



Recall for Dummies:

Description

Alaska Recall Madness

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Mike Dunleavy spoke to Alaskans in Eagle River during his campaign for governor.

Children

often must be taught the disgrace of a sore loser. I have done it on the playground, helping the crying child know that losing is part of the fun of playing competitive sports. In most games somebody loses if somebody else wins!

Politics

is a competitive sport; active players win some and lose some.

Children

not taught about how to lose gracefully may grow into insufferable adults who may not even know that sore losing is a character flaw. Winning is everything for these fools, and to lose is to be defeated at a deep emotional level. We have all seen people who demonstrate behaviors—which alienate them from people they want to have happy coexistence with—simply because somebody else won a contest they lost.

During

the game, as victory slips away the sore loser may clam up and become petulant, but the worst happens after the game is over. Instead of congratulating the winner, they discredit an opponent who may have simply played a better game. They can never admit they aren't as good as they thought. The resulting sour attitude creates animosity toward the winner for winning instead of taking personal responsibility for losing.¹

Political

Sore Losers

As a political strategy sore losing is particularly small-minded. Nobody is elected forever (except maybe **Rep. Don Young!**) but our system is designed to allow voters to determine on a regular and predictable basis who will be making policy and passing budgets between elections. In the case of Rep. Young, for instance, over more than 40 years opponents have run against him every two years and lost. At the state level our constitutional government trusts voters to choose from candidates who argue in election campaigns for their vision and capability for Alaska, offering themselves as candidates for election.

Our

Alaska Constitution is very specific when it comes to elections:

Article

III, Section 2 Governor's Qualifications

The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.



Former Gov. Bill Walker and Lt. Gov. Byron Mallott once shook hands.

Under

terms of the Alaska Constitution candidates for governor who don't measure up once elected are replaced in four years. The most recent example of this fact was with one-term governor **Bill Walker** and **Byron Mallott**. Even some of their previously strident supporters didn't want to have to vote for them again in 2018. So, the Democrats ran **Mark Begich** in high hopes he would sweep into office after all of his previous accomplishments as Mayor of Anchorage and U.S. Senator.



Mark Begich, Anchorage School District Graduate

Begich

was their boy, and he lost fair and square: Of 442 Precincts in Alaska during the 2018 General Election, Republican Michael Dunleavy received 145,631 (53%) votes to Begich's 131,199 (46.50%) votes. The Libertarian candidate William S. "Billy" Toien received 5,402 votes (1.91%) and Bill Walker (who wasn't even on the ballot) received 5,757 (2.03%) of the votes. So even if all the other voters had selected Begich, the winner would still have been Dunleavy.²

Even with such a clean win, by August of 2019 the sore losers were already mounting a recall campaign because they disagreed with Dunleavy's policy and fiscal decisions. A sympathetic Alaska Court System could be counted on to help their effort because Dunleavy had vetoed nearly \$335,000 from the judiciary's budget over rulings allowing "elective" abortions.

This is their declared case against Gov. Dunleavy:

<https://recalldunleavy.org/>

Statement of Grounds: Neglect of Duties, Incompetence, and/or Lack of Fitness, for the following actions:

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Governor
Dunleavy **violated Alaska law** by refusing to appoint a judge to the Palmer Superior Court within 45 days of receiving nominations.

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Governor
Dunleavy **violated Alaska Law and the Constitution, and misused state funds** by unlawfully and without proper disclosure, authorizing and allowing the use of state funds for partisan purposes to purchase electronic advertisements and direct mailers making partisan statements about political opponents and supporters.

.
Governor
Dunleavy **violated separation-of-powers** by improperly using the line-item veto to: (a) attack the judiciary and the rule of law; and (b) preclude the legislature from upholding its constitutional Health, Education and Welfare responsibilities.

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Governor
Dunleavy **acted incompetently** when he **mistakenly vetoed** approximately \$18 million more than he told the legislature in official communications he intended to strike. Uncorrected, the error would cause the state to lose over \$40 million in additional federal Medicaid funds.

References: AS 22.10.100; Art. IX, sec. 6 of Alaska Constitution; AS 39.52; AS 15.13, including .050, .090, .135, and .145; Legislative Council (31-LS1006); ch.1-2, FSSLA19; OMB Change Record Detail (Appellate Courts, University, AHFC, Medicaid Services).

Here again the Alaska Constitution is specific:

Article XI Section 8 Recall

All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

The Alaska Legislature has prescribed grounds for recall of a governor in AS 15.45.470-720 as “lack of fitness, incompetence, neglect of duties, or corruption.”

In short, the threshold for proposing recall of a governor is very shallow and shallow people will use it as a means for accomplishing what they failed to accomplish in an election.

