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Honorable Members of the Alaska State Legislature

Over the years, I have called to your attention that the Constitution for the State of Alaska has many defects that need to be addressed and corrected. These defects are identified as follows:

1. **CITIZENS** - The Constitution for the State of Alaska is dedicated to “*foreign citizens*” of a foreign corporation, that being the “*citizens*” of the incorporated “UNITED STATES.” <sup>1/</sup>

(a) The fifty (50) States of the Union are individual “Countries” having citizens of their own. They are the white “Caucasian” people whose birth was within those individual States of the Union and by their birth in a State, they are “*citizens*” of the State of their birth. They are the U.S. Constitution, Preamble People “Citizens of the United States.” Here I must bring to your attention that a “Citizen” of the “United States” is not same as a “*citizen*” of the “United States.” The two citizenships are not the same.

*(Please take notice that one has an upper case letter “C” while the other has a lower case letter “c”. The lower case letter “c” citizen are those citizens of the Constitutional Amendments while the upper*

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<sup>1/</sup> 20 CJS Section 1785 – “*The United States government is a foreign corporation with respect to a state.*” N.Y. - In Re Merriam, 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 163 U.S. 625, 41 L. Ed. 287.

*case letter “C” Citizen are those Citizens of the main body of the U.S. Constitution. This is not an oversight of the drafters of a Constitution for every letter and word of a Constitution has a definite and specific meaning.).*

Up until the year of 1868, “The United States of America” had no citizens of its own. Any “United States Citizens” it may have had were the white “Caucasian” citizens of the States of the Union. Upon the purported ratification of the Fourteenth Amendment to the U.S. Constitution, a newly created “citizen” was created for “The United States of America” whom was subject to the exclusive jurisdiction of the U.S. Congress.<sup>2</sup> This Fourteenth Amendment also states that these newly created “citizens” have the status of being “citizens of the State” in which they resided.<sup>3</sup> These newly created “citizens of the United States” have no inherited rights as stated within the “Mayflower Compact” of November 11, 1620<sup>4</sup> nor within the “Declaration of Independence” of July 4, 1776<sup>5</sup> for they are not the “Posterity People”<sup>6</sup> of the “Preamble” to the Constitution for the United States of America. These newly created “citizens of the United States” have only government “Privileges” or “Immunities”<sup>7</sup> as granted to them by “Legislative Acts”<sup>8</sup> of the U.S. Congress<sup>9</sup> or as granted to them by other Amendments to the U.S. Constitution (e.g. Fifteenth Amendment).

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<sup>2/</sup> see “Section Five” of the Fourteenth Amendment.

<sup>3/</sup> see “Section One” of the Fourteenth Amendment.

<sup>4/</sup> see Internet Hyperlink: <http://tinyurl.com/z6owevq> .

<sup>5/</sup> see Internet Hyperlinks: <http://tinyurl.com/jdsrfju> & <http://tinyurl.com/jp3ggqd> .

<sup>6/</sup> “Posterity People” defined. See Internet Hyperlinks: <http://tinyurl.com/7sc7q4m> & <http://tinyurl.com/hexwncl>

<sup>7/</sup> see wording of Section One of the Fourteenth Amendment: “... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. ...”

<sup>8/</sup> see first Civil Rights Act of 1875 (18 Stat. 335–337) at Internet Hyperlink: <http://tinyurl.com/gon3lvy> .

<sup>9/</sup> see Section Five of the Fourteenth Amendment: “*The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*”

(b) In exercising "Political Rights" of "Suffrage" and the holding of "Public Offices" of the State of Alaska, those "Political Rights" are granted only to those who are "citizens" of a foreign corporation known as the "United States." The Constitution for the State of Alaska does not recognize its own citizens as having "Political Rights" for no natural born citizen of the State of Alaska may cast "votes" at an election /<sup>10</sup> nor hold a "Public Office" of the State. /<sup>11</sup> All white Caucasian "Office Holders" of the State of Alaska may have committed the criminal act of "Perjury" for "lying" on "Documents" of the State in stating that they were "citizens of the United States" when in fact, they were all "citizens" of a State. The "citizenship" of a white Caucasian is not founded upon any Amendment to the U.S. Constitution such as the Fourteenth Amendment and they are not Fourteenth Amendment "citizens of the United States."

