

Statement of Support for Justice Susan Carney

We are former Attorneys General of the State of Alaska. We served Republican, Democratic, and Alaska Independence party governors. We were appointed by Governors Egan, Sheffield, Cowper, Hickel, Knowles, Parnell, and Walker. Our service stretches back over 50 years.

We support the retention of Justice Susan Carney on the Supreme Court of Alaska. Justice Carney has served the people of this state with distinction, and clearly deserves to be retained in office. Her ratings in the Judicial Council poll of all the state's practicing attorneys are among the highest ever received by any judicial officer. These ratings represent the high quality of her work.

We have read the criticisms of Justice Carney's work propounded by a group that is opposing her retention. They involve three cases, among the several hundred she has decided during her time on the bench, and each criticism grossly misstates what happened in the case:

In *John Doe v. Department of Public Safety*, the Supreme Court **upheld** Alaska's sex offender registration law as constitutional and **denied** the sex offender's claim that the law did not apply to him. It also ruled that any offender seeking removal from registration would have to prove, after rehabilitation, that he no longer posed a danger.

In *State of Alaska v. Planned Parenthood of the Great Northwest*, the Alaska Supreme Court held that a state law that provided full funding for hospital services to a poor pregnant woman who wished to deliver, but denied funding to a poor pregnant woman who desired to end her pregnancy, violated Alaska's Constitution's guarantee of equal protection of the law. The Alaska Constitution requires the state to treat people equally who are similarly situated. Here, because two different pregnant women of limited financial means were treated differently by the law, equal protection was violated. The decision of the Alaska Supreme Court simply enforced this important constitutional principle.

In *Wielechowski v. State*, the Court ruled that, in accordance with the Alaska Constitution, appropriations to the dividend program, like all other appropriations, are subject to the governor's veto. Contrary to the anti-Carney campaign claims, no member of the Court "ratif[ied] the governor's decision to [reduce] the PFD". The Court merely determined that the Constitution gave the governor the power to exercise his veto. Because the legislature did not override it, the veto stood.

Justice Carney's retention has been unanimously recommended by the Alaska Judicial Council, the citizen agency created by the Constitution to nominate persons to the governor for appointment to the bench, and tasked by the Legislature to review judicial performance each election year and make recommendations on retention to Alaska's voters. The Judicial Council has polled all the attorneys in the state as well as court employees, reviewed performance records for all judges, held public hearings, and interviewed the judges standing for retention. We agree with the Council's unanimous recommendation that Justice Carney be retained in her position as Justice of the Alaska Supreme Court.

John Havelock

Attorney General 1970-73
Appointed by Governor Bill Egan

Harold M. Brown

Attorney General 1985-86
Appointed by Gov. Bill Sheffield

Douglas B. Baily

Attorney General 1989-90
Appointed by Governor Steve Cowper

Bruce Botelho

Attorney General, 1993-2002
Appointed by Gov. Hickel, reappointed by Gov. Tony Knowles

John J. Burns

Attorney General, 2010-12
Appointed by Governor Sean Parnell

Michael C. Geraghty

Attorney General, 2012-14
Appointed by Governor Sean Parnell

Jahna Lindemuth

Attorney General, 2016-18
Appointed by Governor Bill Walker