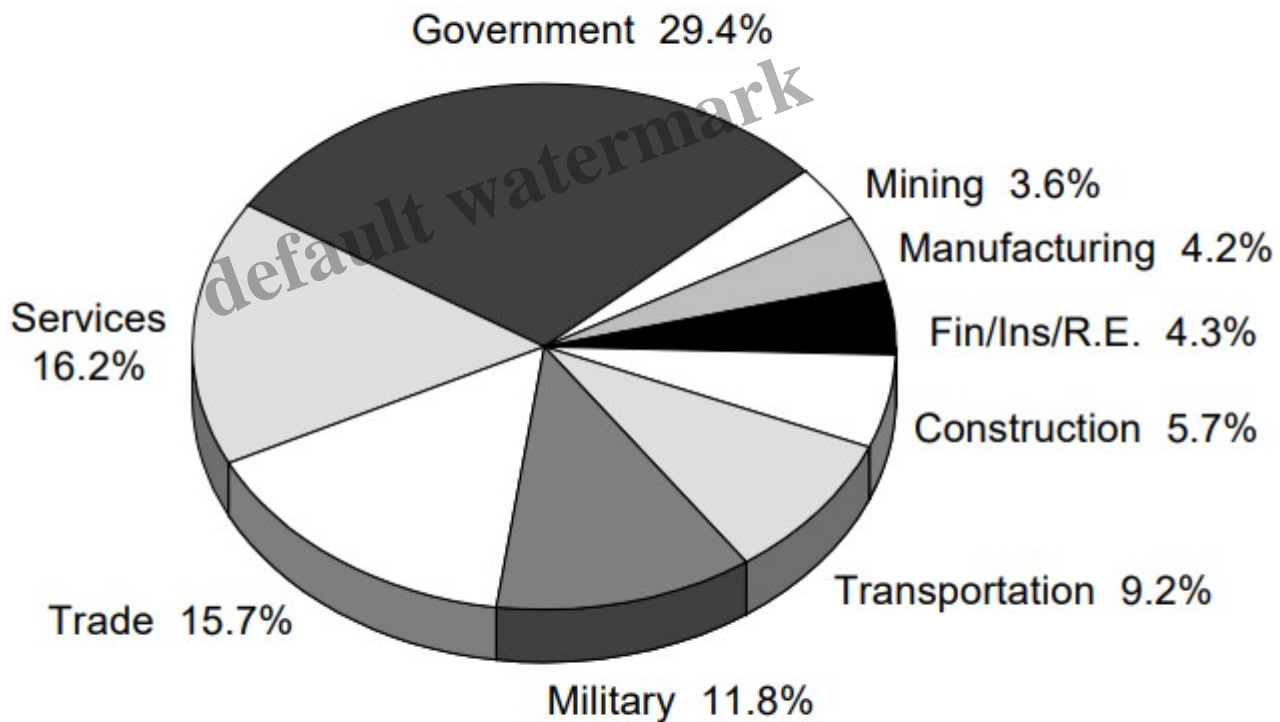


Let's Take Alaska Back!

Description

When Will Justice Prevail?

11 The Employment Pie 1980



Includes wage and salary employment and the military; excludes self-employed.

*Source: Alaska Department of Labor and Workforce Development,
Research and Analysis Section*

By 1980 government provided a third of all jobs in Alaska.[1]

Approximately 35 percent of American oil was from foreign sources in October of 1973 when the **Organization of Arab Petroleum Exporting Countries**

announced an oil embargo against the United States in retaliation for our country's support of Israel during the **Yom Kippur War**. Price of gasoline shot up, shortages were common, and President **Richard Nixon** made construction of the **Trans-Alaska Pipeline** part of the solution to this crisis. Under pressure from constituents, Congress created the **Trans-Alaska Pipeline Authorization Act** removing all legal barriers from construction and granted a right-of-way for a the 800-mile oil artery from Prudhoe Bay to the deep water port of Valdez.[2]

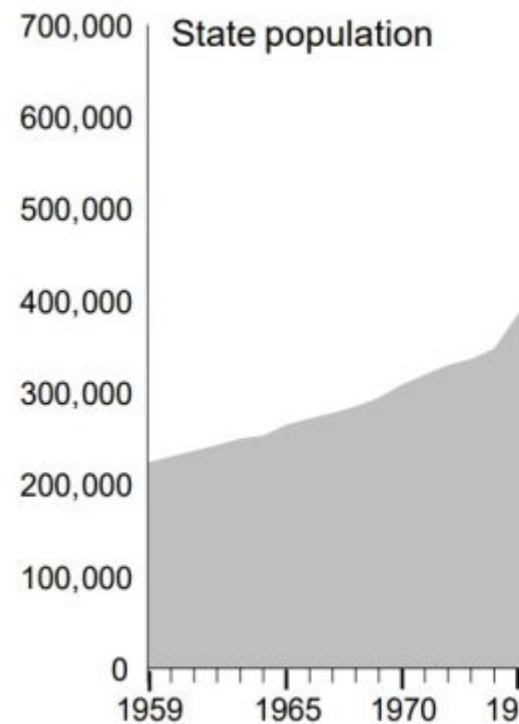
Thus began the **Great Alaska Oil Rush**, beginning with construction, and in 1977 the first supertanker left port Valdez with our bounty headed to the west coast. At that moment Alaskans were transformed from residents of a new state in the Arctic Climate Zone to blue-eyed Arabs with a constitutionally guaranteed ownership interest in the resources of Alaska. Some could argue we have been overwhelmed by petrodollars and hungry Chechakos ever since.

I have personally watched this in utter amazement. I now feel comfortable saying that we who are here for the long run must begin reclaiming the lifestyle and heritage we cherish—as many are leaving for warmer climes.

60s set the stage

When Alaska became a state in 1959, its economy was in decline. The 50s military buildup had passed and overall station strength had dropped to about 32,000 uniformed personnel. Although federal civilian employment was strong and the military gave impetus to economies in Fairbanks, Anchorage and other locations, Alaska's traditional economic staples faced hard times. Fisheries resources, particularly salmon, were threatened due to over-harvesting. Gold mining had fallen to a fraction of pre-war production.

