



Alaska Courts Promote Viewpoint Discrimination

Description

Arguments Based on Case Law...

By Jessica Pleasant

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Viewpoint discrimination is a form of **content discrimination** particularly disfavored by the courts. When the government engages in content discrimination, it is restricting speech on a given subject matter.

[1] Free Speech Center at Middle Tennessee University

Viewpoint based discrimination allows for only one group's opinion over another. The **U.S. Supreme Court** believes this type of regulated speech the most *egregious*. A law allowing **content-based** regulation is exemplified by social media platforms banning sexually explicit material. An example of **viewpoint discrimination** would be a social media platform allowing only one political party to exercise their **First Amendment** Constitutional right to free speech.

Alaska has a history of protecting politicians operating out of Backwater Juneau who abuse power. Gov. **William Sheffield** was caught giving State Lease contracts to donors to his campaign. A **Grand Jury Report** on this corruption was withheld from the people of Alaska. The report became public only because an unidentified whistleblower called the media to pick up the report in a courthouse waste bin. The grand jury investigation against Sheffield led the jury to admonish Sheffield but not to indict. This creates a cynical expectation that our status quo media and lawless state courts will likely withhold a recent grand jury report containing charges of perjury against retired judge **Margaret Murphy**.

[2] Old Time Alaska Corruption DONN LISTON

12/18/19

Neither Elected Officials Serving
Special Interests in Backwater
Juneau, nor AKCourts, want you
to know the power of *We The
People* in the Alaska
Constitution... Art.1 Section 2



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WEDNESDAY, APRIL 17, 2024 AT 6 PM – 8 PM AKDT

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Anchorage, Alaska

Be informed.

Section 2. Source of Government

All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.



<https://www.facebook.com/events/442449488315114/?ti=ls>

Third-World Governance on Display

Due to new **Supreme Court Order 1993**, the **AK Attorney General**—as legal representative of the **State of Alaska (SOA)**—is allowed to filter complaints against the SOA which citizens have filed. Not only is this conflict of interest, but also discrimination and abuse of power by officials and State agencies.



Because ALASKA has such a small and mostly transient population our court system can't be bothered with Conflict of Interest. Alaska is generally understood to be one of the most corrupt places in USA.

Alaska, renowned for its breathtaking landscapes and diverse culture, also grapples with a darker reputation: corruption. Recent findings from the Institute for Corruption Studies at Illinois State

University rank Alaska as the most corrupt state in America, once again.

Combatting corruption requires multifaceted approaches:

- **Transparency:** Enhancing transparency in governance fosters accountability and discourages corrupt practices, necessitating increased public access to information and robust oversight mechanisms.
- **Education:** Educating the public about corruption's root causes and consequences empowers citizens to detect and report corruption, fostering a more vigilant and engaged populace.
- **Enforcement:** Strengthening legal frameworks and instituting rigorous enforcement mechanisms deters corrupt behavior, ensuring swift and severe consequences for perpetrators.



[3]Most Corrupt State

Under the **AK Supreme Court's** new dictates declared under CR 6.1, the **AK Attorney General** may reject a complaint for a civil investigative grand jury: CR 6.1(a)(3) states the grand jury's authority to investigate and issue reports, *[T]he issue involves a matter of general importance to a large number of people, rather than to an individual or a small group of individuals, and, An issue that concerns primarily a private matter rather than one that concerns the general public is not generally an issue concerning the public welfare or safety within the scope of a grand jury's investigative authority.*

The Lords at Court don't think violation of individual Alaskans by public officials is worthy of Grand Jury attention in direct contradiction to intent of the founding fathers when the AK Constitution was written.

Case Law on this Matter

In **Turner Broad Systems v. F.C.C. (512 U.S. 622, 647 (1994))**, the court was asked to determine if a facially neutral law may discriminate when in *operation* if it favors or disfavors a particular point of view. When **SCO 1993** was arbitrarily declared by the **AK Supreme Court**, it instituted the government's dual role, as 1) complaint intake officer and 2) State's legal representative.

Meet the *Dunleavy* Supreme Court



Alaska Supreme Court Justices

Front Row (L-R): Justice Susan M. Carney, Chief Justice Peter J. Maassen, Justice Dario Borghesan

Back Row (L-R): Justice Jennifer S. Henderson, Justice Jude Pate

Laws in a constitutional republic mean something, and the longer they are upheld the more they are established. Changing laws for political reasons is what happens in banana republics, and Alaska.

