

Mr. Chairman, and members of the Judiciary Committee, Thank you for giving the public the opportunity to comment on HB #9

My name is Dale Kelley and I am the pastor of First Christian Church here in Anchorage. My own denomination – along with over 29 other faith communions, including the US Catholic Conference and the American Jewish Committee – have issued strong statements opposing the death penalty on all counts. *It stands in opposition to all that "believe" about the sanctity of all life -*

In ~~most~~ all of these statements you will find ~~very~~ adamant positions in opposition. And not only religious opposition has surfaced. Of the 37 states which still have the death penalty, some states are even now reviewing the efficacy of this position and are looking to abolish it. ~~Almost 200 persons~~ *a # of person* have been executed who were later found to be innocent. The death penalty is fraught with errors, and issues of racism.

I believe It is ludicrous for a caring, thinking population to seek to end violence through the sheer use of violence. Why do we continue to kill people to teach people that killing people is wrong? Where is the logic in that? *- It has never been shown to be a deterrent.*

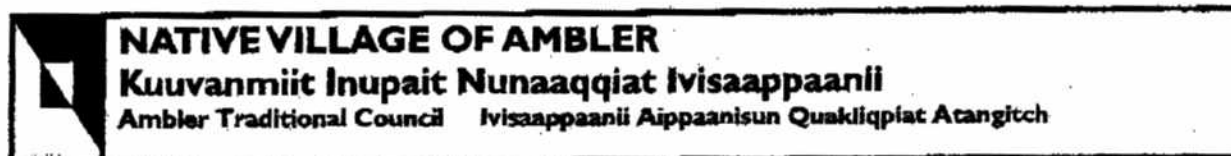
Aside from the moral bankruptcy of such a belief, there is the purely financial considerations that threatens to bankrupt our state of Alaska – if and when we might choose to pour millions upon millions into to re-creating a vastly new legal code – BEFORE we even have the first capital case on the docket.

I respectfully ask you - How will you *barely funded*
~~try~~ explaining to your constituents that you are going to chose to take millions of dollars away from critical and UNFUNDED needs for them, their towns and villages. *How will you* ~~try~~ telling them that YOU are instead choosing to put upwards of \$50 million plus dollars into setting the stage for the first case to be tried.

I respectfully urge you to re-consider voting down this barbaric practice and re-focus your attention to the REAL needs of our Alaska citizens.

Thank you very much for your time

Dale Kelley
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(907) 644-4132

**NATIVE VILLAGE OF AMBLER****Kuuvanmiit Inupait Nunaaqiat Ivisaappaanii****Ambler Traditional Council Ivisaappaanii Aipaanisun Quakliqpiat Atangitch**Tribal Office
PO Box 47
Ambler, AK 99706Phone: 907-445-2196
Fax: 907-445-3181**RESOLUTION 09-02****A RESOLUTION OPPOSING AN ALASKA DEATH PENALTY**

WHEREAS: the Native Village of Ambler (hereinafter "Tribe") is a sovereign Traditional Government of the aboriginal Kuuvanmiit Nation in Northwest Alaska predating the United States Constitution and the State of Alaska; and,

WHEREAS: the Native Village of Ambler is a federally recognized Tribe with responsibilities inherent in a sovereign government; and,

WHEREAS: the Ambler Traditional Council is the governing body of the Native Village which is the modern day successor to the historical sovereign tribe for the region; and,

WHEREAS: the death penalty has been shown to be disproportionately imposed on minorities. According to the Federal Death Penalty Resource Counsel Project, between 1988 and June 28, 2006, 73% federal government death penalty prosecutions were against minority population; and,

WHEREAS: the death penalty was used exclusively against Alaska Natives and ethnic minorities between 1903 and 1957 in Territorial Alaska, although most murders were committed by white men; and,

WHEREAS: there has been little research into criminal justice issues impacting rural off-reservation Indigenous Peoples as described in Archambeault, William G., "Government Reductionism and Academic Bias in Criminal Justice Research on American Indian Crime and Justice Issues" Indigenous Policy, Journal of The Indigenous Policy Network, Vol. XVIV, No. 2 Summer, 2008; and,

WHEREAS: Alaska Natives already suffer prosecution and incarceration rates far beyond their representation in the Population; and,

WHEREAS: Alaska Natives are entitled to protections of International law pertaining to discriminatory state actions Against indigenous peoples.

