Dana Strommen

From: Wasroop@aol.com
Sent: Tuesday, March 03, 2009 4:43 PM
To: Rep. Jay Ramras
Subject: HB 9

Please vote no on HB 9. You know the reasons: it doesn't make sense from an economic, justice, or crime-prevention point of view.

Mary Ellen Harris

Dana Strommen

From: revsilides@gci.net on behalf of George Silides [revsilides@gci.net]
Sent: Tuesday, March 03, 2009 10:16 AM
To: Rep. Jay Ramras
Cc: Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Bob Lynn; Rep. Max Gruenberg; Rep. Lindsey Holmes
Subject: House Bill 9 Rev. George Silides
Attachments: HB 9.doc

ır Representative Ramras,

ough you, let me thank the Judiciary Committee for allowing me the privilege to speak to the issue of House Bill Unanimous among all whom I spoke with afterwards was gratefulness for the even tenor of the proceedings, respect paid to all who offered their testimony. This note is simply to reiterate three points:

state whose law enforcement and investigative resources are stretched beyond the breaking point—where many ıles throughout the state have no VPSO or police or trooper presence whatsoever—how can it be that the proper ɜstigative resources can be brought to bear in those locales in a timely manner when dealing with capital crimes ch bear the potential of a final solution—death to the convicted perpetrator?

ondly, in my experience, there is less, not more resolution for the victim's family upon the occasion of an cution. There is a satisfaction of vengeance, sometimes, but the potential for anything else—even documented ɜs of reconciliation—are lost. Mourning the loss of their loved one, families also mourn over time for lost sibilities of making it clear to the perpetrator the depth of their loss and any hope of understanding the mind of perpetrator.

l thirdly, related to the second, addressing what Representative Coghill intimated by his comment about "the e bearing the sword" is the point that we law-abiding citizens have surrendered our absolute freedom to the will governed society specifically and especially to be guided—even protected by this government of laws away n our baser motives of vengeance and retribution, especially when that vision is clouded by unimaginable and earable pain—and an irresistible desire for vengeance. The gentleman from Kodiak testified specifically to this ıt: "If someone murdered my wife I would want vengeance, absolutely, but it is still wrong." We law abiding ɜens depend upon you to keep us from this wrong, and to curb our desires when we cannot ourselves.

l if I may now slip in a fourth which caused me a pause in my testimony—a pause of emotion which was a imony in itself: The conversation about the efficacy of the death penalty does not stop when a law allowing h is passed. It is debated with a ferocity born of desperation each and every time another human being is put to th by the state. I have witnessed this desperation over and over at the gates of San Quentin, and the vitriol which ɜons the social fabric of our community life for weeks before and after each execution.

ɜre are of course dozens of reasons besides these few which I might make against the passage of HB 9, but I ɜe those to more eloquent voices, and review only the testimony you were so kind to allow me. Please know that and each of the Committee remain in our prayers. Every blessing and kindness;

ɜerely,

ɔrge Silides, rector
y Trinity Episcopal Church

Lisa M. Fitzpatrick
1964 Loussac Drive
Anchorage, Alaska 99517

March 2, 2009

Re: HB 9

Dear Chairman Ramras and Members of the House Judiciary Committee,

I am unable to attend the committee's hearing this afternoon on HB 9. By this letter, I would like to state my opposition to the bill.

I listened to the testimony as I waited to testify last Wednesday and echo many of the comments already made to you. There were many, more articulate than I, who spoke with their hearts of the myriad reasons the death penalty should never be reinstated in Alaska. The most compelling reason is that the bill can never do what the sponsor promises – ensure that no innocent person will ever be executed. The day the criminal justice system achieves perfection, I'll reconsider my position.

The sponsor of the bill, Rep. Chenault, states as a justification for the bill: "Most of us would sleep better at night knowing a criminal will never have the opportunity to harm another human being." I'm not sure why he believes life in prison doesn't meet this goal but I'm satisfied it does.

Looking at the fiscal notes submitted to this committee, I wonder how anyone can economically justify passage of this bill. The Department of Law's fiscal note surmises that approximately six defendants per year would face the kind of charges that would bring him/her within the ambit of the death penalty sentencing provision. To execute six people – people who would otherwise be spending the rest of their lives in prison - why would we as a State incur these staggering costs? If we have that kind of discretionary spending ability, why not, instead, spend that money working towards public safety? Let's put that money towards crime prevention; let's put that money towards hiring more police; let's put that money towards enabling the police to purchase the equipment they need; let's put that money into drug prevention programs; let's put that money into after school programs for kids to keep them off the streets and away from exposure to crime; let's put more money into domestic violence awareness; let's put more money into education so these kids have a chance....

I imagine a thousand better ways to spend this money – opportunities to improve the public's safety – that don't involve killing people, no matter how bad these people may be.

