

July 9, 2019

The Honorable Bryce Edgmon  
Speaker of the House  
State Capitol, Room 208  
Juneau, AK 99801-1182

The Honorable Cathy Giessel  
President of the Senate  
State Capitol, Room 111  
Juneau, AK 99801-1182

The Honorable Steve Thompson  
House Majority Leader  
State Capitol, Room 204  
Juneau, AK 99801-1182

The Honorable Lyman Hoffman  
Senate Majority Leader  
State Capitol, Room 508  
Juneau, AK 99801-1182

The Honorable Lance Pruitt  
House Minority Leader  
State Capitol, Room 404  
Juneau, AK 99801-1182

The Honorable Tom Begich  
Senate Minority Leader  
State Capitol, Room 11  
Juneau, AK 99801-1182

Dear Speaker Edgmon, Representative Thompson, Representative Pruitt, President Giessel, Senator Hoffman, and Senator Begich:

We are Alaskan women lawyers writing to ask that you vote to override Governor Dunleavy's veto of Alaska Court System funds.

The Governor candidly admitted that he vetoed this allocation in retaliation for the Alaska Supreme Court's substantive decisions. Withholding court system funding in an attempt to control judicial decisions is a stunning attack on the separation of powers, which is crucial to our democracy.

Judicial independence and separation of powers are bedrock principles of our form of government. More than 200 years ago, in *Marbury v. Madison*, the United States Supreme Court established the principle of judicial review and defined the boundaries between the executive and judicial branches of the government. *Marbury* held that if a statute conflicts with the Constitution, the Constitution is supreme, and the courts may invalidate the unconstitutional law. This doctrine is a cornerstone of our entire constitutional system. Indeed, the Federalist Papers, the foundation of modern American conservatism, advocated for "the complete independence of the courts." Without an independent judiciary, whose duty it was to declare all acts contrary to the constitution void, all constitutional rights and privileges would be meaningless.

These principles are no less fundamental to Alaska's democracy. The Alaska Constitution vests specific powers in each branch of government and contains even stronger protections against governmental overreach than its federal counterpart. The

judicial branch has not only the power, but also the duty, to strike down legislation that violates the Alaska Constitution. The Framers of Alaska’s constitution recognized that the separation of powers doctrine protects the electorate from tyranny; for this reason, delegates to the Alaska Constitutional Convention insisted that Alaska judges remain independent and free from executive branch pressure.

Flouting these principles of Alaska’s very democratic structure, Governor Dunleavy is attempting to control Alaska judges by tying Court System funding to his personal agreement with judicial opinions. The Governor vetoed a portion of the Appellate Court’s operating budget because he disagrees with the Alaska Supreme Court’s holding that the Alaska Medicaid program must apply the same definition of “medically necessary” to women on Medicaid who seek abortions as to women seeking care to continue a pregnancy. To do otherwise would discriminate against women for exercising their fundamental rights protected by the Alaska Constitution. The Governor explained that he was vetoing the court’s funding because “[t]he Legislative and Executive Branch are opposed to State funded elective abortions; the only branch of government that insists on State funded elective abortions is the Supreme Court.” The Governor’s veto was not motivated by cost savings. Most abortions cost the Medicaid program \$650 to \$750, while a typical uncomplicated hospital delivery costs Medicaid approximately \$12,000.

Whatever your personal view about abortion funding, this is a shocking attack on the separation of powers and judicial independence that cannot stand. The Governor’s intent is clear: to punish the judiciary for its interpretation of the Alaska Constitution. But interpreting the constitution is precisely the job of the courts, and the courts alone. When the government violates individual constitutional rights, the courts are bound by duty to act. The Governor’s veto therefore is an attempt to impermissibly control, coerce, and restrain the judiciary from exercising its independent judgment. This action violates the foundational principles of our government, it violates the separation of powers doctrine inherent in the Alaska Constitution, and it erodes our democracy in fundamental, structural ways. Allowing this veto to stand would set a precedent that will diminish all our rights by subjecting them to gubernatorial veto—now, and in future administrations. And not only are a woman’s most basic fundamental rights threatened, but all rights that Alaskans across the political spectrum hold dear, like gun ownership and religious freedom.

Please vote to override this veto and restore the separation of powers and the independence of Alaska’s judiciary.

