

Bush senators wait their turn during special session

by **Laury Roberts Scandling**
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John Sackett and Frank Ferguson have just had to wait their turn. The experienced senators from rural Alaska, accustomed to their own political potency, have been precluded from exercising their usual power by the committee in charge of the impeachment hearings.

"It's set up so the (rules committee) leadership has control," said Ferguson, a Kotzebue Democrat. "That's their prerogative. We'll get equal access on the floor of the senate."

Ferguson, a 14-year veteran of the Legislature, left his family's fish camp below Noorvik to come to Juneau for the impeachment

proceedings. The 20-member Senate, under the direction of the Rules Committee, convened July 22 to decide whether to draw up charges against Gov. Bill Sheffield. Only Native lawmakers—including Ferguson, Sackett, and Representatives Adelheid Herrmann of Naknek, and Al Adams of Kotzebue—opposed the special session.

A grand jury suggested that the Legislature consider the governor's role in a since-cancelled lease for state office space in a Fairbanks building owned in small part by a Sheffield fundraiser. While the jury castigated the governor for his lack of candor and called him "unfit" for office, no indictments were handed down.

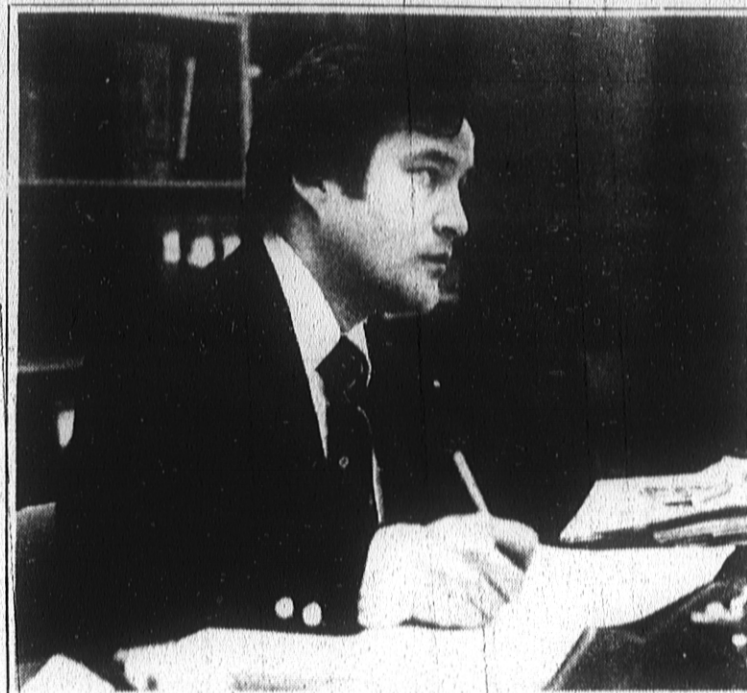
Senate president Don Bennett, a Fairbanks Republican, assigned the impeachment hearings to the Rules Committee based on a precedent set three years ago when the Senate considered expulsion of former senator George Hohman of Bethel, who had been convicted of bribery. The committee, chaired by Republican Tim Kelly of Eagle River, has controlled nearly every aspect of the proceedings.

Sackett, Republican from Ruby, who has served in the Legislature 17 years, did not return phone calls from the *Tundra Times*. He told the *Anchorage Daily News*: "I was never consulted at all on how this whole procedure was set up. I have been here long enough to know that how things are set up leads to the people who set it up getting what they desire." Kelly has already denied several "desires" of Sackett and Ferguson.

"You can't request anything unless it goes through the committee," said Ferguson. "I don't think it should be that way." Sackett and Ferguson have launched a fusillade of requests—most of which have been deflected by the committee, leaving the big fight for the Senate floor.

Specifically, they have asked the committee to review how state prosecutors pursued the investigation and whether the grand jury exceeded its authority in making public its 69-page report, released under a Superior Court order. Sackett even engaged a private attorney who supported his challenge of the jury's purview.

Kelly denied the request. Ferguson and Sackett also ask-



State Senator John Sackett.

Tundra Times photo

ed that additional witnesses be subpoenaed: the state prosecutor, the special prosecutor, the grand jury foreman, the former attorney general, and three former governors.

Kelly denied the request.

The two senators have also introduced into the record a number of documents—such as the *Grand Jury Procedural Handbook*, legal opinions, law review articles, and various memos—which bolster their position on the jury conduct.

And, in an effort to enlarge the arena of power, Ferguson asked that the hearings immediately be moved to the Senate floor. The request was rejected. "I shopped around with Democrats and Republicans," said Bennett, who

sits on Rules. "There was no support at all for Frank's request. There are 20 seats (in the hearing room). Everyone has access."

But, in fact, senators "outside the Rules" will have to wait until the committee recommendation reaches the floor before they can fully flex their well-toned political muscle.

Said Kodiak Democrat Fred Zharoff—who supports the contingent of his Native colleagues—"There could be a long confrontation on the Senate floor."

"I know some senators are saving their more interesting topics of conversation for the floor," said Kelly.



State Senator Frank Ferguson.

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