"United States citizenship does not entitle citizen to rights and privileges of state citizenship. Citizenship of the U.S. does not entitle citizen to privileges and immunities of citizen of state, since privileges and immunities of one are not the same as the other."

K. Tashiro et. al v. Jordan Secretary of State, et. al (S.F. 12346)  
Supreme Court of California May 20, 1927.

"The supreme Court made it perfectly clear that a state Citizen, and a member of the sovereignty, **cannot be named in any statute as merely a 'person' or 'any person'.**" [as with the "All Persons born ... are citizens of the United States" statement of the Fourteenth Amendment].

Will v. Michigan Dept. of State Police, 105 L.Ed.2d.45 (1989)

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<sup>10/</sup> see Article V, Section 1 of the Alaska Constitution: "**Every citizen of the United States ... may vote in any state or local election ...**".

<sup>11/</sup> see Article II, Section 2 of the Alaska Constitution: "**A member of the legislature shall be a qualified voter ...**" and Article III, Section 2 of the Alaska Constitution: "**The governor ... and a qualified voter of the state ...**" and Article III, Section 7 of the Alaska Constitution: "**There shall be a lieutenant governor, He shall have the same qualifications as the governor ...**" and Article III, Sections 25 & 26 of the Alaska Constitution: "... **The heads of all principle departments shall be citizens of the United States.**" & "**When a board or commission is at the head of a principle department or a regulatory or quasi-judicial agency ... They shall be citizens of the United States. ...**" and Article IV, Section 4 of the Alaska Constitution: "**Supreme Court justices and superior court judges shall be citizens of the United States and citizens of the State ...**"

(c) **CONCLUSION** – The “Suffrage” and “Political Office” qualifications of the Constitution for the State of Alaska needs to be corrected by removing all references made to “citizens of the United States” and replaced with a reference to those who are “citizens of the State of Alaska.” As the [purported] Fourteenth Amendment to the U.S. Constitution declares that its “citizens” are not only “citizens of the United States,” but also “citizens” of the State in which they reside in, this correction of the Constitution for the State of Alaska would not be in conflict with the U.S. Constitution.

2. **Recall** – There are no provisions within the Constitution for the State of Alaska granting the power of the electors to remove an elective officer. Absent the power of “Recall,” the “People” of Alaska are subject to the destruction of their government by “usurpers of office” and the destruction of their “Rights” by abusive Officials.

(a) **CONCLUSION** – The Constitution for the State of Alaska needs to be amended to include a “Section” addressing the recall of “Officials.”

3. **Constitutional Amendments by Electors** - It has been proclaimed by the “Declaration of Independence” of July 4, 1776 that all governments are established by the will of the “People,” so it is with the Constitution for the State of Alaska.<sup>12</sup> There are no procedures established by the Constitution for the State of Alaska allowing the “People” to make “Amendments” to their State Constitution as all “Amendments” are proposed by special interest of the “Legislators” and the incorporated “Alaska BAR Association” that controls the “Legislature” and other branches of government. Without such amendment provisions, the “People” are being held hostage to the whim of their “Legislators” and to the “BAR Associations.”<sup>13</sup>

(a) **CONCLUSION** – The Constitution for the State of Alaska needs to be amended to allow the “People” to make amendments to their property, the Constitution for the State of Alaska. The Alaska State Constitution is not the property of any “Legislator” nor is it the property of any corporation, such as the “BAR Association.”

