

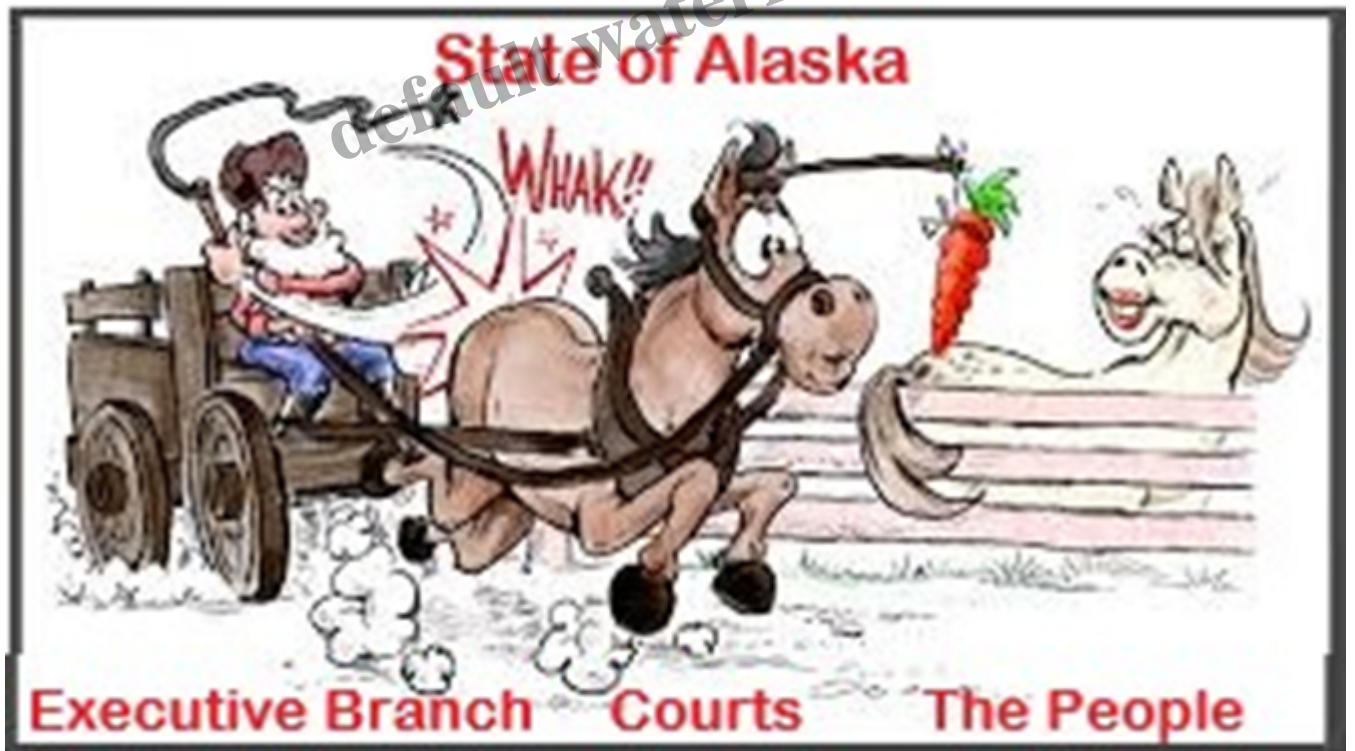


Goal of SCO 1993

The State Always Wins in Alaska's Court System Casino

Description

Notice to International Readers: *This site can be read in six languages. Just peck the popup at the bottom of the page to change from English. Ang site na ito ay mababasa sa anim na wika. I-peck lang ang popup sa ibaba ng page para magpalit mula sa English.*



Goal of SCO 1993

By Jessica Pleasant, TheConservativeFem.com

Since statehood in 1959 Alaskans have enjoyed a process outside the inbred court system to demand

justice for official wrongdoing through an **Independent Grand Jury**. Most Alaskans do not need to know about this aspect of our government established in the **Alaska Constitution** until they are wronged in a way that requires extraordinary means for achieving justice.