The Spoiled Brats



Allowing an elected official to do the job in a position they are elected to is no longer good enough for some sore losers. They are so invested in their former positions in the bureaucracy, certain causes, and loser candidates, that they throw temper-tantrums and attempt to mob the winner. The first time I observed this childish political dystopia was when I was living in Juneau in the early 1990s. Some Alaskans created a circus, by which **Walter Hickel** and **Jack Coghill** were declared unfit for office because some disagreed with their vision for the future of Alaska *after the election*.



Walter Hickel

Hickel had already been governor once and Coghill was a former senator. **Hickel** had a distinguished career as an Alaskan public servant but as Lt Governor the crusty Coghill was **Hickel's Achilles heel**.

In the November 6 election of 1990, Alaska Independent Party candidates **Hickel/Coghill** won 75,721 (38.8%) votes in a very contentious election. Democrats **Tony Knowles/Willie Hensley** had gained 60,201 (30.9%) for second place, and Republicans **Arliss Sturgulewski/Jim Campbell** received 50,991 (26.1%) votes for third place. Juneau's 21 precincts favored Sturgulewski/Campbell by totals of 5,031 to Knowles/Hensley 4,535, while Hickel/Coghill received 2,546 votes

there.³

Residents

of the capital city of Alaska simply did not consider the AIP candidate legitimately elected. I personally watched treatment of this administration by the community and local press coverage reflecting this bias.

Today Anchorage

Senator Sturgulewski is one of the Dunleavy Recall campaign co-chairs, along with Joseph E. Usibelli

Sr., Chairman of the Board, Usibelli Coal Mine, Inc., and Vic Fischer, former Democratic state senator, University of Alaska employee, and delegate to the 1955 Alaska Constitutional Convention

What a Tangled Web We Weave...

Martin

Nickerson was head of the Juneau recall effort. The campaign against the administration was rich in ridicule and indignation at every act by this administration, and after more than one year the recall effort leaders were incensed to have their recall effort blocked for “insufficient grounds for the action.” Nickerson is reported as saying the recall process in Alaska is complicated and too easily affected by the administration, which runs the state elections division.

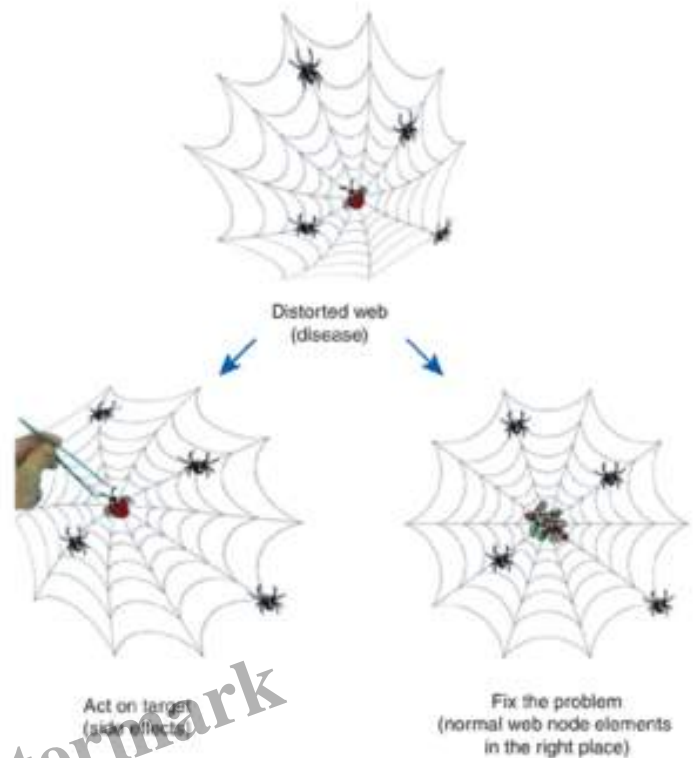
Another temper tantrum. Of course, Nickerson didn’t offer any suggestions as to who better to remove a duly elected official. This was all just theater of the absurd.

Again,
the Constitution: **Article III, Section 7.**

There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and may be delegated to him by the governor.

The primary purpose of the Lt. Governor is to provide a successor to the governor if that office becomes temporarily or permanently vacant, according to **Gordon Harrison** in “Alaska’s Constitution, a citizen’s guide.” His explanation of this section of the Constitution includes the duties prescribed to the Lt. governor by the legislature as being to “administer state election laws, appoint notaries public, serve as custodian of the state seal, and perform certain ministerial duties relating to the promulgation of regulations under the Administrative Procedure Act.”

So, if you are serious about recalling the governor, it stands to reason you must also recall the Lt governor. That is what the Hickel recall effort endeavored to do which the Dunleavy recall has not done.