Alaska's Population



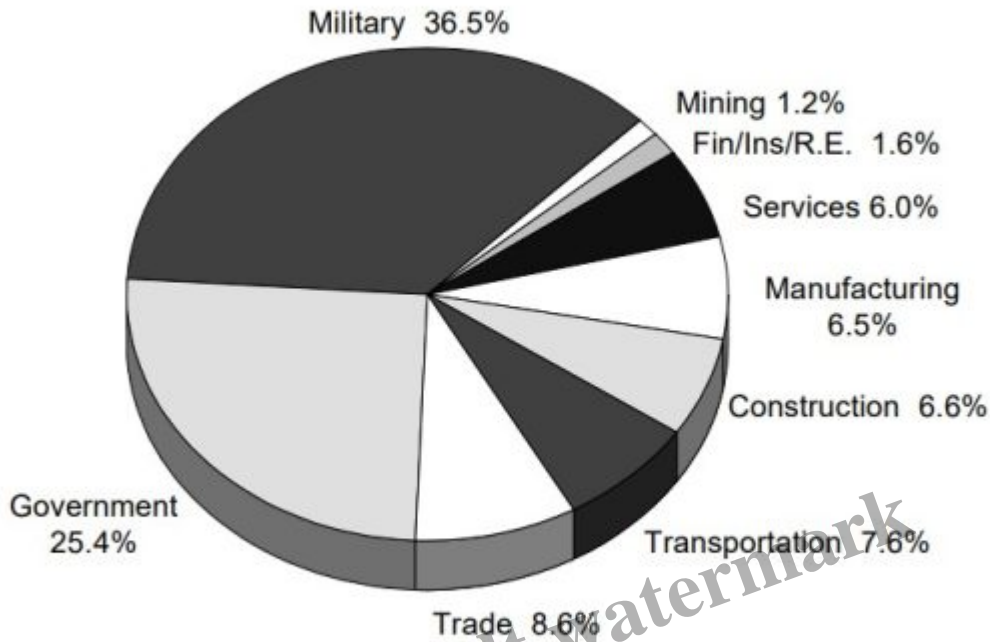
Source: Alaska Department of Labor, Research and Analysis Section, D

By 1970 Alaska had reached a population of 302,173 people, up from 228,000 in 1960. The Anchorage Census Division counted 126,385 people. Other population centers included Fairbanks

14,771, Juneau 6,050 (down from 6,797 in 1960), Kodiak 6,800, Ketchikan 4,904, Bethel 2,416, Nome 2,488, Barrow 2,104, Palmer 1,140, and Wasilla wasn't even a community yet.[3]

default watermark

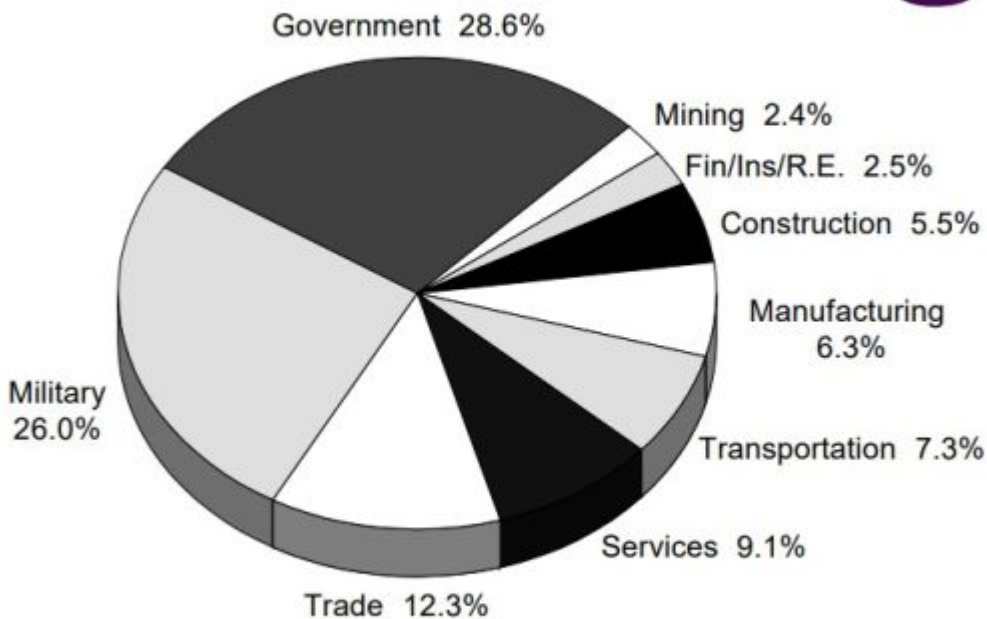
The Employment Pie 1960 **5**



Includes wage and salary employment and military; excludes the self-employed.

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

The Employment Pie 1970 **6**



Includes wage and salary employment and military; excludes the self-employed.

Because of high wages paid in the private sector during construction of the pipeline, the **State of Alaska** increased salaries and benefits to compete for qualified workers. A State job is a good job.

By 1980 Alaska's population reached 401,851 people. Anchorage area 174,431. Other population centers: Fairbanks, 22,645, Juneau, 19,528, Ketchikan 7,198, Kodiak 6,000, Kenai 4,326.04, Valdez 3,079, Petersburg 2,821, Soldotna 2,320, Nome 2,301, Wrangell 2,184, Kotzebue 2,054, and Wasilla was listed as having 1,559 residents.[4]

Employment in Alaska increased; in 1960 we had 56,900 non-agriculture jobs and experienced a 4.8 percent growth to 92,400 jobs by 1970. An annual average growth rate of 6.0 percent would see non-ag job growth to 171,000 by 1980. During those two decades government employment (federal-state-local) would grow from 22,700 to 35,600 to 54,900. By the end of 1999 government employment in Alaska would reach 73,300.

Everything done in every other sector of employment is regulated by an increasing government presence.

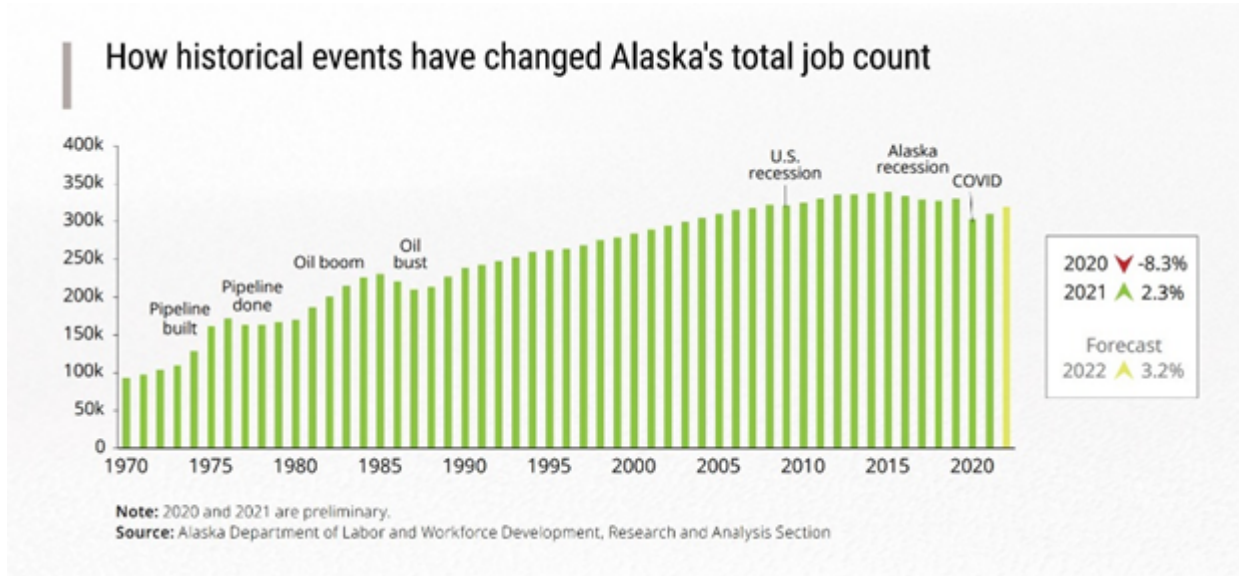
Employment by Industry Alaska 1960-1999 3