Kenai Resident, David Haeg, sought this means for gaining justice over some 18 years. He has claimed he was framed by the **AK Department of Fish & Game** and was denied an **Independent Grand Jury**. Once heard, the grand jury issued an indictment of Retired Judge **Margaret Murphy** for perjury. She is now experiencing the AK Justice system from the other side of the bench.

Retired Homer Judge Indicted for Perjury

<https://theconservativefem.blogspot.com/2023/05/kenai-judge-indicted-for-perjury-has.html>

[Kenai Court Judges Jennifer K. Wells & William F. Morse: "Never Mind the Alaska Constitution..."](#)

Parents harmed by the **AK Office of Children's Services (OCS)** in collusion with **AK Courts** are also seeking the opportunity to be heard by an **Independent Grand Jury** as they continue every day to be damaged by social workers and judges in cases involving their children. When these Alaskans realized the status quo system wasn't working, they went through the Ombudsman process, and now seek this extraordinary relief.

But they are finding in this casino the decks are stacked and the rules changed upon political whim.

In November 2022, a Class action lawsuit of families claiming to be victims of OCS was being litigated when casino floor managers stopped the process cold as an Alaska winter day. The New year was going to begin with testimony of the State's lead judicial investigator for 35 years, **Marla Greenstein**, Executive Director of the **Alaska Rubber-Stamp Commission on Judicial Conduct**, who has found around 8,000 complaints against the judicial system invalid. Instead of facilitating justice for people believing they were harmed by judicial misconduct, this agency is protector of judges who are appointed by governors.



Craps table dice are also loaded.

Instead of hearing this class action challenge, the **State of Alaska** and the **AK Supreme Court** paused the families' complaint—effectively denying the only request the families had—with a political goat-rope. These harmed Alaska families have not claimed financial damages. They only requested a grand jury investigation into OCS misconduct and policy concerns—as had been done before—with no relief even after the former Grand Jury investigation found the system is broken.

OCS Parents Pursuing Accountability

<https://donnliston.net/2022/11/alaska-ocs-crisis-parents-pursuing-accountability/>

NOTICE TO READERS: This site will continue to publish accounts of harmed Alaskans who are willing to stand up to these institutional bullies. Contact: donn@donnliston.net

Section 8. Grand Jury

No person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring shall return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

In Response the *AK Supreme Court* went Political

SCO 1993 created Criminal Rules 6 and 6.1. These rules limit law-abiding citizens' their constitutional right to bring forth concerns about misconduct or failures in policies performed by the State and its courts. These rights are defined in *Alaska Constitution*, Section 8, and statute at AS 12.40.030.

Arbitrary and capricious change of the rules have created a conflict of interest between the Attorney General **as personal attorney of the governor—legal representative of the State—and commissioner of the AK Department of Law**; with the **Court System**, and **The People**, who have reason to be concerned the State is acting contrary to required *public welfare and safety*, due to politically-motivated SCO 1993 bestowing upon the AG authority to simultaneously represent Alaska citizens' AND the **State of Alaska**.

In other words, the **AK Supreme Court** has empowered by fiat AG control over information given to the grand jury, assuring an appointed strong-arm AG can protect his/her client, the **State of Alaska**, from any liabilities and criminal responsibility for wrongdoing.

Bananas don't even Grow in THIS Banana Republic

To become dictator of Philippines, **Ferdinand Marcos** beginning in 1971 did something very similar to assume extra authority under the laws of Philippines. It took a **People Power Movement** to overthrow this dictator's grip as he persecuted opponents and crashed the economy for personal family gain.

Our bottom of the nation public education system provides great confidence for abuse of Alaska's constitution by elected officials who continue to throw good money after bad without considering accountability for outcomes of Alaska Education Factories in 50 districts.

In everything he did, Marcos took great pains to ensure that his actions would align with the dictates of the law. When necessary measures fell outside the scope of existing laws, he changed the laws to suit his needs before proceeding.

<https://martiallawmuseum.ph/magalar/the-makings-of-a-constitutional-dictator/>



What is a Grand Jury?

