

EXHIBIT A



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My Turn: First Amendment champion battles on behalf of Alaskans

Alaska Press Club to honor McKay for his efforts on Saturday

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By SUSAN B. ANDREWS and JOHN CREED

While visiting Anchorage in 1981, a British high official was picketed by a boisterous Irish woman holding a sign that read: "British Feast While Irish Fast and Die."

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Anchorage police arrested her. In those days, D. John McKay hadn't yet become Alaska's vaunted First Amendment lawyer. Nevertheless, he quickly got the case dismissed, explaining to authorities that the woman's arrest was a clear free-speech violation.

"They agreed with me that this was a case they were going to lose," McKay said earlier this month, clearly enjoying the memory. "Actually, I was looking forward to a trial on that one."

Most of McKay's cases never do reach the courts. That suits him. He thinks violations of free expression often work better when sparking community debate, not litigation.

Either way, McKay, 56, has been guarding some of Alaskans' most cherished liberties since 1978. He believes our First Amendment freedoms of speech, assembly, petition, religion and press require constant vigilance. He likens his job to weeding a garden.

"Every season is a new season with new people with short memories," he said.

McKay's media work receives periodic references in the news, but like a doctor on call, he's there when a judge wants to lock a courtroom door, or public officials refuse to hand over a record they don't want the public to see, or a government isn't treating all its citizens fairly.

For example, once when a former Anchorage mayor excluded some charitable organizations he didn't like from the annual United Way drive, McKay sued. And won.

The next year the same mayor tried to rewrite regulations to bar similar groups once again. McKay's first line in his legal brief: "He's baaaaaaaaaack."

The mayor lost once again.

McKay's many legal victories include a unanimous Alaska Supreme Court decision about the people's right to know the details of legal-settlement payments after a public institution such as a school district gets sued.

McKay's fingerprints are all over Alaska's open meetings and open records law and its interpretation, be that testifying at hearings, arguing in court, leading open-government workshops, publishing open-government handbooks, or offering legal advice to a reporter, an elected official or just an average citizen.

He's taught communication law at the University of Alaska Anchorage since 1984. He has helped train Russian journalists. He has defended educators punished for exercising their free speech rights. And on and on.

Alaskans pride themselves in speaking their mind, if not always respectfully, and we really do enjoy more free speech here. It's not an illusion.

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"Our libel laws allow greater latitude than most states for debate on public policy issues," McKay said. "We have a long tradition of Supreme Court rulings giving breathing room on free speech to both public officials and individual citizens."

Even when working on behalf of a big media organization such as the Anchorage Daily News, Wall Street Journal or Los Angeles Times, McKay still sees himself fighting for the little guy. That's because he considers transparent government a basic democratic right.

Though McKay is funny, friendly and fairly laid back, those disarming traits mask a driven man.

"He's been tireless and passionate about all the First Amendment values, giving unstintingly for more than 30 years," said Howard Weaver, former editor in chief of the Anchorage Daily News and now vice president for news at The McClatchy Co.

Weaver called on McKay regularly while editing the Daily News and before that in the late 1970s when Weaver ran the Alaska Advocate, a now-defunct weekly paper that happily exploited McKay's propensity for prying open public records.

McKay assisted the Advocate pro bono, a fancy term for free. To this day, much of McKay's legal advice flows freely to Alaskans.

"More than anybody I've ever known, John can honestly say, 'It's not the money, it's the principle of the thing' - and truly mean it," Weaver wrote in a recent testimonial.

McKay's dogged dedication has won him the Alaska Press Club's first-ever First Amendment Award, which he will receive at the group's annual awards banquet on Saturday evening at the Anchorage Hilton.

- Susan Andrews and John Creed are humanities professors at Chukchi College, the Kotzebue branch of the University of Alaska. Creed is an Alaska Press Club board member.

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Profiler References for: MCKAY, D. JOHN

Profiler References

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- 2 TITLE: ELI LILLY & CO., Movant-Appellee, v. James B. GOTTSTEIN, Respondent-Appellant, Vera Sharav, Alliance For Human Research Protection, John Doe, David S. Egilman, Laura Ziegler, Mindfreedom International, Judi Chamberlin, Robert Whitaker, Terri Gottstein, Jerry Winchester, Dr. Peter Breggin, Dr. Grace Jackson, Dr. David Cohen, Bruce Whittington, Dr. Stephen Kruszewski, Will Hall, David Oaks and Eric Whalen, Respondents., 2009 WL 8237672, (Appellate Brief) (2nd Cir. December 16, 2009) **Reply Brief for Respondent-Appellant** (NO. 07-1107-CV)
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