	1960	1970	Annual Avg. Growth Rate 1960-70	1980	Annual Avg. Growth Rate 1970-80	1990	Annual Avg. Growth Rate 1980-90	1999 ¹	Annual Avg. Growth Rate 1990-99	Annual Avg. Growth Rate 1960-99
Alaska	56,900	92,400	4.8%	171,100	6.0%	238,100	3.3%	275,600	1.5%	3.4%
Total Nonag. Wage and Salary	56,900	92,400	4.8%	171,100	6.0%	238,100	3.3%	275,600	1.5%	3.4%
Mining	1,100	3,000	9.3%	6,700	7.6%	11,500	5.3%	9,600	-1.8%	4.1%
Oil & Gas Extraction	400	2,700	14.8%	6,200	7.9%	10,300	5.0%	8,100	-2.4%	4.6%
Construction	5,900	6,900	1.6%	10,600	4.2%	10,500	-0.1%	13,200	2.3%	2.0%
Manufacturing	5,800	7,800	2.9%	14,000	5.7%	17,200	2.1%	14,500	-1.7%	2.2%
Logging, Lumber & Pulp	2,200	2,800	2.4%	3,500	2.2%	4,000	1.3%	1,500	-9.1%	-1.0%
Seafood Processing	2,800	3,700	2.8%	7,800	7.1%	9,500	2.0%	9,200	-0.3%	2.7%
Transportation/Comm/Utilities	6,800	9,100	2.9%	17,200	6.2%	20,600	1.8%	25,700	2.2%	3.0%
Trucking & Warehousing	900	1,700	6.2%	3,000	5.5%	2,400	-2.2%	2,900	1.9%	2.7%
Water Transportation	1,500	800	-6.1%	1,400	5.5%	1,400	0.0%	1,900	3.0%	0.6%
Air Transportation	2,000	3,000	4.0%	5,200	5.4%	6,900	2.8%	9,200	2.9%	3.3%
Communications & Utilities	1,800	2,700	4.0%	7,600	9.5%	5,700	-2.9%	7,100	2.2%	3.1%
Trade	7,700	15,300	6.6%	29,400	6.3%	46,000	4.4%	57,000	2.1%	3.9%
Wholesale Trade	1,400	3,200	7.8%	5,500	5.3%	8,100	3.8%	9,000	1.1%	3.7%
Retail Trade	6,300	12,100	6.3%	23,800	6.5%	37,900	4.6%	48,000	2.4%	3.9%
Gen. Merchandise and Apparel	1,700	3,400	6.7%	4,300	2.3%	5,900	3.1%	9,300	4.5%	3.5%
Food Stores	900	1,700	6.2%	3,700	7.4%	6,600	5.6%	7,100	0.7%	4.0%
Eating and Drinking Places	1,700	2,800	4.9%	8,000	9.6%	13,200	4.9%	16,300	2.1%	4.2%
Finance, Insurance & Real Estate	1,400	3,100	7.6%	8,100	8.9%	10,300	2.4%	12,700	2.1%	4.1%
Services & Misc.	5,400	11,400	7.1%	30,200	9.0%	50,900	5.1%	69,300	3.1%	4.4%
Hotels & Lodging Places	600	1,400	8.0%	3,300	8.1%	5,500	5.0%	6,700	2.0%	4.3%
Business Services	500	2,000	12.0%	5,100	8.7%	6,800	2.9%	8,800	2.6%	4.6%
Health Services	1,000	2,200	7.5%	5,800	9.0%	10,500	5.8%	15,400	3.8%	4.5%
Government	22,700	35,600	4.4%	54,900	4.3%	71,000	2.6%	73,700	0.4%	2.7%
Federal	15,600	17,100	0.9%	17,700	0.3%	18,700	0.5%	17,000	-1.0%	0.2%
State	3,900	10,400	9.1%	15,400	3.9%	21,500	3.3%	21,600	0.0%	3.6%
Local	3,200	8,100	8.7%	21,800	9.2%	30,800	3.4%	35,100	1.3%	4.3%

¹ 1999 is an annual average of October 1998–September 1999 Current Employment Statistics program estimates.
Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

[5]

Today our employment opportunities appear to be improving with non-ag jobs approaching 350,000.



[6]

The Vision and the Reality

Our founders sought a simple and efficient government, with opportunity for Alaskans to live and thrive on resource development bounty established in our constitution. But today we know our state has been taken over by elected officials and some public sector union members here for their *Alaska Adventure*; state workers, teachers, elected officials and court employees have transformed our state to a bloated government fiefdom. **We the People** have participated and appreciated the bounty but have never relinquished the fact this government belongs to us.



David Bartels

***We the People** ARE the state, we ARE the government, proclaimed **Dave Bartels** over coffee in a private home in Kenai. The servants IN government want you to believe THEY are the State, THEY are the government, THEY are the law—the very definition of a **Police State**.*

Bartels is one of a growing number of Alaskan who feels betrayed by our government, especially the **Alaska Court System**.

The constitution is supposed to be Of the People BY the People, Bartels continued. We are not supposed to be OF the government—OF the legislature, OF the executive, OF the judiciary. Just because we elect legislators into office doesn't mean they have superiority over us.

But that is what has happened; we have been swept into a world of technology and demands beyond mere human capacity, while government institutions are simply union-dispatched hives of busyworkers strategically denying **We the People** of our freedoms. They hope we will seek paths of least resistance. To challenge the power of government takes more work than most are willing to commit.



Bartels is not an attorney but he has helped many Alaskans sort out the Byzantine Alaska Justice System.

*I have studied the law over 25 years, said Bartels. I have looked at the case law of the **Supreme Court of the United States, Supreme Court of the State of Alaska**, and the appeals courts, to understand what is decided already.*

An Erosion of Power for *We the People*



David Haeg shared a link.

1h · 👤



ALASKAGRAN DJURYRIGHTS.COM

Alaska State of Corruption

We are going to protest at the Kenai Courthouse every

<https://alaskagrandjuryrights.com>

So far interactions between protesters and the court have been amicable although Area Court administrator, **Carol McAllen** has recently notified **David Haeg** of certain expectations.[6]

From the letter:

Under AS 22.05.025 and Administrative Bulletin 26, no political or advocacy activity is permitted on court system property. Pursuant to that authority, the court system will be setting aside a corridor for court users to use to enter and leave the courthouse (see attached). This corridor will not unreasonably interfere with your right to protest.

Additionally, please be aware of the following guidance for protests.