Sincerely,\*

Stephanie Aicher  
Anna Ambrose  
Marie Anders  
Joy Anderson

Saritha Anjilvel  
Danielle Bailey  
Elizabeth Bakalar  
Nora Barlow

Karen Bendler  
Margret Bergerud  
Maude Blair  
Corrie Bosman

Suzanne Bostrom  
Ruth Botstein  
Teresa Bowen  
Chrystal Brand  
Lacey Jane Brewster  
Brook Brisson  
Heather Brown  
Jessica Brown  
Gayle Brown  
Valerie Brown  
Julie Bryant  
Mary Bullis  
Traci Bunkers  
Deborah Burlinski  
Rhonda Butterfield  
Joanna Cahoon  
Casey Carruth-Hinchey  
Siena Caruso  
Sarah Carver  
Rachel Cella  
Shelley Chaffin  
Joan Clover  
Emily Cooper  
Ann Courtney  
Krissell Crandall  
Anna Crary  
Beverly Cutler  
Louann Cutler  
Carol Daniel  
Valerie Davidson  
Michelle Delappe  
Erin Dougherty Lynch  
Margaret Dowling  
Heidi Drygas  
Erin Egan  
Amanda Eklund  
Monica Elkinton  
Monique Eniero  
Susan Evans  
Susan Falk  
Julie Fields  
Lea Filippi  
Lisa Fitzpatrick

Elizabeth Fleming  
Maryann Foley  
Alexandra Foote-Jones  
Elizabeth Friedman  
Gayle Garrigues  
Brittany Goodnight  
Jessica Graham  
Emma Haddix  
Helena Hall  
Hollis Handler  
Amanda Harber  
Stephanie Harrod  
Leone Hatch  
Sara Heideman  
Carolyn Heyman  
Leslie Hiebert  
Lindsay Hobson  
Lee Holen  
Carole Holley  
Selena Hopkins-Kendall  
Kay Howard  
Karla Huntington  
Saraellen Hutchison  
Melanie Iverson  
Kaufman  
Dena Ivey  
Leslie Jaehning  
Kelly Jantunen  
Monica Jenicek  
Maresa Jenson  
Lee Jones  
Sarah Josephson  
Erika Kahill  
Olena Kalytiak Davis  
Kathy Keck  
Pamela Kelley  
Meghan Kelly  
Marion Kelly  
Kirsten Kinegak-Friday  
Cortney Kitchen  
Marna Kranenburg  
Elizabeth Leduc  
Grace Lee

Jahna Lindemuth  
Becky Lipson  
Toni London  
Susan R. Longacre  
Emily Maass  
Amy Mackenzie  
Mary Lynn Macsalka  
Mera Matthews  
Byrona Maule  
Kelly McHugh  
Margaret McLane  
Shantal McNeil  
Amy R. Menard  
Allison Mendel  
Marissa Merculieff  
Michelle Meshke  
Julia Metzger  
Donna Meyers  
Kristina Miller  
Lara Nations  
Michelle Nesbett  
Amy Newman  
Lannette Nickens  
Rebecca Noblin  
Linda O'Bannon  
Judith O'Kelley  
Deborah O'Regan  
Katelyn Oldham  
Susan Orlansky  
Christine Pate  
Rebecca Patterson  
Elizabeth Pederson  
Janet Platt  
Helen Poitra-Chalmers  
Danee Pontious  
Tasha Porcello  
Bridget Psarianos  
Jody Reausaw  
Dawn Reed-Slaten  
Janine Reep  
Susan Reeves  
Deborah Reichard  
Janet Rice

Elizaveta Ristroph  
Catherine Rogers  
Renea Saade  
Sohaila Sagheb  
Megan Sandone  
Sarah Schirack  
Sarah Shine  
Caitlin Shortell  
Sharon Sigmon  
Natasha Singh  
Michelle Sinnott  
Moirra Smith  
Elizabeth Smith  
Katy Soden  
Lauren Sommer  
Andrena Stone

Allison Strickland  
Katherine Strong  
Cynthia Strout  
Ashley Sundquist  
Robin Taylor  
Camille Taylor  
Lane Tucker  
Sarah Tugman  
Diane Vallentine  
Jennifer Wagner  
Nancy Wainwright  
Stacy Walker  
Diane Walsh  
Kelsey Webber  
Cristina Weidner-Tafs  
Lisa Weissler

Jana Weltzin  
Tara Wheatland  
Sandra Wicks  
Denise Wike  
Diana Wildland  
Jessica Willoughby  
Jill Wittenbrader  
Emily Wright

\* A significant number of additional women lawyers expressed private support, but did not sign out of concern for retribution.

cc: Members of the Alaska House of Representatives  
Members of the Alaska State Senate  
Office of the Governor