NOW THEREFORE BE IT RESOLVED, that we oppose laws subjecting indigenous Alaskans to the death penalty.

Fred Greist, Second Chief

CERTIFICATION

I, the undersigned, hereby certify that the Ambler Traditional Council is composed of seven (7) members and that 6 were present on the 23rd day of February, 2009 and resolution 09-02 was passed with an affirmative vote of 6 and 1 against.

Carol Cleveland, Tribal ClerkFebruary 23, 2009
Date

Wayne Anthony Ross

From: wws@alaskalife.net on behalf of Wev Shea [wws@alaskalife.net]

Sent: Wednesday, February 25, 2009 8:32 AM

To: Wayne Ross Anthony

Subject: Alaska Death Penalty - Wayne: I thought you might find my article of interest. My Best, Wev

Alaska Dispatch

TALK OF THE TUNDRA

Alaska death penalty debate far more complex than meets the eye

Wev Shea

Feb 25, 2009

As the U.S. Attorney for Alaska, I was the first prosecutor to seek the death penalty against two individuals since the passage of statehood.

These two young men executed another young man in a drive-by shooting. They were convicted of murder in state court.

While these two killers were in separate Alaska prisons, they somehow conspired. They devised a plan and instructed others outside prison to build a bomb to murder the key witness against them in the murder case. These individuals built a bomb and mailed it.

The mail bomb was sent to the witness's Post Office box in Chugiak, as directed by the incarcerated murders. The targeted witness, also a young man, was out of state. His parents picked up the mail bomb package and opened it in the kitchen of their home. The father was killed instantly and the mother was severely maimed, with hundreds of wounds to her face and body.

I arrived at their home within a couple hours of the explosion. Body tissue from the father was stuck to everything in the kitchen that hadn't been destroyed by the horrific blast. It was a crime scene you never forget. You play back the horror experienced by the parents upon opening the package meant for their son. I never forgot it.

I sought the death penalty for the two incarcerated murders who had killed and maimed two innocent bystanders in their attempt to kill the son.

Here is a summary of the key facts I remember as defined for the Assistant Attorney General for the Criminal Division, Robert S. Mueller, III [now director of the FBI] and U.S. Attorney General William P. Barr:

- Histories of intimidation and threats going back to school days
- Histories of abuse and misuse of firearms and explosives
- Histories of attempting to intimidate witnesses against them
- Convicted murderers who killed in a vehicle drive-by
- From two separate Alaska prisons, a successful plan to mail a bomb to execute a trial

2/25/2009

witness

--From two separate Alaska prisons, instructed and planned with others outside the prisons

--Co-conspirators missed their mail bomb target and killed and maimed innocent bystanders

Attorney General Barr and Assistant Attorney General Mueller demanded I justify in detail why the death penalty should be applicable in this particular case. I personally felt the conduct was so outrageous that the penalty of death was warranted -- not just applicable to the killers.

AAG Mueller and AG Barr ultimately agreed with me after extensive Main Justice review by experts. But they (and rightfully so) attached a caveat: "There will be no compromise or plea deal. The threat of the death penalty must never be used to intimidate the defendant. You, as the United States Attorney for the District of Alaska, have no authority to compromise this case." And, due to the terrorism nature of this case, Main Justice had a key role in all of this.

Despite the forgoing facts, an Alaska U.S. District Court judge held the death penalty was inappropriate for this case. Ultimately, the U.S. Court of Appeals for the Ninth Circuit agreed with the trial court that the death penalty was not an appropriate remedy for the prison felon killers.

I personally believe heinous crimes as described herein, as well as against children, demand the punishment of death. But when I hear the political rhetoric led by conservatives, like me, in Juneau, I wonder if they have any clue as to the uniqueness of Alaska's grave problems in criminal matters statewide. When I hear a pro-life believer like myself "scream" for the death penalty in Alaska, I know the individual is not knowledgeable on the key issues. The fact is this state is very unique. Alaska, like nowhere else in our nation, has a vastly different justice system in the Bush than other parts of the state, like the Railbelt and Southeast.