- *Protests cannot take place inside a court facility. This includes a prohibition on both verbal advocacy/protesting as well as nonverbal behavior such as displaying signs or placards and handing out flyers.*
- *Access to the grand jury room and its proceedings is prohibited.*
- *Do not block access to the courthouse or interfere with court employees and members of the public who enter and leave the courthouse,*
- *Do not make noise sufficient to interrupt court proceedings.*
- *Do not video record, audio record or photograph people or proceedings inside the courthouse.*

During the protest held at the Kenai courthouse April 14, this writer went in to use the restroom. I asked the security workers how they were being impacted by the protest. One of them expressed his affirmation of the right to protest but also some concern about what could happen if this should get out of control.

default watermark



As Alaskans congregated at the Kenai Courthouse to protest injustice somebody decided this was a good time to change lightbulbs in the outdoor fixtures.

As a long-time Alaskan, I submit the onus to assure this conflict doesn't get out of control is on the bureaucracy, which has created artificial barriers to justice through the Grand Jury, provided for in the Alaska Constitution.

Revelation

Discovery of a 1980 version of the **Alaska Grand Jury Handbook** has resulted in revelations about how that document has been changed to give State bureaucrats an illusion of control over what **We the People** have a right to expect from the Grand Jury.[7]

Haeg informed the Court Administrator April 10, 2022 of this fact by letter with direct quotes from that earlier version's instruction to grand jurors:

Page 5: *"Charges of crime may be brought to your attention in several ways.....(3) from you own personal knowledge, or from matters properly brought to your personal attention, (4) by private citizens heard by the Grand Jury in formal session, with the Grand Jury's consent."*

Page 6: *"....a citizen is at liberty to apply to the Grand Jury for permission to appear before it in order to suggest or urge that a certain situation be investigated by it"*

Page 6 and 7: *"the Grand Jury has the additional important duty of making investigations on its own initiative, which it can thereafter report to the court. Thus a Grand Jury may investigate how officials are conducting their public trust, and make investigations as to the proper conduct of public institutions, such as prisons and courts of justice. This gives it the power to inspect such institutions, and if desired, to call before them those in charge of their operations, and other persons who can testify in that regard. If as a result of such an investigation the Grand Jury finds that an improper condition exists, it may recommend a remedy."*

Haeg: It appears in the years since this Handbook was written and our current Handbook (revised in 2019 I believe), public officials have corruptly eliminated any wording about the right of citizens to appeal to the Grand Jury directly – and corruptly eliminated wording that would inform the Grand Jury an "important duty" is to investigate public officials, institutions, and "courts of justice", "on its own initiative".

Maybe this was done so public officials can become as corrupt as they want without ever being discovered, fired, indicted, and put in prison.

This (previous) Alaska Grand Jury Handbook also directly refutes your statement (below and attached) to protesters that *"Access to the grand jury room and its proceedings is prohibited."*

America was born in revolution, and Alaskans are an independent lot by nature. We have stood by as our state has been overrun by self-serving people empowered by unbelievable resource wealth and government overreach. But Alaska is still the last frontier of America and Alaskans can be contrary. Our bountiful resource-based economy has allowed our state employees and elected officials to become too comfortable in their privilege.

One obvious tool in our constitution to remedy this government malaise is the Grand Jury. Our hapless court workers are trying to block this constitutional provision for addressing corruption. Now, flint against steel in Kenai has created a spark that true Alaskans everywhere must fan into a bonfire.

We the People have had enough patronizing duplicity.

References:

[1] ***Alaska Economic Trends***; The 40 years of Alaska's economy since statehood, Alaska Department of Labor, December 1990, p12

<https://labor.alaska.gov/trends/trendspdf/dec99.pdf>

[2] Alaska's First Oil Leaves on Tanker For Voyage South, New York Times, August 2, 1977

[3] 1970 Census of Population, Alaska Department of Labor, p3-11, Table 6a

<https://live.laborstats.alaska.gov/cen/histpdfs/1970char.pdf>

[4] 1980 Census of population , Alaska Department of Labor, p13, Table 14

<https://live.laborstats.alaska.gov/cen/histpdfs/1980char.pdf>

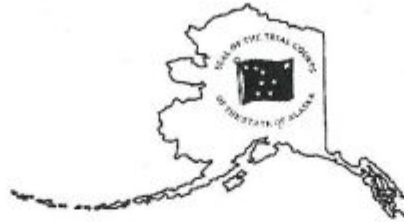
[5] Employment by Industry 1960-1999

<https://labor.alaska.gov/trends/trendspdf/dec99.pdf>

[6] Alaska Economic Trends, Alaska Department of Labor, January 2022, P4

<https://labor.alaska.gov/trends/jan22.pdf>

Letter from Area Court Administrator, Carol McAllen



TRIAL COURTS
State of Alaska
Third Judicial District

Carol McAllen
AREA COURT ADMINISTRATOR

NESBETT COURTHOUSE
825 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501-2004

(907) 264-0415
Fax (907) 264-0596
cmcallen@akcourts.gov

April 8, 2022

Dear Mr. Haeg:

You are welcome to continue your peaceful protests outside the Kenai Courthouse. The purpose of this letter is to provide guidance and reminders regarding future protests so that you can appropriately exercise your right to protest in a way that allows court employees and other court users to access and conduct business in the courthouse.

But first, I want to say that I appreciate how you have conducted your protests so far. The reports I have received from law enforcement are that your protests on March 30th and April 6th were both peaceful and respectful. I also appreciate that when given direction from law enforcement you and other protesters complied with those directives without incident. It is my hope that this letter will help continue that success by reducing the chance for future misunderstandings between protesters, the court system, and law enforcement. I believe that the following rules should accomplish that goal.

Under AS 22.05.025 and Administrative Bulletin 26, no political or advocacy activity is permitted on court system property. Pursuant to that authority, the court system will be setting aside a corridor for court users to use to enter and leave the courthouse (see attached). This corridor will not unreasonably interfere with your right to protest.

Additionally, please be aware of the following guidance for protests.

- Protests cannot take place inside a court facility. This includes a prohibition on both verbal advocacy/protesting as well as nonverbal behavior such as displaying signs or placards and handing out flyers.
- Access to the grand jury room and its proceedings is prohibited.
- Do not block access to the courthouse or interfere with court employees and members of the public who enter and leave the courthouse.
- Do not make noise sufficient to interrupt court proceedings.
- Do not video record, audio record or photograph people or proceedings inside the courthouse.

I have no reason to believe that your protests will violate these rules but if they should, a law enforcement officer will ask you to cease the prohibited activity or behavior. Should you fail to follow those directives you may be cited for trespass.