[4] Activist Judges do Administration's bidding Ex Pos Facto, Jessica Pleasant December 12, 2023

The AG's ability to act legally on behalf of the State allows bureaucrat discretion to suppress complaints against the State. In **Cohen v. California, 403 U.U. 15, 18, 26 (1971)**, it was found that a law may still violate the **First Amendment of the US Constitution** when enforcement involves government action subject to the **First Amendment**.

The State claims the rule changes made in **SCO 1993** were needed to create a process for the multiple active complaints waiting to go before the grand jury. In **Cornelius v. NAACP Legal Defense and Education Fund, 473 U.S. 788, 812 (1985)**, the court found that a *facially neutral and valid justification* cannot establish a law *that is in fact based on the desire to suppress a particular point of view*.

AK Dept of LAW



The goal of changing how the Independent Grand Jury works is not to serve Alaskans. The AK Supreme Court is simply acting as an Obstructive Bureaucrat

Computer gamers might recognize this Supreme Court as a bunch of **Dumb Rules Lawyers**: Always insisting on following the rules even when it's clear that doing so won't work, or would be detrimental to the game experience.

See also Lose-Lose
A lose-lose situation or result is one that is bad for everyone involved

In **Rosenberger v. Rector & Visitors of the Univ. of Va., 515 U.S. 819, 829 (1995)**, the Court found a law regulating speech based on *specific motivating ideology* or the speaker's *opinion or perspective* is viewpoint-based discrimination. **SCO 1993's** changes to Criminal Rule 6.1 *invites* discriminatory enforcement. CR 6.1 *gives a government official or agency substantial power to discriminate based on the content or viewpoint of speech by suppressing disfavored speech or disliked speakers.* (**Lakewood v. Plain Dealer Publ'g Co. v. , 486 U.S. 750, 759, 772 (1988)**)



Red Flags for Viewpoint Discrimination.

SCO 1993 has gone so far as to ban *individuals and small groups* from making complaints. According to **McMillan v. Coakley, 573 U.S. 464, 488, 490 (2014)**, a law violates the **First Amendment** if it does *burden substantially more speech than necessary to achieve the government's interest*. CR 6.1(a)(1) states the purpose of the rule is to advance public welfare and safety. Based upon the legislation and Court's argument, as well as use of statutory constructions, these arbitrary rule changes deny *individuals and small groups* from filing a complaint by giving the Attorney General new powers not in the interest of public welfare and safety.

The SOA Attorney General can now deny the grand jury's subpoena of officials if, by HIS/HER OPINION, the subpoena IS UNNECESSARY. There are many new exceptions and exemptions to subpoena power of the grand jury. Dictatorial powers under CR 6.1 allow the district AG to block grand jury subpoenas. These provisions are found at CR 6.1(e)(1). This new rule allows the AG to use a bureaucrat's discretion to assume the grand jury is acting in bad faith in its desire to subpoena officials. Previously, the grand jury was not hindered with such *arbitrary* and *ambiguous* rules.

Alaska (><) Philippines Connections

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Perspective on Asia



DONN LISTON

Alaskan in Philippines

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How AK Legal Bureaucrats Regard Alaskans who Serve on Juries

Per CR 6.1(e)(1), *If the prosecuting attorney reasonably believes that a subpoena approved by the majority of grand jurors was not approved 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, inform the superior court and seek a judicial determination whether the*

subpoena shall issue.

According to AS 18.80.060(a)(5), the **Alaska Commission of Human Rights (ACHR)**, is meant to *eliminate discrimination because of race, religion, color, national ancestry, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood*” The commission claims its goal is: *The commission may study problems of discrimination, research and make its own reports.*

According to **Alaska’ Commission of Human Rights, 18.80.020**, *The commission consists of seven commissioners, appointed by the governor for staggered terms of five years, and confirmed by the legislature.* This may explain why there has been a lack of support from civil rights officials for the citizens at the Alaska Grand Juror Association seeking equity for Alaskans harmed by government official misconduct including of judges.

Per AS 18.80.060(b)(2), the Commission will need permission from the governor to have assistance to perform the Commission’s duties. The rule states the Commissions may *call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out its duties.*

Foundational legal errors exist in SCO 1993 identified through statutory construction standards. These arbitrarily implemented unconstitutional provisions are key provisions needed for the rest of the rule’s changes. Therefore, my above argument against certain provisions in the rule changes cannot be resolved with the Severability Clause.