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<sup>12/</sup> see Article I, Section 2 of the Alaska Constitution: “... *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.*”

<sup>13/</sup> see Article XIII, Section 1 of the Alaska Constitution: “*Amendments to this Constitution may be proposed by a two-thirds vote of each House of the Legislature ...*”

4. **Sales and Grants of Lands of the State** – The legislature for the State of Alaska has been granted the authority to sale and issue grants for the lands of the State.<sup>14</sup> Within this provision of the Alaska State Constitution, the “People” mandated that all sales or grants shall contain such “reservations” to the State of all resources as may be required by Congress [*via Federal Land Patents*] and the State [*via State Land Patents*]:

“Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interest therein, and establish sales procedures. All sales or grants shall contain such reservations to the state of all resources as may be required by Congress or the State **and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners’ use, prevent the control of trespass, or preclude compensation for damages.**”

Alaska Constitution, Article VIII, Section 9

The “Constitutional Convention” under the leadership of “William [Bill] Egan” took an extra step in writing this “Section 9” of “Article VII” of the Constitution that makes it impossible for any “Official” of the State to prepare a legitimate “Land Patent” of the State. With the sentence: “**and shall provide for access to these resources**” which appears in the above “Section 9” of the Constitution, to be in satisfaction of this requirement in writing a “Land Patent,” the “Official” of the State would have to “identify” all the “resources” that is on or under the land, identify the “location” of all “resources” that are on or under the land, and provide a legal described “right-of-way” to those “resources.” No other “State” of the Union nor the government of “The United States of America” has this provision in their “Constitutions” nor their “Statutes” for obvious reasons.

The “Commissioner” of the “State of Alaska Department of Natural Resources” and the “Staff” of the City and Borough of Juneau (CBJ) are in trouble with “Alaska Land Patent No. 6159.” This “Land Patent” was used for authority to “Deed” over several partials of land into private ownership within the CBJ. The contents of this “Land Patent No. 6159” was withheld from those “Property Owners” by the “Staff” of the CBJ in that no “Deed Packet” containing the “Federal Land Patent,” the “State of Alaska Land Patent,” and any other former “Deeds” were never furnished to those “Property Owners.” The “Restrictions” of “Land Patent No. 6159,” in granting access to the resources of the land, has “trespassed” upon several provisions of the Constitution for the State of Alaska which nullifies the “Land Patent” and its subsequent “Property Deeds” for any purposes whatsoever.

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<sup>14/</sup> see Article VIII, Section 9 of the Alaska Constitution.

The words of “Restrictions” and “Reservations” of the “State of Alaska Land Patent No. 6159” reads as follows:

~~“Save And Except~~ those restrictions appearing in the Federal Patent or other conveyance by which the Grantor acquired title;

~~“And Further,~~ Alaska, as Grantor, hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, **and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any parts or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.**  
[Emphasis added]

~~“To Have And To Hold~~ the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and its successors and assigns forever.”

The words highlighted in “**Red**” are superfluous for “*providing access*” to the reserved “*resources*” are issues of future negotiations with the property owner and the “*taking of land*” under the “Eminent Domain Powers” of the State. (e.g. Article I, Section 18 & Article VIII, Section 18 of the Constitution for the State of Alaska).

The words highlighted in “**Red**” trespasses upon the following provisions of the Alaska State Constitution:

- (a) Article I, Section 1 (Inherent Rights) “*This Constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; ...*” [Emphasis added]
- (b) Article I, Section 14 (Searches and Seizures) “*The right of the people to be secure in their persons, houses, and other property, papers and effects shall not be violated ...*” [Emphasis added]
- (c) Article I, Section 18 (Eminent Domain) “*Private property shall not be taken or damaged for public use without just compensation ...*” [Emphasis added]
- (d) Article I, Section 22 (Right of Privacy) “*The right of the people to privacy is recognized shall not be infringed. ...*” [Emphasis added]
- (e) Article VIII, Section 1 (Statement of Policy) “*It is policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with public interest*” [Emphasis added]
- (f) Article VIII, Section 16 (Protections of Rights) “*No person shall be involuntarily divested of his right to the use of waters, his interest in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and operation of law.*” [Emphasis added]
- (g) Article VIII, Section 18 (Private Ways of Necessity) “*Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damage to other property rights.*” [Emphasis added]

The “Alaska Land Patent No. 6159” and like “Land Patents” of the State are defective and without authority to transfer the lands of the State into private ownership.