I implore you – stop this bill in committee. It's bad law and it's bad public policy. Thank you.

Thank you. Lisa Fitzpatrick

Dana Strommen

From: Mepburke@aol.com

Sent: Sunday, March 01, 2009 6:32 PM

To: Rep. Jay Ramras; Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Carl Gatto; Rep. Bob Lynn; Rep. Max Gruenberg; Rep. Lindsey Holmes

Cc: michael@Godsview.org; Mepburke@aol.com; Rep. Berta Gardner

Subject: HB 9 testimony

Dear Honorable Representatives Ramras and Dahlstrom,

I am writing to oppose HB9, which I find to be bad public policy, financially unwise and morally objectionable.

Given the rural and urban disparities in resources to investigate, and prosecute capital crimes, I believe such a system will become unmanageable, fundamentally unjust and untrustworthy.

At a time when we need increasingly broad public confidence in the efficiency and fairness of our criminal justice system, the adoption of capital punishment will be most counterproductive.

My own Christian denomination, The Episcopal Church, has a long-standing opposition to the death penalty. This highly public stance was first declared by our General Convention in 1958, and subsequently reaffirmed in 1969, 1979, and 1991. For over fifty years, members of our church have worked to educate their fellow citizenry and promote alternatives that nurture a culture of life in response to even the most heinous of crimes.

I stand alongside so many others from our churches and faith communities in opposing this bill.

Sincerely,

The Rev. Michael Burke
Rector / Sr Pastor
St. Mary's Episcopal Church
Anchorage, Alaska
(907) 349-0369

cc Judiciary Committee membership

The two most recent statements of The Episcopal Church are attached below:

The Episcopal Church

CAPITAL PUNISHMENT

Statement of the 1979 General Conference.

WHEREAS, the 1958 General Convention of the Episcopal Church opposed capital punishment on a theological basis that the life of an individual is of infinite worth in the sight of Almighty God; and the taking of such a human life falls within the providence of Almighty God and not within the right of Man; and

WHEREAS, this opposition to capital punishment was reaffirmed at the General Convention of 1969; and

WHEREAS, a preponderance of religious bodies continue to oppose capital punishment as contrary to the concept of Christian love as revealed in the New Testament; and

WHEREAS, we are witnessing the reemergence of this practice as a social policy in many states; and

WHEREAS, the institutionalized taking of human life prevents the fulfillment of Christian commitment to seek the redemption and reconciliation of the offender; and

WHEREAS, there are incarceration alternatives for those who are too dangerous to be set free in society; therefore be it

RESOLVED, the House of Bishops concurring, that this 66th General Convention of the Episcopal Church reaffirms its opposition to capital punishment and calls on the dioceses and members of this church to work actively to abolish the death penalty in their states; and be it further

RESOLVED, the House of Bishops concurring, that this 66th General Convention instruct the Secretary of General Convention to notify the several governors of the states of our action.

General Convention 1991.

RESOLVED, the House of Bishops concurring, that this 70th General Convention of the Episcopal Church reaffirm the position taken in opposition to capital punishment by the 1958, 1969, and 1979 General Conventions; and be it further

RESOLVED, that this 70th General Convention of the Episcopal Church oppose federal initiatives to establish constitutional procedures for the institution of the sentence of death for various crimes; and be it further

RESOLVED, that the 70th General Convention of the Episcopal Church deplores the expansion of capital offenses by federal legislative action; and be it further

RESOLVED, that this 70th General Convention of the Episcopal Church support state and local initiatives to establish a range of community sanctions and services offering alternatives to incarceration and reducing recidivism; and be it further

RESOLVED, that the Presiding Bishop's Open Statement on Capital Punishment be sent to the President, the Attorney General, and every member of the Senate and Congress of the United States of America; and be it further

RESOLVED, that this 70th General Convention of the Episcopal Church urge the provinces, dioceses, parishes, missions, and individual members of this Church to engage in serious study on the subject of capital punishment and work actively to abolish the death penalty in their states.

The Episcopal Church

815 Second Avenue

New York, NY 10017-4594

(212) 867-8400

Dana Strommen

From: Chris Haigh [chaigh1949@gmail.com]
Sent: Sunday, March 01, 2009 6:45 PM
To: Rep. Jay Ramras
Subject: No Death Penalty

Please don't legitimize the state killing Alaskans. Most civilized nations ban capital punishment. Mistakes happen.

To legalize the death penalty in Alaska would be taking a giant step backwards. So may HB 9 and any other legislation of this kind quickly find the way to the trash bin.