Alaska Constitution, Article 1, Section 8 and AS 12.40.030, *The grand jury shall have the power and make recommendations concerning the public welfare and safety.*

This is a very clear mandate which has been litigated many times in other places.

According to the case **Miami Herald Pub. Co. V Marco**, 352, S.O. 2d 518, 523 (FL 1977), *If the people are to remain confident in this type of government, there should be a body of citizens capable of monitoring official wrongdoing.*

We-the-People have a right to this in our republican form of government.

In **Jones v People**, 101 A.D. 55,61, 92 N.Y.S. 275, 279 (1905)(Woodrow dissenting), Justice Woodrow wrote, *When the grand jury merely considers a request for an indictment it does not affirmatively assist the State...the grand jury's role is inherently of a "buffer" between the State.*



Alaska Glacier Ice Pillars

Alaska's Fourth Pillar Protecting Constitutional Rights

According to forensic journalist **David Ignell**, in his publication of ***The Alaska Grand Jury***, *Alaskans have a fourth pillar of government to help salvage their Constitutional Rights—the **Alaska Grand Jury**. An Impartial body of ordinary citizens, it exists primarily for the purpose of curbing inappropriate government behavior and protecting citizens. As Founder **Yule Kilcher** told his fellow delegates during the **Alaska Constitutional Convention**: The **Alaska Grand Jury** may be **the refuge of last resort for the people whose cases are not dealt properly by the courts, often for political reasons.***

What is An Attorney General?

The **National Association of Attorney Generals** describes attorney generals as *chief legal officers of the states, commonwealth, District of Columbia, and its territories of the United States, the role of an attorney is to serve as counselors to state government agencies and legislature, and as a representative of the public interest.*

Prior to the **Alaska Supreme Court's** arbitrary and capricious Order, SCO 1993, by law the **State's Legal Representative**, the Attorney General, presented cases to the grand jury **directly** for citizens. Bureaucrats claimed SCO 1993 necessary to create a **process**. Result has led to extinguishing all due process options in the middle of litigation for families victimized by OCS.

Filipino President Marcos would be proud to see replication of his processes to centralize power in Alaska!

SCO 1993 created a process limiting law-abiding citizens' rights through criminal statutes. It gives the

AG authority to discharge complaints and subpoenas against its client, the **State of Alaska**, without consideration of merit.

According to AS 44.23.010, Attorney General: *The principle executive officer of the Department of Law is the attorney general.*

That position in Alaska now has an iron fist.

The AG's duties and powers are covered under AS 44.23.020, The attorney general is "legal advisor of the governor and other state officers." AS 44.23.020(b)(3), establishes the attorney general **shall prosecute ALL cases involving violation of state law and file information and prosecute all offenses against the revenue laws and other state laws where there is no other provision for their prosecution.**

SCO 1993 has the snake biting its tail.

What is Conflict of Interest?

According to ***Blacks Law Dictionary***, 10th Edition, a conflict of interest is defined as follows:

Pursuant to Attorney General statutes, AS 44.23.020(a), the AG acts as *the legal advisor of the government and other state officers. In AS 44.23.020(b)(3), the AG represents the State in civil actions in which the State is a party.*

1. A REAL or SEEMING incompatibility between one's private interests and one's public or fiduciary duties.
2. A REAL or SEEMING incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent.

Of course, this means the AG plays a pivotal role in shaping legislation. This power brings in another conflict. Today many Alaskans feel the Legislature, Administration and the AG actively suppressed a class action lawsuit against OCS by passing CR 6 and 6.1.

AS 44.23.020(b)(5), provides for the AG to *administer legal services, including the furnishing of written legal opinions to the governor, the legislature, and all state officers and departments as the governor directs; and give legal advice on a law, proposed law, or proposed legislature or a member of the legislature.*



The AK Attorney General must convince The People of the merit of cases on behalf of the governor who appointed him or her.

The AG Doesn't work for *The People*

The AG is Appointed to Serve *The Governor*

According to the Adversity Doctrine, any attorney must get all clients' informed consent to represent dual adversarial parties. Due to SCO 1993, the AG's role is now a role serving two adversarial masters.