- (a) **CONCLUSION** – Alaska Constitution, Article VIII, Section 9 is “*null and void*” for being “*repugnant*” to several “Sections” of the Alaska State Constitution. Article VIII, Section 9 needs to be brought into conformity with other “Sections” of the Constitution by removing the following sentence:

*“... and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners’ use, prevent the control of trespass, or preclude compensation for damages.”*

5. **The Judiciary** – There are no “Judges” or “Justices” for the Courts of the State of Alaska. No “Judge” or “Justice” for the State of Alaska has the “Office Qualifications” of Article IV, Section 4 of the Constitution for the State of Alaska for want of having a “license” to practice law and for being “citizens” of two separate corporate governments which are “foreign” to each other at the same time:

*“Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, ...”*

1. **Citizenship** - The citizenship qualification clause of Article IV, Section 4 of the Alaska State Constitution is confusing for this provision makes a distinction from one who is a “citizen of the United States,” from those who are “citizens” of a State. This is complicated by the fact that the “First Section” of the Fourteenth Amendment to the U.S. Constitution mandates that its “citizens of the United States” are also “citizens” of the State in which they reside in. This raised the question: “*By what authority does a “Constitution for a State” mandates that a citizen of a foreign corporation to a State may hold an “Office” of a State??*”

***“The United States government is a foreign corporation with respect to a state.”***

**20 CJS Section 1785,**  
**N.Y. – In Re Merriam, 36 N.E. 505 , 141 N.Y. 479,**  
**affirmed 16 S.Ct. 1073, 163 U.S. 625, 41 L, Ed. 287.”**

2. **License to Practice Law** - No other State of the Union has ever mandated that their “Judges” and “Justices” shall be licensed to practice law. In fact, most “States” of the Union have mandated within their “State Constitutions” that their “State Judges” and “Justices” shall not be members of “BAR Associations” nor shall they be licensed to practice law. (e.g. Article VI, Section 9 of California State Constitution).

It is impossible for anyone to be “licensed” to practice law in the Nation of “The United States of America,” so says the U.S. Supreme Court and numerous Supreme Courts of the States:

- 1) The practice of Law **CAN NOT** be licensed by any state/State  
Schwartz v. Board of Examiners, 353 U.S. 238, 239

2) The practice of Law is **AN OCCUPATION OF COMMON RIGHT!** Sims v. Aherns, 271 S.W. 720 (1925)

A. The "**CERTIFICATE**" from the State Supreme Court:

1) **ONLY** authorizes,

a. to practice Law "***IN COURTS***" as a member of the **STATE JUDICIAL BRANCH OF GOVERNMENT**;

b. can **ONLY** represent **WARDS OF THE COURT**;

a) **INFANT**;

b) **PERSONS OF UNSOUND MIND.** (see *CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.*)

2) A "**CERTIFICATE**" is not a license ....

a. to practice Law **AS AN OCCUPATION**;

b. nor to **DO BUSINESS AS A LAW FIRM!!!**

B. The "**STATE BAR CARD**" is not a License ...

1) it is a "**UNION DUES CARD**";

2) the "***BAR***" is a "***PROFESSIONAL ASSOCIATION***";

a) like the Actors Union, Painters Union, etc.;

1. no other association, **EVEN DOCTORS**, issue their own license. **ALL ARE ISSUED BY THE STATE**;

2. it is a **NON-GOVERNMENTAL PRIVATE ASSOCIATION.**

3. The "***Rules***" of a Corporation are not laws of a State – The Alaska State Legislature has declared by Statute "*AS 08.08.210*" as to who may practice law. At subsection "***(b)***" of this Statute we read:

***“The practice of law shall be defined in the Alaska Bar Rules”***

The “Alaska Bar Rules” at “BAR Rule 63” attempts to define the unauthorized “Practice of Law.” The Alaska State Legislature is without constitutional authority to delegate its authority to make laws, and as such, the Legislature had no authority to delegate its authority to a private corporation (Alaska BAR Association) to define what constitutes the practice of law.

