

# Unseemly

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Added by Editor <sup>[1]</sup> on November 1, 2012.

Saved under Editorial <sup>[2]</sup>

Pardon us for noticing, but it is dreadfully wrong – on its face – for the Alaska Judicial Council, a constitutionally mandated, state-funded, quasi-state agency, to be using public funds to campaign for retention of Superior Court Judge Sen K. Tan in Tuesday’s election.

Tan, because of what is seen by many as leftist judicial activism, is under attack by Alaska Family Action, a socially conservative group.

Tan, appointed in 1996 by then-Gov. Tony Knowles, is one of 26 judges on Tuesday’s ballot for a retention vote. He is the presiding judge of the Third Judicial District.

He has drawn fire for overruling parental consent for abortions and upheld public funding for abortions for low-income women. He is facing, as all Alaska’s judges must, an up-or-down retention vote.

The Anchorage Daily News reports “He is one of the state’s top-rated judges, according to surveys by the Alaska Judicial Council. Social workers and child advocates rated him a perfect 5.0 overall, which is rare. . . . Attorneys rate him 4.5, court employees, 4.7, and police and probation officers, 4.0.”

The Judicial Council is a seven-member non-partisan panel that screens and nominates candidates for judgeships, evaluates the performance of judges and studies the judicial system. Three attorneys, three public members and the Supreme Court chief justice sit on the panel.

That’s it. That’s its job. In an election cycle, the council evaluates judges and recommends whether they should be retained. In our view, it should stop

there. There is a vast and distinct difference between informing and campaigning. Taking out ads in defense of a judge goes much too far.

We believe the Judicial Council, indeed, serves a valuable function, but undertaking what amounts to a political ad campaign to save a judge is simply beyond the pale. We can only wonder what supporters of such shenanigans would think if the Department of Administration used public funds to back a candidate for the state Senate. What is the difference?

Yes, yes, we know the council has done this before and won a lawsuit over it and won an Alaska Public Offices Commission ruling in a challenge to the advertising.

None of that makes it right. It is wrong. Make no mistake. Public agencies receiving public money should stay out of politics. Period.

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