Sincerely,

Carol McAllen

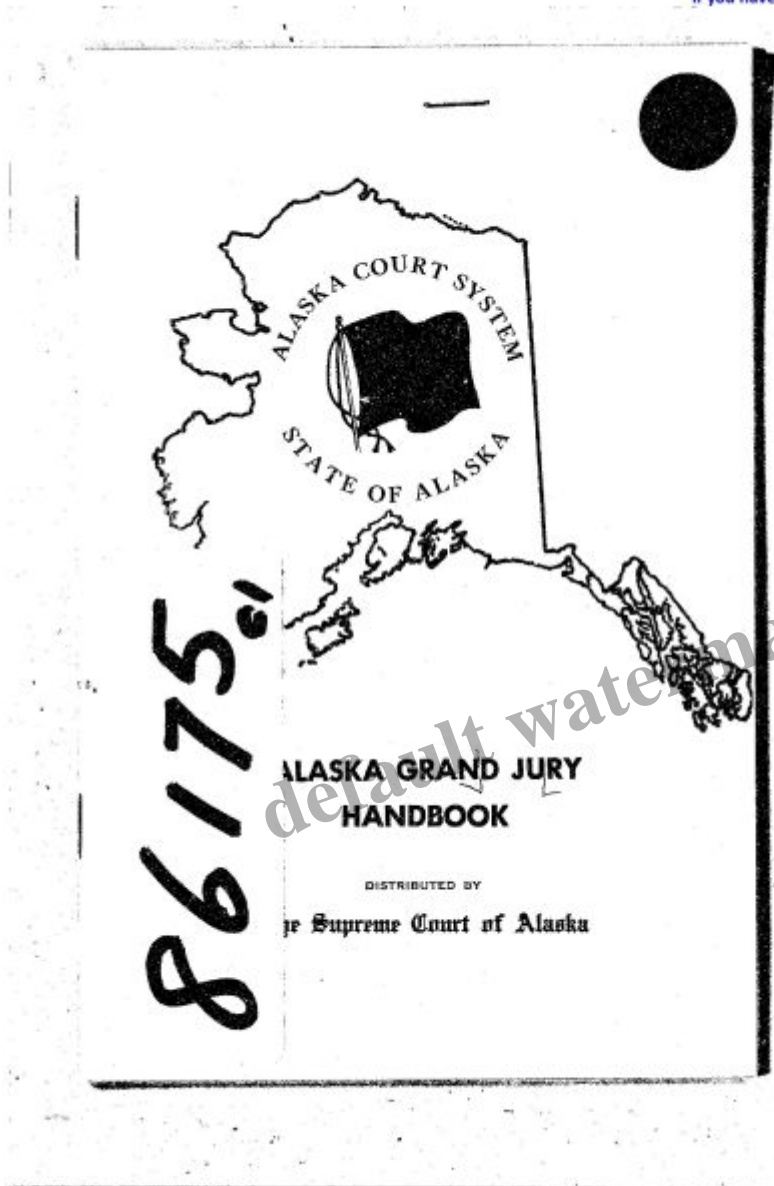
Carol McAllen
Area Court Administrator

cc: Denice Chappell, Kenai Clerk of Court
Doug Wooliver, Deputy Administrative Director

Enclosure

[7] 1980 Alaska Grand Jury Handbook

If you have issues viewing or accessing this file contact us at NCJRS.gov.





NCJF
OCT 28
ACQUIS

Based on the Original Dra
The Section of Judicial A
of the
American Bar Asso

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Permission to reproduce this copyrighted material is hereby granted by

Alaska Court System

to the National Criminal Justice Reference System

Further reproduction outside of the NCJRS system is prohibited without the permission of the copyright owner.

TABLE OF CONTENTS

	Page
I. Importance of Grand Jury.....	3
II. Origin of Grand Jury.....	4
III. Nature of Grand Jury.....	4
IV. Organization, Oath, Officers.....	7
V. Procedure	8
VI. District Attorney.....	11
VII. Secrecy	11
VIII. Protection of Grand Jurors.....	12
IX. Practical Suggestions	13

default watermark

Alaska Grand Jur

I. IMPORTANCE OF THE GRAND JURY

This Handbook is intended for those selected as members of the Grand Jury to report to carry out their duties in that capacity.

Clearly a "... government of the people and for the people," as Abraham Lincoln said, the American form of Government requires the participation of every citizen in at least one public duty, first to exercise the voting privilege on juries. As Harlan Fiske Stone, United States Supreme Court, said:

"Jury service is one of the highest public functions for by it the citizen participates in the administration of justice between man and man and the individual."

In time of peace no citizen can perform a more important public function than that of Grand Jury service. No other public function is more vital to the maintenance of our order.

The powers and functions of Grand Jury are different from those of trial or petit juries. Grand Jury tries the case and renders the verdict. Grand Jury does not hear both sides. The Grand Jury does not try the case. Its function is to determine whether there is sufficient evidence as to a charge of crime and to return an indictment against the person or persons so charged. Grand Jury does not try the case on such charges.

The Grand Jury is both a sword and a shield, because it is the terror of the criminal and the protection of the innocent. These important powers obviously require the Grand Jury to exercise great responsibilities to see that such powers are not perverted or abused. With its extensive powers, Grand Jury might be abused unless motivated by the highest public interest. Indictments not warranted by the evidence are a source of oppression to our citizens.

Grand Jury might dismiss charges against those who should be proceeded against. The importance of its powers is emphasized by the fact that it is an independent body answerable to no one except the court itself.

II. ORIGIN OF GRAND JURY

Not only in theory, but in actual historical fact, the importance of the Grand Jury has been demonstrated. It had its origin more than seven centuries ago, in England, from which, in large part, this country inherited its legal system. It was recognized in Magna Carta granted by King John of England at the demand of the people in 1215 A.D., and some say its origin was even earlier. This power of the Grand Jury to protect the citizens from the despotic abuse of power has been repeatedly exerted not only in England, but in this country, even before the Declaration of Independence. For instance, in New York City, in 1735, a Colonial Governor demanded that a Grand Jury find a formal criminal charge against the editor of a newspaper called the Weekly Journal, who had held up to scorn certain of the deeds of the Royal Governor. The Grand Jury denied this demand, and refused to indict. Many similar instances could be cited.

However, such cases are exceptional. As a rule the Grand Jury is the source of indictments which authorize the prosecution of those accused of crime. Such is the importance of the Grand Jury in its control of the initiation of prosecutions for serious crime, as distinguished from petty offenses, that the authority of the Grand Jury is recognized in the Constitution of the United States and in the Constitutions of most of the states of the Union, including that of Alaska.

III. NATURE OF THE GRAND JURY

(a) The Accusing Body as to Serious Crimes

As above indicated, the Grand Jury is the principal body which has the right to determine whether a person shall be tried for a serious crime unless that person himself waives, or gives up, that right. This means that no one can be prosecuted for serious crime except by vote of the Grand Jury.

Thus the citizens themselves, by Grand Jurors, hold in their own hands the maintenance of law and order through the prosecution for crime. The importance of this power should not be overestimated.

The above does not apply to minor violations, for which prosecution is usually handled by the district attorney, without a Grand Jury. Through proceedings called informations, or, in some jurisdictions, informations merged with complaints on misdemeanors, the Grand Jury performs its more important duties.

In performing its duties, the Grand Jury should keep in mind that it does not finally try a case. It only determines whether the evidence presented by the district attorney when it has reason to believe that a crime has been committed will explain away the charges. If the district attorney orders such evidence to be produced, the Grand Jury may require the district attorney to produce it. The Grand Jury then determines whether the evidence presented, without consideration of the district attorney's opinion, warrants an indictment, which is a formal accusation. If the district attorney to the legal principals of which the Grand Jury is composed is satisfied, it votes an indictment. If not, it votes "not a true bill."

Charges of crime may be brought in several ways: (1) by the Court, (2) by the district attorney, (3) from your own personal knowledge, or (4) from the knowledge of other citizens heard by the Grand Jury. In all cases, the Grand Jury's consent is required.