[5] Why AK Prosecutors are Afraid of Grand Juries, DONN LISTON, March 6, 2024



Jessica Pleasant is a disabled **US Milita** tant. She first came to Alaska with her so Tennessee, where she had obtained a L that state’s courts, against her ex-husban Alaska and again initiated violence again cies of **AK Courts**, as she suffered ment. **Superior Court** Judge **Yvonne Lamoure** to the proven abusive father, but all have mother/son.

Read the story here!

<https://donnliston.co/2023/11/how-alaska-court>

[How Alaska Courts FURTHER Damage Children In Broken Families](#)

References:

[1] Free Speech Center at Middle Tennessee University
<https://firstamendment.mtsu.edu/article/viewpoint-discrimination/#:~:text=Viewpoint%20discrimination%20is%20a%20form,on%20a%20given%20subject%2>

[2] **Old Time Alaska Corruption DONN LISTON** 12/18/19
<https://donnliston.net/2019/12/alaska-corruption-and-failed/>

[3] Most Corrupt State
<https://unishka.com/alaska-named-americas-most-corrupt-state-again/>

[4] Activist Judges do Administration's bidding Ex Pos Facto, Jessica Pleasant December 12, 2023
<https://donnliston.net/2023/12/activist-judges-do-administrations-bidding-ex-pos-facto/>

[5] Why AK Prosecutors are Afraid of Grand Juries, DONN LISTON, March 6, 2024
<https://donnliston.net/2024/03/why-ak-prosecutors-are-afraid-of-grand-juries/>

Legal Sources:

1. https://constitution.congress.gov/browse/essay/amdt1-7-4-3/ALDE_00013120/#ALDF_00019188 2. https://constitution.congress.gov/browse/essay/amdt1-7-4-3/ALDE_00013120/#essay-25 facially neutral 3. https://constitution.congress.gov/browse/essay/amdt1-7-4-2/ALDE_00013119/ on its face

2. Law need not single out a particular ideology or message to be viewpoint-based, however. For example, a law that categorically prohibits religious speech may be viewpoint-based even if it does not draw sectarian distinctions. (Jump to essay-1 *lancu v. Brunetti*, No. 18-302, slip op. at 6 (U.S. June 24, 2019). 2. Jump to essay-2 As explained in the Overview, there are certain contexts in which the government can draw viewpoint-based distinctions, such as when the government itself is the speaker. See Amdt1.7.4.1 Overview of Viewpoint-Based Regulation of Speech. See also Amdt1.7.8.2 Government Speech and Government as Speaker; Amdt1.7.13.6 Selective Funding Arrangements; Amdt1.7.13.7 Government's Message Versus Private Speakers. *Reed v. Town of Gilbert*, 576 U.S. 155, 168 (2015) (quoting *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995)) 3. Amdt1.7.4.1 Overview of Viewpoint-Based Regulation of Speech 4.

<https://www.law.cornell.edu/constitution-conan/amendment-1/overview-of-viewpoint-based-regulation-of-speech>

3. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

4. The Supreme Court considers viewpoint-based regulation of speech to be "an egregious form of content discrimination." 2 A

(*Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995))

5. A law is viewpoint-based when it regulates speech based on its “specific motivating ideology” or the speaker’s “opinion or perspective”. (Rosenberger, 515 U.S. at 829)

6. Laws that do not single out a specific viewpoint on their face, but that were enacted for the purpose of suppressing an idea or message, or otherwise invite discriminatory enforcement, sometimes run afoul of the First Amendment as well. (See Amdt1.7.4.5 Viewpoint Neutrality in Forum Analysis) 7. <https://www.adn.com/opinions/2019/11/23/alaskans-and-impeachment-the-case-of-gov-bill-sheffield/> 8. <https://apnews.com/article/alaska-legislature-impeachments-obituaries-anchorage-1170fb15c1c8024136d83ea93ef87085> 9. <https://www.aclu.org/documents/tinker-v-des-moines-landmark-supreme-court-ruling-behalf-student-expression>

10. Alaska Supreme Court Order 1993

11. CR 6.1 of Alaska

12. Alaska Civil Rights

13. Alaska Constitution First Amendment of Alaska

14. United States First Amendment

15. <https://www.law.cornell.edu/supremecourt/text/393/503>

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