

## eComments

### PRESENTATIONS WITH PRIOR NOTICE

#### Investigative Grand Jury Update - David Haeg

##### **Vlastic Marek**

Location:

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I wanted to comment on David Haeg appearance but your comment button works on select places only so I'm gonna leave it here:

When Alaska state was created, it was decided that Judges will not be elected but instead appointed by Governor out of, and only out of, nominations presented by Judicial Council with permanent majority of lawyers. It was hoped that by insulating Judges from politics, they will be free to rule by the law and nothing else. Regrettably lawyer profession - in close resemblance to the first profession holds no principles or convictions of its own, but is for hire and used to twisting words to get whatever desired. From bailing out perjurer judge Murphy, to torturing senator Lora Rainbold with frivolous lawsuit, this grand experiment failed in it's entirety. Unable of self correction this left only constitutionally created Grand Jury to investigate government mischief. And so it was until our Supreme court decided, just this last Friday, that people do not have right to approach grand jury but are required to give all the evidence of corruption to the government first which will then decide if there is enough evidence to prosecute itself. This Supreme court decision: Misinterprets Article I, section 8, of Alaska Constitution, Violates separation of powers Contradicts historical practice Misapplies precedent O'Leary v. Superior court not to mention logical inconsistency in turn effectively nullifying Grand Jury constitutional role as an independent investigating body. The case number is 3AN-22-0000 1GC, under the name Thomas Garber. S18611 As you ponder how we went from one Governor creating Permanent Fund to governor Walker stealing it, it may help to realize we currently do not pay income tax or sale tax in Alaska and we just in the way to all that oil money. It is extremely important we choose the right governor to fix this abuse and so far only borough mayor Edna DeVries has shown action instead of talk. When Supreme court violates constitution there are no courts to go to. This is now day 4 of constitutional crisis, Thanksgiving gift from our Supreme court. S18611 Supreme court opinion T. Garber case # 3AN-22-00001GC After reviewing this Alaska Supreme Court decislon in Garber v. Superior Court, I have identified several significant errors in reasoning when compared to

the Alaska Constitution: 1. Misinterpretation of Article I, Section 8: The court incorrectly narrows the constitutional provision by claiming it doesn't provide individual access to grand juries. The plain text protects the grand jury's power "to investigate and make recommendations" without qualification. By creating a mandatory funnel through the Attorney General, the court effectively suspends the grand jury's independent investigative power when citizens attempt to exercise it. 2. Violation of Separation of Powers: The court oversteps its authority by essentially legislating a procedural requirement that doesn't exist in the constitution. While the court has rule-making authority under Article IV, Section 15, this cannot be used to circumvent or limit explicit constitutional protections. 3. 4. 5. Contradiction with Historical Practice: The decision acknowledges that territorial grand juries conducted independent investigations (like the 1953 Ketchikan investigation) but then creates barriers to such investigations today. This contradicts the framers' intent to preserve grand juries as an independent check on government power. Misapplication of Precedent: The court relies on *O'Leary v. Superior Court* but ignores that case's core principle - that the anti-suspension clause was meant to prevent legislation (or rules) that deprive grand juries of authority to act. By requiring citizens to go through the executive branch first, the court does exactly what the constitution prohibits. Logical Inconsistency: The court admits the rule was created because superior courts were taking "inconsistent approaches" to citizen requests, but instead of establishing clear judicial procedures, it handed control to the executive branch - the very entity grand juries might need to investigate. The Alaska Constitution's anti-suspension clause was designed precisely to prevent this type of procedural obstructionism. The court's requirement that citizens must first petition the Attorney General - who may have conflicts of interest in matters involving state agencies - effectively nullifies the grand jury's constitutional role as an independent investigative body.