

EDWARDS FOR JUDGE OPPOSED

Opinion on Stevens Village Affair Cited by Several State Lawyers

By JACQUELINE GLASGOW
Staff Writer

FAIRBANKS — The possible nomination of G. Kent Edwards for the U.S. District Court judge's seat now open in Anchorage has brought objections from members of the Alaska State Bar Association and raised the ghost of the 1970 Stevens Village lawsuit.

A vocal group of attorneys meeting in Fairbanks for the Bar convention expressed grave doubts about Edwards' nomination to Senator Ted Stevens, citing lack of trial experience for Alaska's 32 year old U.S. Attorney.

Others revived memories of Edwards' intervention in the Stevens Village lawsuit in the spring of 1970.

As the Attorney General for the State of Alaska, Edwards' actions in that instance raised serious questions of professional ethics. These were investigated by the State Legislature and subsequently referred to the Ethics Committee of the Alaska Bar Association.

Sen. Stevens last week assured the lawyers that he would make no attempt to dictate the District Court selection, although in many instances that privilege is given to the senior senator.

Instead, Stevens said he would submit a list of three names to the U.S. Justice Department and he urged all those interested in the post to make their interest known.

Several attorneys' names are being mentioned as possibilities, along with Judge Victor Carlson of Juneau and Judge Art Robson of Fairbanks.

There are only two District Court judges for the state of Alaska and should Edwards be appointed, he could conceivably serve 30 years on the federal bench.

Before he could be appointed, however, Stevens indicated that a poll may be taken of the American Bar Association as well as the Alaska State Bar. In that case, the Ethics Opinion issued on the Stevens Village case may well stand between Edwards and the district judiciary.

In 1970, the people of Stevens Village had filed suit in federal court to withdraw waivers they had earlier granted to allow TAPS (Trans-Alaska Pipeline System) to construct a haul road across lands on which they had filed aboriginal land rights.

The waivers were granted on promises by TAPS that the native people of the area would be given preferential treatment in hiring and that a native owned company, DNH Corporation, would be allowed to bid on contracts in connection with the construction of the road and the pipeline.

The suit charged that the promises by TAPS were not kept and that DNH was not even placed on the mailing list for potential bidders. DNH then requested that Alaska Legal Services act on behalf of the village (designated as stockholders in DNH) in filing suit.

Congressman Don Young,

(Continued on page 6)

Kent Edwards Opposed

(Continued from page 1)

then a representative in the State House, called for a judiciary subcommittee to investigate Alaska Legal Services' right to bring a lawsuit on behalf of the village.

In an overzealous investigation, a member of Edwards' Attorney General's office went into the community of Stevens Village without first notifying or communicating with Alaska Legal Service attorneys.

The controversy stirred up headlines reaching all the way to Washington, D.C. and eventually the State Legislature turned the investigation over to the Ethics Committee of the Alaska Bar Association who rendered a low keyed and little publicized opinion in late 1971.

Citing Canon 9 of the professional ethics, the Bar found that "the Department of Law of the State of Alaska [under G. Kent Edwards] acted in an improper manner."

"A lawyer should not in any

way communicate upon the subject of controversy with a party represented by counsel," states the canon.

The Ethics Opinion added that "it is somewhat reprehensible that the agent of the Department of Law did not explain the implications of their statements to the governing body" (presumably the village council), and could find no justification for the violation of the canon of ethics, not even in the fact that the Department of Law had been asked to undertake the investigation by a State legislator.

There was no indication in the Ethics Report that Alaska Legal Services was guilty of any breach of professional ethics and after the initial confusion caused by the intervention of the Attorney General, the village council passed a resolution confirming that ALSC would continue as their counsel.