

JUSTICE NOT POLITICS ALASKA

A LEGACY OF JUSTICE FOR ALL

FIVE REASONS TO PRESERVE THE ALASKA CONSTITUTION'S JUDICIARY ARTICLE

The Alaska Constitution's Judiciary Article has given our state one of the most competent and accountable judiciaries in the world. Under its provisions, the independent Alaska Judicial Council evaluates applicants for judgeships and nominates the most highly qualified applicants to the Governor, who makes the final appointment. The council includes six citizen volunteers - three non-attorney members chosen by the Governor and three attorney members selected by the Board of Governors of the Alaska Bar Association. The Chief Justice of the Alaska Supreme Court is the seventh member of the council, chairs the council and only votes in rare instances, for example, to break ties. This system has functioned well for over half a century, but resolutions have been considered in the Alaska Legislature over the past three years which would increase the role of politics in judicial selection. We believe such changes represent bad public policy and should be opposed for the reasons below.

- 1. KEEP POLITICS OUT OF ALASKA'S COURTROOMS.** Efforts to amend Alaska's Constitution to increase the number of political appointees on the Alaska Judicial Council and require legislative approval of all appointees will politicize the judicial decision-making process. Judges take an oath to make decisions based on the law and the facts alone, not outside influences. Alaskans who come to court deserve to be treated with fairness and impartiality, on a level playing field. Allowing politics to dominate the process of selecting and retaining judges introduces political bias and unfairly tilts the field, undermining the promise of equal justice that all Alaskans - whatever their political views - have a right to expect.
- 2. PRESERVE THE SEPARATION OF POWERS.** The Judicial Branch is a co-equal arm of government that is tasked with the administration of justice. Allowing the Governor to appoint a majority of council members and the legislature to approve all members gives the Executive and Legislative Branches undue influence over the Judicial Branch, undermines the checks and balances that form the foundation of our democracy, and ignores the vital importance of judicial independence to a free society.
- 3. PROTECT MERIT SELECTION OF JUDGES.** Delegates to Alaska's Constitutional Convention wanted to insulate the third branch of government - the Judicial Branch - from political influences, and to adopt a method for judicial selection and retention based on merit, not political allegiance or affiliation. Merit selection focuses on judicial qualifications such as legal ability, integrity, temperament, and diligence, and is considered the best way to choose the best judges. Allowing the Alaska Judicial Council to be dominated by political appointees and effectively shaped by the legislature would dilute the role of merit and open the door for inappropriate political considerations in the council's evaluations.
- 4. ENSURE A NON-PARTISAN JUDICIAL SELECTION & RETENTION PROCESS.** The political pendulum swings regularly, but justice should be steady. Recognizing that the Judicial Branch is often called upon to safeguard rights and freedoms that may be controversial or unpopular, our founders sought to insulate judicial selection and retention from political partisanship. Allowing a majority of appointments to the Alaska Judicial Council to be made in a partisan manner and subjecting them to a politicized approval process undermines trust and confidence in our justice system as the one branch of government where citizens are promised neutral ground.
- 5. FOSTER CONTINUED EXCELLENCE IN ALASKA'S JUDICIARY.** Alaskans have been served by judges of the highest caliber since Statehood. For over 50 years, our system of judicial selection and retention has ensured that only the most capable, hardworking, fair and impartial candidates for judgeships are elevated to the bench. Our Constitution's Judiciary Article has served Alaskans well, and is not broken. To the contrary, it is responsible for one of our founders' greatest and most lasting legacies: a judiciary that gives meaning to the promise of justice for all.

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