The bulk of your work will consist of charges falling within classes (2) and (3). A defendant will probably have been charged by a committing Magistrate or by the Grand Jury. The defendant will then be held in custody, in default of

Your action should therefore be reasonably prompt, and result in voting either for or against an Indictment. As to matters brought to your attention in classes (3) and (4) above, emanating directly or indirectly from the Grand Jury itself, it would be wisest to consult with the district attorney or the Court, in advance of undertaking a formal investigation by the Grand Jury, although this is not mandatory. In any event, you will generally have to consult with them in the end, if the Grand Jury decides that a person should be proceeded against criminally, in order to obtain aid in drafting the proper form of Indictment. In most instances this type of Grand Jury investigation will concern persons not then in custody. In the event you vote a true bill, indictment or presentment against such person, such indictment or presentment should be endorsed by you as "secret"—not to be given publicity until released by the Court.

In order that the Grand Jurors may not be subjected to partisan secret influences, no one has the right to approach an individual member of the Grand Jury in order to persuade him that a certain Indictment should, or should not, be found. Any such individual should be referred to the district attorney, in order that he may be heard by the Grand Jury as a whole. On the other hand, a citizen is at liberty to apply to the Grand Jury for permission to appear before it in order to suggest or urge that a certain situation should be investigated by it.

You will further bear in mind that as a Grand Juror you are a public official, with the duty of protecting the public by enforcing the law of the land. Thus even if, perchance, you should think a certain law unduly harsh, that should not influence your judgment in carrying out your duties as a Grand Juror. As a citizen you have the right to endeavor to change the law. As a public official and Grand Juror it is your duty to enforce the law as it exists.

(b) Grand Jury as an Investigatory Body

In addition to the duty of the Grand Jury to hear evidence and decide whether formal criminal charges should be proceeded with, the Grand Jury has the additional important duty of making investigations on its own initiative,

6

which it can thereafter report to the Court. The Grand Jury may investigate how officials discharge their public trust, and make investigations into the conduct of public institutions, such as schools, hospitals, and justice. This gives it the power to call before them, and if desired, to call before them, any person who is engaged in operations, and other persons who are engaged in such operations. If as a result of such investigation it is found that an improper condition exists, it may recommend that the condition be corrected.

On the other hand, there are many matters which what a Grand Jury may do in the course of its investigations and in its Report. Specifically, it may investigate at will upon any whim it may desire to investigate such matters as are within its jurisdiction, graphic and otherwise. Nor, can a Grand Jury in its Report specify individuals as being guilty of such matters for the conditions which it criticizes. The Grand Jury Report gives the individual criticized the opportunity to file his reply thereto, as he could were he a witness to the subject of an Indictment for crime. The Grand Jury should bear in mind that both in the course of its investigations and to indictments, the duty of secrecy is absolute.

IV. ORGANIZATION. OATH. ETC.

When you report for duty as a Grand Juror, the presiding Judge will consider such excuses as you may have. But because of the great importance of the office of a member of the Grand Jury, and because of the fact that you serve as a member of the Grand Jury, you should not permit anything but a real emergency to prevent your way of your performing this outstanding duty. If you already have been properly selected as a Grand Juror when you read this, but that you do not advise you with regard to exemptions, you should advise the presiding Judge of your desire.

When you report with the other Grand Jurors, you will be conducted to Court by the presiding officer—and your Deputy Presiding Officer will be appointed by the Judge.

7

them and you sworn in, under an oath which itself states your important powers and responsibilities.

After you have been sworn, the presiding Judge will advise you formally by written instructions, and in greater detail, as to how to conduct these duties and the responsibilities that are yours. This address is called "The Charge to the Grand Jury." This charge by the Court, plus such other instructions as may be given you by the Court, are your controlling guide. The district attorney will also give you his advice, as a skilled official, as to how your duties should be performed. But in the event of question, the Court will rule authoritatively on these matters. You will note that this Handbook does not purport to state the principals of law that govern you as a Grand Juror. Its purpose is simply to give you a clearer understanding of the general nature of your functions, with some practical suggestions as to carrying out such functions. You should go to your oath and to the Court itself for the sole authoritative statement of your powers, functions and duties as Grand Juror.

Upon receiving from the Court its "Charge to the Grand Jury" you will become a part of the Grand Jury. You will then be escorted to the Grand Jury Room, where you will prepare to hear the testimony, and see the documentary evidence, as presented by the district attorney, in the cases to be brought to your attention.

V. PROCEDURE

(a) Quorum

A Grand Jury consists of not less than 12 nor more than 18 members; of the total membership not less than twelve must always be present to constitute a quorum for the transaction of business. If less than this quorum exists, even for a moment, the proceedings of the Grand Jury must stop. Hence it is important that any Grand Juror who finds that an emergency interferes with his presence at a scheduled meeting of the Grand Jury, should advise the Grand Jury Foreman promptly, in order to see whether his absence will prevent the Grand Jury from acting at all at the meeting.

(b) Hearing Witnesses

Most of the work of the Grand Jury is the hearing witnesses and determining the truth by the evidence, in order to determine whether the testimony alone without regard to the facts of the indictment is justified. When so presented, the district attorney will present and explain the testimony to the Grand Jury, and advise as to the witnesses to be called voluntarily, or at the request of the district attorney, by the Grand Jury, or under order of the Court. Indeed the Grand Jury may call additional witnesses on the calling of additional witnesses.

These witnesses will be called on to tell the truth by the Foreman in a dignified manner, indicative of the solemnity of the occasion. They will ordinarily be questioned first by the district attorney, then by the Foreman, and then, if desired, by the Grand Jury, each of whom is permitted to ask questions of any witness. But as to the testimony the advice of the district attorney is controlling, and in the event of doubt, a ruling may be made by the Court.

All questioning should be impartial and should not indicate any viewpoint on the part of the Court. A stenographer may be present to take notes, as may an interpreter, if needed.

Should a witness, when brought to the stand, refuse to testify, or refuse to answer questions, the testimony should be carefully recorded. Then accompanied by the district attorney, the Grand Jury may bring the matter to the attention of the Court, with a copy of the record, in order to advise the Court as to whether the answer should be given or not. This probably involves the technical question of whether the question asked violates the witness's right to freedom from self-incrimination. If it does, the witness is not compelled to answer. If it does not, the witness is compelled to answer, and if he fails to do so, he may be held, or tried, for contempt of Court.

You will note from the above that the defendant named in the criminal charge has not been heard as a witness, nor have any witnesses for him probably been called. This is because, as stated above, the Grand Jury does not try the merits of the case, but only the sufficiency of the evidence supporting the charge. However, the Grand Jury has the right to offer the defendant the opportunity to appear before it. This is not usually done and should not be done unless the Grand Jury really feels that it is desirable. If the defendant is given this opportunity, and appears, he cannot be forced to testify because of the constitutional provisions above alluded to. Indeed, if the Grand Jury attempts to force him to testify, the indictment of the defendant may be nullified. Further, even if the defendant is willing to testify voluntarily, in order that it may be clear that he is testifying voluntarily, he should first be warned of his right not to testify, and should then sign a formal waiver of his constitutional privilege against self-incrimination before he does so testify. This last is his agreement not to rely upon the above constitutional right, and to be prosecuted even though he testifies, and the Grand Jury should be fully satisfied that he understands what he is then doing.