Chris Haigh

Dana Strommen

From: corinne [cls37@cornell.edu]

Sent: Sunday, March 01, 2009 9:40 PM

To: Rep. Lindsey Holmes; Rep. Max Gruenberg; Rep. Bob Lynn; Rep. Nancy Dahlstrom; Rep. Jay Ramras; Rep. John Coghill; Rep. Carl Gatto

Subject: Please vote NO on HB 9 (Death Penalty)

Attachments: DeathPenalty_minute.doc

To the House Judiciary Committee:

With the introduction of death penalty legislation in the State Legislature, Alaska stands at a historic turning point. The State has not carried a death penalty since Territorial days. We of the Anchorage Friends Meeting (Quakers) urge all Alaskans to think carefully about the repercussions that would be brought by a death penalty in our state, and what our collective decision says about us as a society. The criminal sanctions we embrace not only reflect our deepest values and beliefs, but also shape the community we become.

For more than 300 years, Quakers have sought to answer that of God in every person, and have therefore sought to address injustices and inequalities in our own lives and in the societies to which we belong. That our country's justice system is subject to human error, leading to the conviction of innocent people, is a matter of public record. That it is subject to human blindness, leading to disturbing racial disparity in the application of capital punishment, has been amply demonstrated. In recent decades, the death penalty has been suspended or abolished in many states, in recognition of errors in conviction and racial disparity in application.

These and many other compelling arguments speak volumes against capital punishment on purely rational grounds, and we urge all citizens to consider the excellent information put together by Amnesty International, Alaskans Against the Death Penalty, and American Friends Service Committee, among others. For us, it is a matter that goes even further. Even if our court system was flawless, and there were no conceivable questions of error, innocence, or equality, we would still uphold the sanctity of each human life: that of God in every person and the possibility of redemption and reconciliation. We cannot escape the conclusion that the death penalty, as an instrument of any government, and perhaps especially a democratic government, brutalizes and degrades that society which it strives to protect.

Anchorage Monthly Meeting of the Religious Society of Friends (Quakers)

Contacts:
Ministry and Nurturance Committee
Corinne Smith, cls37@cornell.edu
Monica Elkinton, monica.elkinton@gmail.com
Karen Niedermier, kwnieder@earthlink.net
Cynthia Monroe, Recording Clerk, cynthia@alaskalisten.org

Dana Strommen

From: bherman@gci.net on behalf of Bill Herman [bherman@gci.net]
Sent: Sunday, March 01, 2009 10:38 PM
To: Rep. Jay Ramras
Subject: HB 9 Capital Punishment
Importance: High

Dear Representative Ramras,

There are many very good reasons for not passing the Death Penalty Bill, such as too great a chance that the wrong person would be executed due to a fallible judicial system, excessive costs, or the fact we are one of the few democratic countries which still has the death penalty allowed anywhere within it.

But the overriding reason is that it is just wrong to take a life for another. We lower our society by murdering (or as you say "executing") a murderer. I further believe that there is "that of God in everyone," even a murderer, and by executing them we rob our society of benefiting from his/her possible redemption and possible gifts that could be given by that person to other inmates. We also rob our society of making at least some degree of amends if it is later found we have wrongly convicted him or her.

Please kill the Death Penalty Bill.

(Please share this message with other members of the House Judiciary Committee.)

Respectfully submitted,

Bill Herman
1845 Parkside Dr
Anchorage, AK 99501
(907) 243-9520 (H)
bherman@gci.net

Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
Committee name

Committee on Death Penalty HB 9 , dated 3-2-09
Bill/Subject

See attached

Signed: M. Cris Tyree
Testifier

THE PEOPLE
Representing (Optional)

Bx 872085 Wasilla
Address

907-357-7688
Phone number

March 2 2009

From: Cris Tyree
To: LIO for Reps
Death Penalty

Front Sheet:

1. Letter from me on death penalty
2. 4 pages on jurors rights (not just on judging facts)
3. 6 pages of letter to American Bar Assoc., Alaska Bar Assoc., AK Daily News on

Alaska Rules of Professional Conduct
w/ fax front

12 pages w/ this fax front

22
JURIES ARE ALLOWED TO JUDGE THE LAW, NOT JUST THE FACTS

In order to guard citizens against the whims of the King, the right to a trial by jury was established by the Magna Carta in 1215, and it has become one of the most sacrosanct legal aspects of British and American societies. We tend to believe that the duty of a jury is solely to determine whether someone broke the law. In fact, it's not unusual for judges to instruct juries that they are to judge only the facts in a case, while the judge will sit in judgment of the law itself. Nonsense.

Juries are the last line of defense against the power abuses of the authorities. They have the right to judge the law. Even if a defendant committed a crime, a jury can refuse to render a guilty verdict. Among the main reasons why this might happen, according to attorney Clay S. Conrad:

When the defendant has already suffered enough, when it would be unfair or against the public interest for the defendant to be convicted, when the jury disagrees with the law itself, when the prosecution or the arresting authorities have gone "too far" in the single-minded quest to arrest and convict a particular defendant, when the punishments to be imposed are excessive or when the jury suspects that the charges have been brought for political reasons or to make an unfair example of the hapless defendant...