The “laws” of the State of Alaska are the property of the “People” (see Ak. Const., Art. I, Sec. 2) and the power to make “laws” is with the “Legislature” (see Ak. Const., Art. II, Sec. 1) and with the “People” via “Initiatives.” (see Ak. Const., Art. XI, Sec. 1). The legislative power to make laws is not delegable. (see Ak. Const., Art. XII, Sec. 11). The “People” mandated in their State Constitution that the laws of the State shall be created and defined by the Alaska State Legislature. (see Ak. Const., Art. II, Sects. 13 & 14). If “Practice of Law” is to be defined, it would have to be defined with “Acts of Law” of the Alaska State Legislature or of the People via “Intiatives.”

(a) **CONCLUSION** – The Constitution for the State of Alaska needs to be amended for the purpose of removing any and all references that “Justices” and “Judges” for the Courts of the State of Alaska are to be members of a “BAR Association” and to be “Licensed” to practice law.

(b) **FURTHERMORE**, any references to “citizens of the United States” as an “Office Qualification” should be removed and rewritten to read “citizens of the State of Alaska.”

6. **Sheriffs** – The “Sheriff” of a State is the representative of the “Common Law Rights” of the “People.” The “Sheriff” represents the “People” whereas “State Troopers,” “Municipal Police Officers,” and other statutory created enforcement “Officers” of the State represents only the affairs of the body corporate of the State. Without the “People” having access to elected “Sheriffs” to represent them in their “Common Law Rights,” there is no “Republican Form of Government” for the State. (see Article IV, Section 4, of the U.S. Constitution).

“Police Officers” don’t have to come when you call. In most States, the Government and Police owe no legal duty to protect individual citizens from criminal attack. <sup>15/</sup> The District of Columbia’s highest Court spelled this out plainly:

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<sup>15/</sup> see Internet Hyperlink: <http://tinyurl.com/z715219>

“The fundamental principle that a government and its agents are under no general duty to provide public services, such as police protection, to any particular individual citizen.”

Warren v. District of Columbia, 444 A.2d 1, 4 (D.C. 1981),  
quoting the trial court decision.

The “State Legislatures” and “Courts” protect government entities and Police Departments from civil liability for failing to provide adequate Police protection. Some States invoke the “*sovereign immunity*” defense, a throwback to the days when the subjects were forbidden to sue the King. Other States have “Statutes” that prevent legal challenges to police “*discretionary*” functions. “Courts” preclude lawsuits in those States by holding that answering emergency calls or providing police protection are “*discretionary*” functions.

Many States evade liability by relying on the ironically named “*Public Duty*” doctrine. Like a George Orwell slogan, that doctrine says: “*Police owe a duty to protect the public in general, but not to protect any particular individual.*”

- (a) **CONCLUSION** – An additional “Article” and “Section” needs to be added to the Alaska State Constitution to provide the “People” of the “State” with elected “Sheriffs” and to define the duties of the “Sheriff.”

## Petition For Redress Of Grievance

The Constitution for the State of Alaska was written in the urgency of the time in that the “People” of the Territory of Alaska was anxious to be represented in the U.S. Congress as a State of the Union. As everyone was rushed to perfect a State Constitution, it may not have been properly researched or written.

With due respect to former Governor, William A. Egan (as “Chairman” of the Alaska Constitutional Convention) for a job well done in providing for the “People” of Alaska with a State Constitution. But no matter how perfect a Constitution may be at

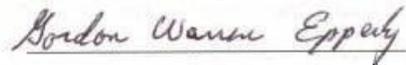
the time of adoption, there will always be imperfections that need to be corrected thus was made a provision for Amendments:

“Amendments to this constitution may be proposed by a two-third vote of each house of the legislature. ...”

Article XIII, Section 1 of the Constitution for the State of Alaska

I bring to your attention several imperfections of the Alaska State Constitution that needs to be corrected. Absent any means by which the “People” may correct the defects of their State Constitution, Alaska State Senator, Dennis Egan, is hereby “Petitioned” to pick-up the “Banner” where his father left off and move the “Legislature” for the State of Alaska to address and make corrections to the “defects” of the Constitution for the State of Alaska.

Respectfully Submitted

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink and is positioned above the printed name.

Gordon Warren Epperly