

RE: Fixing Alaska’s Judicial Corruption with an Independent Commission that Investigates in Public

Honorable Governor Michael Dunleavy: (907) 465-3500 or tyson.gallagher@gov.state.ak.us

Don Fritz (Funny River Board), Ric Davidge (Alaska Roundtable - MPA) and I respectfully ask for a meeting with yourself and Attorney General Treg Taylor – to discuss fixing ongoing judicial corruption in Alaska.

Background

2019: Citizens seek a grand jury investigation into evidence indicating the Alaska Commission on Judicial Conduct (ACJC) is falsifying official investigations to keep corrupt judges on the bench. For years, citizens are barred from appealing to the grand jury, despite a right to do so: *“The grand jury can be appealed to directly, which is an invaluable right to the citizen.”* (Alaska Constitutional Convention, transcript page 1328.)

2022: Citizens protest the above at the Kenai courthouse; along with handing possible grand jurors evidence of judicial corruption. Many Assemblies, Councils, and Boards pass Resolutions supporting citizen efforts. Protests spread to Anchorage, Palmer, Fairbanks, Juneau, Homer, and Haines. Multiple grand jury investigations start, but all are stopped by judicial system officials, despite Alaska’s Constitution: *“The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.”*

June 29, 2022: Judge Jennifer Wells orders a 6th Kenai grand jury to stop, and permanently disbands them, after the grand jury, by majority vote, votes to investigate judicial corruption. Citizens organize a state-wide indoor courthouse sit-in, to be continued non-stop (even after courthouse closing time and arrests) until the Kenai grand jury is reconstituted, finishes their investigation, and makes a report and recommendation to the public.

July 2022: A new Kenai grand jury is convened solely to investigate, report on, and address judicial corruption.

April 28, 2023: After investigating for nearly a year, the grand jury issues a report and recommendation to the public. It also indicts Judge Margaret Murphy for felony perjury. The “independent” counsel the grand jury requested states the jury intended their report and recommendation to be made public, and that along with addressing judicial corruption, the report and recommendation addressed the problem of citizens being stopped from appealing to the grand jury. The independent counsel also states that when the grand jury subpoenaed the ACJC’s sole judge investigator for the last 35 years, she lawyered up and refused to testify. Before the public can see it, Judge Thomas Matthews seals the grand jury’s report and recommendation and assigns himself to Judge Murphy’s prosecution.

April 15, 2024: Judge Matthews dismisses Judge Murphy’s indictment. Court records show that after the grand jury voted to indict Judge Murphy, one juror went missing (still missing to this day), so the grand jury no longer had the required minimum of 12 jurors. Yet court rules require 18 grand jurors to be impaneled, not counting alternates, 6 of which are provided for all grand juries, for a total of 24. But this grand jury, formed specifically to investigate judicial corruption, was somehow impaneled with 12 jurors and 0 alternates. Then one vanished.

April 18, 2024: In direct conflict with the grand jury’s intent it be made public, Judge Matthews’ office states the grand jury’s report and recommendation will never be given to the public. Yet Alaska’s Constitution states: *“The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.”*

Alaska Supreme Court Justices Burke and Compton explained exactly what this means: *“Webster's Third New International Dictionary’s first definition of ‘never’ is ‘not ever: not at anytime; at no time.’ Its second is ‘not in any degree: not in the least: not in any way: not under any condition.’ Its first definition of suspend is*

'to debar or cause to withdraw temporarily from any privilege, office, or function.' The grand jury, and not the courts, can choose matters on which it reports and recommends, and the manner in which to do so.'

Alaska Constitutional Convention Commentary on the Preamble and the Declaration of Rights, December 15, 1955: *"The grand jury is preserved, for all purposes, particularly for investigation of public officials."*

Conclusion

Facts show a coordinated effort by powerful officials to cover up corruption on a yet unknown scale. Citizens file about 20 complaints against Alaskan judges each month and since 1989 all have been investigated by the same ACJC judge investigator who refused to testify to the grand jury. This means up to 8,400 investigations may have been falsified to keep corrupt judges on the bench so they can continue ruling over We-The-People. Deciding if our children are taken from us, deciding if we go to prison, deciding if we are to be homeless.

Within the bounds of law we have given it our best shot to address this danger to the public welfare and safety: with immense effort and risk we succeeded in initiating a year-long grand jury investigation which resulted in a report and recommendation to the public; along with the indictment of a judge. But all are now wiped away by the same officials the grand jury investigated. In violation of Justice, common sense, and the crystal-clear Constitutional right that citizens, through their grand juries, have the power to conduct independent oversight.

Without your help the only tools we have left exist outside the bounds of law: courthouse sit-ins followed by arrests and trials presided over by the very people we believe to be corrupt. But, if we must, we will resolutely follow in the footsteps of Rosa Parks, Little Rock Nine, and the many others who have broken the trail. For if Alaska's judicial system has become so corrupt in the 65 years since statehood, how corrupt will it be when our grandchildren come of age, if we sit back now and let independent grand jury oversight be eliminated?

Honorable Governor Michael Dunleavy, be **BRAVE!**

Help us in our time of great need by granting our request. Better yet, announce to the public you are appointing an "independent" Mollen-type Commission that will investigate Alaska's judicial corruption **IN PUBLIC** with Mollen powers of subpoena and grants of immunity, the combination of which New York City used with devastating effectiveness to root out the same systemic high-level corruption and cover up we are now facing.

"The system wants this to go away and they pushed it to me because they thought I would be a conduit to kill this." Recording of the grand jury's "independent" counsel, when questioned why he never informed the jury that he had a compelling reason to derail their investigation. (He had previously *exonerated* the ACJC's judge investigator and Judge Murphy from the same exact evidence that he was now "helping" the jury investigate.)

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New York City's 1994 Mollen Commission (Public Investigation Initiated by Mayor Dinkins) *To cover up their corruption, officers created even more: they falsified official reports and perjured themselves to conceal their misdeeds. In the face of this problem, the Department allowed its systems for fighting corruption virtually to collapse. It had become more concerned about the bad publicity that corruption disclosures generate than the devastating consequences of corruption itself. As a result, its corruption controls minimized, ignored and at times concealed corruption rather than rooting it out. Such an institutional reluctance to uncover corruption is not surprising. No institution wants its reputation tainted – especially a Department that needs the public's confidence and partnership to be effective. Since no entity outside the Department was responsible for reviewing the Department's success in policing itself, years of self-protection continued unabated until this Commission commenced its independent inquiries.*