Here are some of the reasons why we must think hard about whether we want to reinstitute the death penalty in Alaska:

--Our law enforcement in rural Alaska (including state troopers, prosecutors, defense attorneys and judges) is gravely unfunded.

--Rural Alaska is plagued with injustice because of inadequate investigation resources for prosecutors and defendants.

--Inexperienced prosecutors, including district attorneys, are ill-equipped to address death decisions.

--Inexperienced defense lawyers are ill-equipped to protect potential death-penalty defendants.

--We have an inexperienced Attorney General who is more at home in an apple orchard than the courtroom.

--We have opinionated assistant Attorney Generals entrenched in their own death-penalty views.

--We have politically motivated District Attorneys (and an Attorney General) who place the governor's interest over Alaskans' well-being.

--And overall, our Alaska criminal justice system, from investigators to judges to counsel to prisons, is sorely under-funded.

Grandstanding by members of the Legislature on either side of the death penalty debate is a disservice to the public. This is a complex debate that deserves a thorough analysis. Hopefully the Legislature will delve into the complexities before voting.

Wev Shea, a Republican and an attorney admitted in Alaska in 1977, has been an outspoken critic of corruption in Alaska's GOP. He was a U.S. Attorney for Alaska from 1990 to 1993. He was also a deputy prosecuting attorney in Honolulu from 1981 to 1982. Shea joined the U.S. Navy in 1961, serving in combat from 1967 to 1969, with a nuclear delivery certification in A-6 Intruder attack jets.

Related Articles

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Testimony on HB 9
2/23/09

Christine Reichman
Anchorage

"As a citizen of this democracy
and as a lover of human life,
I am against the death penalty
and this bill, because
when we kill we treat the other person
as less than human
and we treat ourselves as less than
human."

Killing as a government just
adds more killing.

Submitted by: ASSEMBLY MEMBER GRAY-JACKSON
AND CHAIR DRUMMOND
Reviewed by: Assembly Counsel
For reading: February 24, 2009

CLERK'S OFFICE

APPROVED

Date: 2-24-09

ANCHORAGE, ALASKA
AR NO. 2009-55

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY IN OPPOSITION TO
INSTITUTING THE DEATH PENALTY IN ALASKA.**

WHEREAS, House Bill No. 9 has been pre-filed for the 26th Legislature – First Session to allow imposition of the death penalty in Alaska for certain state crimes; and

WHEREAS, flaws in forensic evidence analysis on the national level are coming to light daily, calling for massive institutional reforms to be implemented; and

WHEREAS, many prisoners now on death row in states with capital punishment are subject to exoneration because of advances in DNA analysis; and

WHEREAS, Alaska as a state has never instituted the death penalty; and

WHEREAS, the Alaska Territorial Legislature abolished capital punishment in 1957 in a measure stating "The death penalty is and shall hereafter be abolished as punishment in Alaska for the commission of any crime"; and

WHEREAS, in the 50th year and golden anniversary of Alaska statehood, the will of the people of Alaska should be celebrated and not shunned; and

WHEREAS, the pervasive will of the people since prior to statehood has steadfastly been to forego capital punishment in the state of Alaska; and

WHEREAS, House Bill No. 9 has been referred to the Judiciary Committee and is scheduled for hearings on Monday, February 23rd and Wednesday, February 25th;

NOW, THEREFORE, the Anchorage Assembly resolves as follows:

**The Anchorage Assembly opposes the introduction of measures
by the 26th Alaska Legislature to institute capital punishment in
Alaska.**

PASSED AND APPROVED by the Anchorage Assembly this 24th day of
February, 2009.

Huett G. Drummond
Chair

ATTEST:

Salma S. Grenier
Municipal Clerk

Content ID: 007461**Type:** AR_AllOther - All Other Resolutions**Title:** A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY IN
OPPOSITION TO INSTITUTING THE DEATH PENALTY IN ALASKA.**Author:** gray-jackson**Initiating Dept:** Assembly**Review Depts:** Assembly**Date Prepared:** 2/20/09 9:21 AM**Director Name:** Harriet Drummond**Assembly Meeting Date:** 2/24/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	2/20/09 9:22 AM	Exit	Elvi Gray-Jackson	Public	007461
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CONSENT AGENDA - RESOLUTIONS FOR ACTION-OTHER