Informed consent is defined in *Blacks Law Dictionary*, 10th Edition, as: *A voluntary yielding to what another proposes or desires; agreement, approval, or permission regarding some act or purpose, especially given voluntarily by a competent person; legally effective assent.*

For instance: If you are buying or selling a piece of property, your real estate agent must get consent by both parties to represent both seller and buyer in the transaction.

Without informed consent citizens are made unaware the AG is the legal representative of the State. The AG may have investigations and subpoenas rejected outright, as new rules are not clear if any special counsel an AG appoints over a controversial case, or designee, can be subsequently overruled by the AG in cases of conflicts of interest.

As is often the case, this rule is likely to be a \$bonanza\$ for attorneys. But here is where the new rule gets sticky:

Commentary to Rule 6.1(c)(1): *Decisions as to what to present to the grand jury, including whether to present a matter requested by a citizen to the grand jury for investigation, rests with the executive branch.*

The Commentary continues: *A citizen seeking to have a grand jury investigate a matter of public welfare or safety may bring that issue to the attention of the **Attorney General or designee** to review the matter and determine whether an investigation would be valid and appropriate use of the grand jury authority...* **This rule gives the AG room for personal interpretation according to what might be in the best interests of the Governor, and is therefore readily available for abuse.**

But even worse, the AG is given authority under SCO 1993 to **reject** the grand jury's request to subpoena officials! CR 6.1(e), states, the AG can influence the subpoenaing of officials upon this Agent of the Governor's interpretation of *what is not in good faith, would be unreasonably burdensome on the recipient, is not reasonable, or is not necessary, the prosecutor may, without consent from or authorization by the grand jury...*

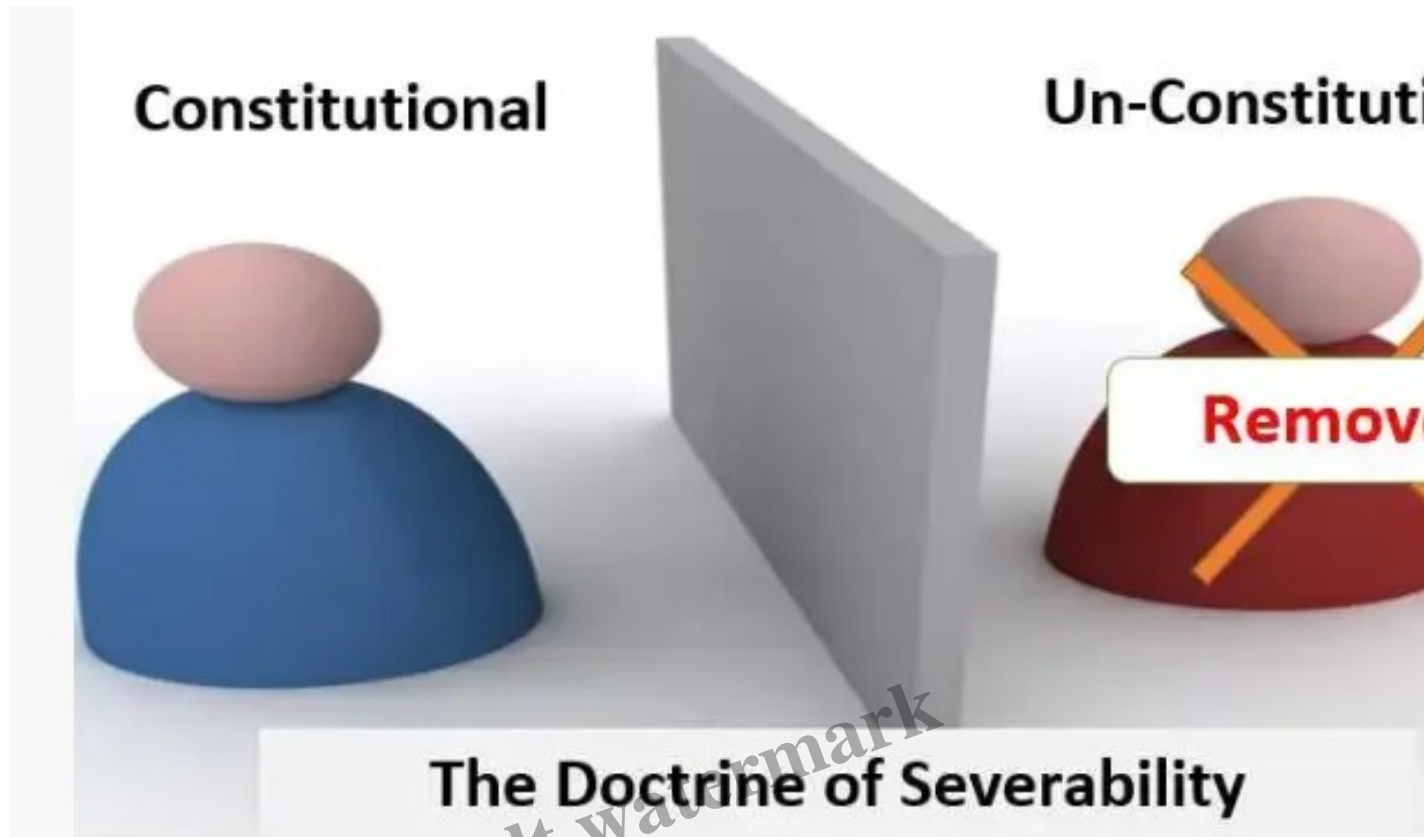
Dictatorial powers. Welcome to the *Twilight Zone* where appointed government officials facing charges determine whether the accuser is allowed to file such charges or provide evidence of wrongdoing before the *Independent Grand Jury* (sic).

