-1994
Appointing Governor: Hickel

Bruce M. Botelho
1994-2002
Appointing Governors: Hickel, Knowles

Gregg D. Renkes
2002-2005
Appointing Governor: Murkowski

David W. Marquez
2005-2006
Appointing Governor: Murkowski

John J. Burns
2010-2012
Appointing Governor: Parnell

Michael C. Geraghty
2012-2014
Appointing Governor: Parnell