Volunteers gather voter signatures in Anchorage, Alaska on Aug. 1, 2019 in an effort to oust Gov. Mike Dunleavy. (Photo courtesy of Anna Bondarenko)

The Hickel/Coghill Recall Circus

Former state Attorney General **Hal Brown**, was hired as special counsel to look at all the evidence and advise state elections director **Charlot Thickstun** about whether the petitions to recall Hickel/Coghill complied with state law. Brown was paid \$10,000 for his review and she had been former Chief of Staff for Coghill. When Brown advised Thickstun to deny the recall petitions plenty of Juneau lawyers disagreed, declaring his findings just another effort by the administration to stop the recall process.

**Here
the story gets interesting.**

Those recall petitions charged Hickel/Coghill with being unfit for office, incompetent and of using his office to intimidate those who challenged their nominations and elections. In a page one **Juneau Empire** story August 25, 1992 the committee also alleged that Hickel had neglected his duties as governor:

Brown's opinion said the recall movement did not set out enough specifics to judge whether any of the grounds were true. For instance, the petition said Hickel's unfitness was "demonstrated by lapses of memory and publicly admitted mistakes which far exceed the normal bounds of sound judgment."

Brown wrote: "How many lapses of memory were involved and when did they occur?...How many lapses of memory or publicly admitted mistakes does it take to exceed the 'normal bounds of sound judgment?'"

The recall petitions also alleged as grounds for recall that Hickel used his office to promote a gas pipeline project in which he owned stock; that he was incompetent in his selection of state board and commission members; and was incompetent in settlement negotiations with Exxon Corporation over the 1989 Prince William Sound oil spill.⁴

The group submitted 20,000 signatures and waited a month for a decision that might require them to gather an additional 50,000 signatures to get on the ballot. What fun they were having!

In the same story Hickel's spokesman, **John Manly** replied to reporter inquiries about the special counsel's recommendation, saying the governor had maintained all along that the recall grounds were insufficient.

"Gov. Hickel hasn't done any of that stuff," Manly said. "You may not agree with his desire to build roads someplace, but that doesn't mean he's corrupt."

Hickel believed a road needed to be built to Juneau. That was an undeclared impeachable offense to many residents of our isolated capital.

Nickerson is quoted as threatening: "By the tens of thousands, the Alaska public has indicated an interest in voting on the recall process. I think the public is getting the top on their pressure cooker screwed down one more notch by this opinion."

Juneau Empire story readers could see the recall would likely require going to court, but the three ring circus moved to a new ring the next day, when the Coghill-appointed Elections Director, Thickstun certified the next step of the process to recall of her boss, Coghill, and Hickel anyway! She insisted that she should be able to hire out-of-state legal counsel to advise her on the legality of the recall petition. When the suits at the Department of Law said she couldn't do that, she issued her ultimatum in a memo to Attorney General **Charlie Cole**.⁵

Cole was not impressed, and instructed the elections director: "Brown's opinion represents the position of the state of Alaska, and accordingly you are expected to follow it." When she responded: "If they don't like what I've done, they should by all means use the opportunity to go back to court."

Deputy Attorney General **Bruce Botelho** said the Department of Law would indeed initiate an action in Superior Court, saying Thickstun's actions were the latest evolution of a feud between the lieutenant governor's office and the Law Department.⁶

Lt.

Gov. Coghill immediately issued a press release backing Thickstun. Some speculated in the *Empire* reports that Coghill believed he would survive a recall but Hickel might not, making Coghill the governor. He denied that conspiracy emphatically but the goal of those generating the recall effort had been accomplished by the Hickel Administration being tied up like Gulliver by many little people with petition clipboards.



Another former Alaska attorney general, **Edgar Paul Boyko** came to the defense of Coghill, arguing that Thickstun alone had authority to approve the petitions. A colorful guy known to many Alaskans, Boyko represented another recall distraction from the many accomplishments of the Hickel Administration.⁷

Ultimately a fatherly **Fairbanks Superior Court Judge Richard Savell** found September 14, 1993 that the incompetence claim could be held against Coghill for his admission he had never read Alaska election laws, and therefore the voters should have had the right to determine if he was incompetent. But by then the point was moot because the children had lost interest in this game and Hickel/Coghill finished their term.

**New
Recall, New Waste of Time**

Today

again the children are angry because they lost the election for governor after having to abandon perhaps the worst governor in Alaska history, Bill Walker, in his bid for re-election. They want a do-over.⁷

The Recall

Dunleavy brats know the state has a \$66 Billion Permanent Fund and they believe they should be able to spend it. Their governor started the process of denying Alaskans their statutory PFD payments by executive action and a legislature unable to cut budgets. As U.S. Senator their proposed replacement for Walker had left Anchorage in deep debt and was the 60th vote for Obamacare. They know Alaska spends more than it should have to for union public employees—including teachers who they believe should not have to be accountable for academic results. But, if Gov. Dunleavy is recalled, Lt. Gov. Kevin Meyers becomes governor.

Is it time the black robes at Alaska Courts become the adults in the room and end this madness? Another election is coming, you know.

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Category

1. Uncategorized

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