Such broad authority worked well for President Marcos. Over 30 years he surrounded himself with people willing to do anything he told them to do, and a military ready to kill if necessary, to protect his iron fist rule. Such a system in Alaska is inherently unfair and will result in favoritism and resentment. Ultimately the military Marcos had built turned on him as newer members recognized their careers were dead-ends and commanders loyal to the regime gave orders but were unable to get Filipino tank drivers to drive massive tanks into crowds of innocent civilians. It was an historic display of the character of the Filipino people, and has been replicated with mixed success in numerous other non-violent challenges to authoritarian regimes.

This arbitrary and capricious order invites non-violent civil challenge.

Clearly a Conflict of interest is created by CR 6 and 6.1. Citizens already fear retaliation by the Court and State if they make a complaint against either institution. Removing the grand jury as an independent body from the executive branch allows for a chilling effect upon law-abiding citizens affected by new criminal rule changes. Citizens will be less likely to dare call out wrongdoing, and risk what little stability they have left in a state with such a fragile economy and entrenched government corruption, with even a commission to protect judges, .

Solutions to SCO 1993 and Criminal Rules 6 and 6.1



AK 01.10.010, Severability: *If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and application to other persons or circumstances shall not be affected thereby.*

Severability is a legal doctrine allowing courts to uphold parts of a law or contract while invalidating other unconstitutional or unenforceable parts. The principle of severability ensures that entire laws are not invalidated simply because one provision is found to be problematic.

The AG's role in presenting evidence to the grand jury goes beyond prosecution into an active role of representing two parties simultaneously. In criminal Rules 6 and 6.1, the AG's role is foundational to the rules' enforcement. This provision makes a mockery of Constitutional intent for the Independent Grand Jury and must be severed.

The **Alaska Legislature** has a duty to amend or repeal any provision of any law found to be problematic, rather than relying on the court to salvage remaining provisions. As Alaskans **We the People** must demand the legislature repeal rules arbitrarily set to protect government from accountability in their entirety. Rules changed regarding the right to Independent Grand Jury investigation as was done by the **AK Supreme Court** must be overturned to the previous process of the AG presenting evidence "directly" to the grand jury on behalf of the State only.

Otherwise justice in Alaska continues

to be a crap-shoot.

Category

1. Alaska Courts
2. Alaska Elected Officials
3. ALASKA! GOVERNMENT
4. Kenai Peninsula Activism

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