

Debra Thompson

From: Aardvark LLC <architectureoffaith@gmail.com>
Sent: Wednesday, March 16, 2022 12:19 AM
To: Chelsea Tremblay; Assembly
Subject: purloined judgeship

Dear August Assembly of Petersburg,

There is something that affects all of us that seems to have slipped by unnoticed. I understand that many are the tasks presented to a member of the Petersburg Assembly, so I will make an attempt at brevity. In 1982, through jurisprudence and diligent labours, the community of Petersburg attained for itself an upgrade from District judgeship to Superior judgeship (in the early days, Petersburg had no judgeship, but rather a pathetic magistrate, which can do very little in the courts). In order to obtain this rare privilege which is a Superior judgeship, the community had been required to vacate its previous District judgeship. In doing so, Petersburg gained access to a higher court judgeship than it had ever in its own history enjoyed. Let us not get confused - In judicial terms, Court hierarchy goes as follows, in ascending order:

- 1 - Magistrate
- 2 - District judgeship
- 3 - Superior judgeship
- 4 - (State) Supreme Court

Before having even had the District judgeship, Petersburg was relegated to satisfy itself with a mere magistrate, which meant that any major legal concerns would require a citizen of Petersburg to travel to Juneau, Sitka or Ketchikan. The recent retirement of our beloved Superior Judge has prompted legally ambitious persons over in Ketchikan to look upon our coveted judgeship with greedy eyes, and if we don't do anything about it, they will, in fact, usurp that same judicial privilege. Worse yet, if Petersburg fails to hold onto its Superior judgeship, it will not downsize to a mere District judgeship, but lose all judgeships in their entirety (and be stuck with a mere

magistrate). In 1982, Petersburg decided to vacate the District judgeship, as it was required to do, because our forebears intended to share a Superior judgeship with Wrangell. Both communities have benefited from this last over the course of the last two generations!

I feel the need to remind you at this point that a Superior Judge is granted a salary of nearly \$190,000 *per annum*, not counting staff and housing, to say nothing of the sheer loss of political clout this will cost Petersburg. Earlier last year, it was the diligent work and vision of Chelsea Tremblay and others who saw Petersburg redistricted to assume a place among communities such as Sitka and Kake - *instead* of Ketchikan. As a result, Petersburg will vote alongside those communities. Losing the Superior judgeship could affect Petersburg culturally, as it will bind our community Eastward toward Ketchikan once more.

For this reason, I shall entreat the members of the Assembly of Petersburg to note the dire importance of this legal battle, as it is, indeed an overstepping of the Separation of Powers Doctrine, wherein the Legislative Decision made 40 years ago is being simply trampled by the Judicial Branch for the gain of some self-interested parties who would rather see our judgeship in Ketchikan. As an essential tenet of that constitutional document, judgeships are ONLY to be chosen by the Legislative Branch, as the Alaska Constitution confers upon the Alaska Legislature exclusive power to create judgeships. (Const. Article IV, 3:)

The Supreme Court of Alaska has recognized that the Separation of Powers Doctrine is firmly embedded in the American Scheme of government, at both the federal and state level. Losing the only judgeship that Petersburg has not only represents a purloining of something that has been ours for almost half a century, but culturally re-aligns Petersburg and its environs with Ketchikan in a way that was not intended by either community. This act of judicial sleigh-of-hand puts the judicial branch at odds with the US Constitution in a fashion that is the definition of *ultra vires* and can only be the design of parties working on their own behalf.

sine cera,

Joshua S. A. Schramek de la Fontaine