



Written by [Raven Clabough](#) on November 2, 2010

## Murkowski's Camp Attempts to Stop Freedom of Speech

A local Alaska radio host recently discovered that freedom of speech does in fact have limitations. Dan Fagan of KQFD, angered by Alaska incumbent Senator Lisa Murkowski's decision to launch a write-in campaign after her defeat in the Alaskan GOP primaries by Tea Party favorite Joe Miller, allowed his radio show to become a platform for anti-Murkowski rhetoric.



Fagan dubbed Murkowski a sore loser for her decision to mount a write-in campaign and spoke out against her unreasonable expectations, such as urging the Alaska election board to accept entries like Lisa and Lisa M. in the write-in. When those requests were rejected, Murkowski then convinced the Alaska Division of Elections to give out lists of write-in candidates.

Such a request should have been rejected, as it violates 50 years of Alaskan law. However, the Alaska court system overturned state regulation forbidding allowing any information about write-in candidates at the polling place or within 200 feet of its entrance to appease Lisa Murkowski. The lists can be shown to voters who request them, but candidates party affiliation must be removed, ruled the high court.

Fagan, angered by Murkowski's political clout, decided to use the ruling in the favor of conservatives. On Fagan's radio program, he encouraged his listeners to register as official write-in candidates to make the write-in list as long as possible so that Murkowski's name is lost among the others.

On Thursday's show, Fagan said: Why, all of a sudden this year, are we handing out a list of write-in candidates? I'll tell you why, because Lisa Murkowski is a powerful person. We're going to get as many people to register as a write-in candidate as we can. That way when you get this list that they're handing out, there's going to be a gazillion names on there.

Fagan, clearly frustrated, continued: I'm tired of letting the government break the law day after day after day. We sit around and do nothing. This is an honorable thing to do. If the government says it's going to assist Lisa Murkowski legally, we are going to make it as hard as possible to do that.

Fagan apparently has some influence, as hundreds of his fans took his advice just hours before the deadline to file as write-in candidates. The list now holds well over 200 names, some of which are quite close to Lisa Murkowski's, like Lisa M. and a few Polish-sounding names that also end in ski.

Similar ploys were encouraged by Dan Reihl at Andrew Breitbart's *Big Government* as well, which were then promoted by Conservatives for Palin.

Nevertheless, Murkowski's campaign camp immediately responded to the massive influx of write-ins by calling for Dan Fagan's termination. John Tracy of Bradley Reid and Associates, a firm working for the Murkowski campaign, contacted KQFD shortly after Thursday's show. According to Murkowski's camp,



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Fagan is guilty of illegal electioneering.

In a statement, Tracy remarked, I believe Mr. Fagan used the public airwaves to manipulate an election in favor of his preferred candidate by offering prizes to listeners who would go to the Division of Elections and file as write-ins. Mr. Fagan's expressed purpose was to disenfranchise as many voters of Lisa Murkowski as possible.

Fox News Megyn Kelly, a legal analyst and former lawyer, explains that under Alaska law, electioneering very simply stops you from meddling at the voting box trying to persuade people too near the polls from voting one way or another. According to Kelly, while Fagan's campaign may be unethical, it does not seem to be illegal.

Fagan contends that the decision by Alaska's high court is in fact electioneering on behalf of the state, in that it rewards candidates who failed to win a spot on the ballot in the primary elections.

Sarah Palin has weighed in on the controversy on her Facebook page: Does all this sound heavy handed? It is. It is an interference with Dan Fagan's constitutional right to free speech. It is also a shocking indictment against Lisa Murkowski. How low will she go to hold onto power? First, she gets the Division of Elections to change its write-in process a process that Judge Pfiffner correctly determined had been in place without change for 50 years. She is accepting financial support from federal contractors, an act that is highly questionable and now pending before the FEC. And today, she played her last card. She made it clear that if you disagree with her and encourage others to exercise their civic rights, shell take you off the air.

Ironically, though Fagan was an ardent supporter of Palin during her 2006 gubernatorial run, he was a staunch critic of Sarah Palin during her governorship in Alaska. Nevertheless, Palin clearly felt that Fagan was wronged and did not hesitate to make a statement.

After being temporarily suspended on Friday, public outcry for Fagans on-air return prompted the radio station to put Fagan's show back on the air on Monday. However, Fagan continues to remain unapologetic for his actions: I think what I did was right. I think what we did, the 200 people that went down and registered, was we tried to thwart the cheating thats being permitted by the state of Alaska on behalf of Lisa Murkowski. I stand by it. Id do it again and I think it was not a mistake in the least.

In fact, Fagan contends that he wishes he would have launched his idea sooner, so that the write-in list would have thousands of names instead of just a few hundred.

Murkowski's camp has not made any indication that they would be interested in pursuing legal action against the station.

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