From the above, it is clear that the matter of forcing a witness to testify, or of giving the defendant an opportunity to testify, raises complicated legal questions. The advice of the district attorney and the ruling of the Court thereon should be sought if any such question arises.

Further legal questions may arise as to whether certain evidence is proper. The law of Evidence is technical, and here you must be guided by the district attorney or by the Court.

Finally, bear in mind that neither a defendant nor an ordinary witness, when appearing before a Grand Jury, is entitled to have his counsel present in the Grand Jury Room.

(c) Determination to Indict or Dismiss

When the Grand Jury has heard all necessary or available witnesses, and all persons except the Grand Jury have left the room, the Foreman will ask the Grand Jury to discuss and vote on the question of whether a True Bill should be found on the charge. Every Grand Juror now has the right to

comment on the evidence and his vote after, and only after each member has given his vote. The vote will be taken. No indictment is returned unless a majority of the members present concur.

Similar proceedings are taken with respect to a charge discussed is not a formal charge or indictment. The result of an investigation noted above—the result of an investigation with which the Grand Jury has concurred, but which does not constitute a formal charge of crime.

When the hearing of the witness is closed, all persons present, other than the Grand Jury, must leave the room. Only the members of the Grand Jury are present when the Grand Jury deliberates on the charge. If this is not done, an indictment is invalid.

VI. DISTRICT ATTORNEY

The district attorney will be acting as the representative of the Grand Jury in presenting one by one the witnesses to the Grand Jury in calling the witnesses to support the charge. He is an official, usually of experience in the law, and of intelligence and sincerity, he will naturally be the legal advisor to the Grand Jury.

However, the best of advisers are not infallible. Thus, if a difference of opinion arises between the district attorney and the Grand Jury, the matter should be brought before the presiding Judge for his ruling.

Finally, you will remember that neither the district attorney nor any of his assistants, nor any other person, is permitted to be present while the Grand Jury is deliberating or voting on an indictment. If this occurs, an indictment may be null and void.

VII. SECRECY

Secrecy as to all Grand Jury proceedings is of the utmost importance. Only action upon an indictment or upon a charge is of the utmost importance. Thus on

themselves be protected from being subjected to pressure by persons who may be involved in the action of the Grand Jury. Thus only can persons be prevented from escaping while an Indictment against them is under consideration. Thus only can witnesses before the Grand Jury be prevented from being tampered with, or intimidated, before they testify at the trial. Thus only can such witnesses be encouraged to give the Grand Jury information as to the commission of crime. Thus only can an innocent person who has been improperly subjected to a charge, but where the Indictment has been dismissed, be saved the disgrace attendant upon the making of such a charge. Note that to achieve the above protection for the Grand Jury for the individuals involved, including the witnesses, and for the citizens at large, this pledge of secrecy is paramount and permanent.

No more need be said as to the importance of a Grand Juror's not communicating to his family, to his friends, to anyone, that which takes place in the Grand Jury Room. The only time he may do so is when the Court under certain circumstances itself orders such disclosure, in order to do justice.

VIII. PROTECTION OF GRAND JURORS

The secrecy to which Grand Jurors are sworn is of itself one of the major sources of protection of the members of the Grand Jury.

The Grand Jury is further protected by being an independent body answerable to no one except the Court itself. No inquiry may be made to learn what a Grand Juror said or how he voted. The law gives a Grand Juror complete immunity for his official acts within the authority of the Grand Jury regardless, for instance, of the ultimate result on an indictment returned by the Grand Jury. The one apparent exception to this is, if he himself testifies before the Grand Jury to the commission of a crime, and his testimony is perjured. With this complete protection for their official acts, it is obviously vital that our Grand Jurors should be citizens of unquestioned integrity and high character.

12

IX. PRACTICAL SUGGESTIONS

Attend the sessions of only each of your fellow jurors on you to do your job well.

Pay close attention to the evidence presented; the reputation depends on what is being told.

Be courteous to the witnesses; do not try to monopolize the hearing.

In fixing the time and place for the convenience of the public, be considerate of yourselves and the district.

The oath should be administered in a dignified and impressive manner, so that they will understand the gravity of the judicial hearing, and that they will be true to their duty.

Wait until the district attorney has finished his questions before asking questions of a witness; do not ask for the evidence you are seeking.

Listen to the evidence of all jurors, but don't be a rubber stamp.

Be independent, but not obstinate.

Be absolutely fair—you are sworn to the secrecy of the hearing and to the truth of what you have done.

All jurors have an equal voice in the verdict. Each juror has the right to express his views.

Express your opinion, but a juror has a right to his own opinion; do not try to influence another juror, but do not try to disagree with you. He might be right.

Do not keep silent when you have something to say and begin to talk about it after the hearing is over.

A reckless Grand Jury can do more harm to the community and to law enforcement than a jury that is not.

Do not investigate matters out of the province of the Grand Jury, or merely because someone suggested an investigation, without sufficient information, or merely because it would be an interesting matter to investigate.

Do not discuss cases with your fellow jurors outside of the jury room.

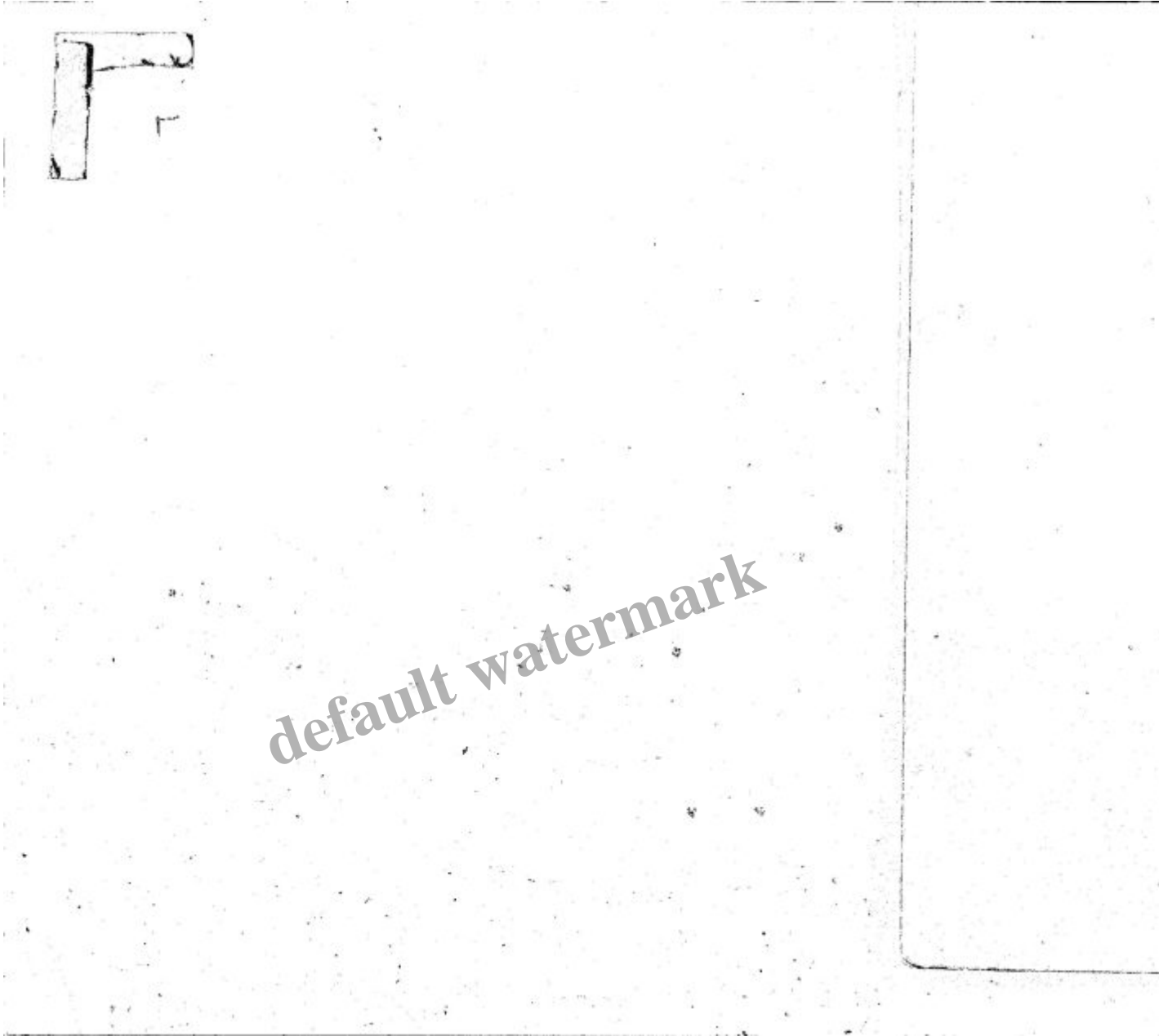
It is of great importance that your attendance be regular and on time. If you are unable to attend the session, or desire to be excused, ask permission. The unexpected lack of a quorum causes a great loss of time and money to the individual jurors as well as to the authorities and witnesses.

When considering undertaking any special investigation, it is wise to consult the district attorney beforehand, so that he may arrange routine business accordingly and advise you as to other matters bearing on such an investigation.

Each juror has a duty and responsibility equal to yours. Each juror is entitled to be satisfied with the evidence before being called upon to vote. Although your mind may be made up, if others wish to pursue the matter further, you have no right to dismiss the witness or shut off proper discussion.

Your membership on the Grand Jury is a high honor. You are among a relatively small number of citizens of your community who are chosen to serve on the Grand Jury. This should therefore mean devoted, responsible participation in performing Grand Jury duty.

default watermark



Other stories about Alaska's Court System:

Power of the Grand Jury

<https://donnliston.net/2022/04/power-of-the-grand-jury/>

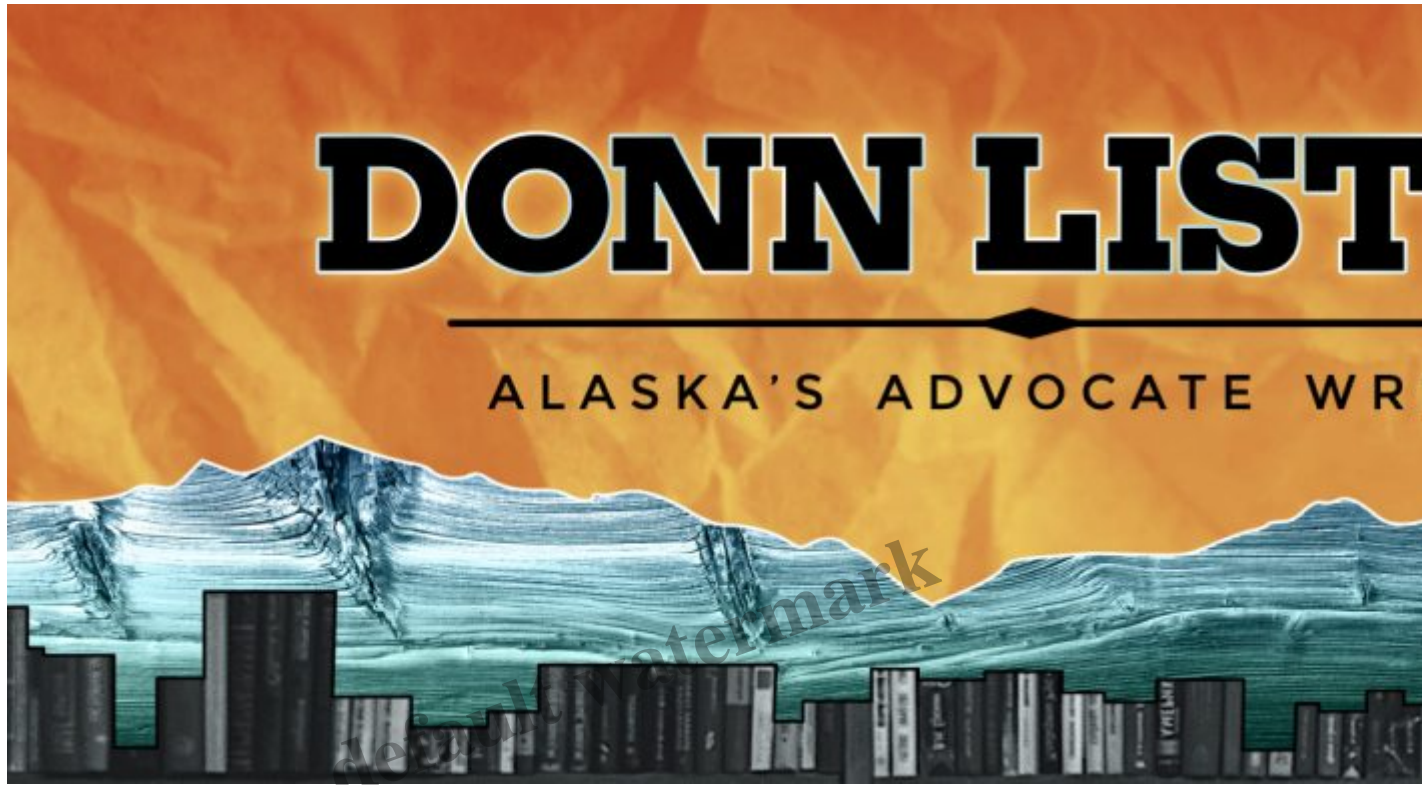
Why Alaska Courts Suck

[Why Alaska Courts Suck: Bumpkins Rule](#)

Advertising is available on this website. Contact me for information at: donn@donnliston.net

Thank you.

DONN



Category

1. Alaska Courts
2. Alaska Economy
3. Alaska Legislature
4. Alaska Public Safety

Date Created

April 16, 2022

Author

donn