Some of the earliest examples of jury [illegible] refusals to convict people who had spoken ill of the government (they were prosecuted under "seditious libel" laws) or who were practicing forbidden religions, such as Quakerism. Up to the time of the Civil War, American juries often refused to convict the brave souls who helped runaway slaves. In the 1800s, jury nullifications saved the hides of union organizers who were being prosecuted with conspiracy to restrain trade. Juries used their power to free people charged under the anti-alcohol laws of Prohibition, as well as antiwar protesters during the Vietnam era. Today, juries sometimes refuse to convict drug users (especially medical marijuana users), tax protesters, abortion protesters, gun owners, battered spouses, and people who commit "mercy killings."

Judges and prosecutors will often outright lie about the existence of this power, but centuries of court decisions and other evidence prove that jurors can vote their consciences.

When the US Constitution was created, with its Sixth Amendment guarantee of a jury trial, the most popular law dictionary of the time said that juries "may not only find things of their own knowledge, but they go according to their consciences." The first edition of Noah Webster's celebrated dictionary (1828) said that juries "decide both the law and the fact in criminal prosecutions."

Jury nullification is specifically enshrined in the constitutions of Pennsylvania, Indiana, and Maryland. The state codes of Connecticut and Illinois contain similar provisions.

The second US President, John Adams, wrote: "It is not only [the juror's] right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court." Similarly, Founding Father Alexander Hamilton declared: "It is essential to the security of personal rights and public liberty, that the jury should have and exercise the power to judge both of the law and of the criminal intent."

Legendary Supreme Court Chief Justice John Jay once instructed a jury:

It may not be amiss, here, Gentlemen, to remind you of the good old rule, that on questions of fact, it is the providence of the jury, on questions of law, it is the providence of the court to decide. But it must be observed that by the same law, which recognizes this reasonable distribution of jurisdiction, you have nevertheless the right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy.

The following year, 1795, Justice James Irdell declared: "[T]hough the jury will generally respect the sentiment of the court on points of law, they are not bound to deliver a verdict conformably to them." In 1817, Chief Justice John Marshall said that "the jury in a capital case were judges, as well of the law as the fact, and were bound to acquit where either was doubtful."

In more recent times, the Fourth Circuit Court of Appeals unanimously held in 1969:

If the jury feels that the law under which the defendant is accused is unjust, or that extenuating circumstances justified the actions of the accused, or for any

acquit, and the courts must abide that decision.

Three years later, the DC Circuit Court of Appeals noted: "The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions of the judge."

In a 1993 law journal article, federal Judge Jack B. Weinstein wrote: "When juries refuse to convict on the basis of what they think are unjust laws, they are performing their duties as jurors."

Those who try to wish away the power of jury nullification often point to cases in which racist juries have refused to convict white people charged with racial violence. As attorney Conrad shows in his book, *Jury Nullification: The Evolution of a Doctrine*, this has occurred only in very rare instances. Besides, it's ridiculous to try to stamp out or deny a certain power just because it can be used for bad ends as well as good. What form of power hasn't been misused at least once in a while?

The Fully Informed Jury Association (FIJA) is the best-known organization seeking to tell all citizens about their powers as jurors. People have been arrested for simply handing out FIJA literature in front of courthouses. During jury selections, FIJA members have been excluded solely on the grounds that they belong to the group.

FIJA also seeks laws that would require judges to tell jurors that they can and should judge the law, but this has been an uphill battle, to say the least. In a still-standing decision (*Sparf and Hansen v US*, 1895), the Supreme Court ruled that judges don't have to let jurors know their full powers. In cases where the defense has brought up jury nullification during the proceedings, judges have sometimes held the defense attorney in contempt. Still, 21 state legislatures have introduced informed-jury legislation, with three of them passing it through one chamber (ie, House or Senate).

Quite obviously, the justice system is terrified of this power, which is all the more reason for us to know about it.

23
THE POLICE AREN'T LEGALLY OBLIGATED TO PROTECT YOU

Without even thinking about it, we take it as a given that the police must protect each of us. That's their whole reason for existence, right?

While this might be true in a few jurisdictions in the US and Canada, it is actually the exception, not the rule. In general, court decisions and state laws have held that cops don't have to do a damn thing to help you when you're in danger.

In the only book devoted exclusively to the subject, *Dial 911 and Die*, attorney Richard W. Stevens writes:

It was the most shocking thing I learned in law school. I was studying Torts in my

YOUR VOTE COUNTS!

Your vote of NOT GUILTY must be respected by all other members of the **JURY** — it is the **RIGHT** and the **DUTY** of a **JUROR** to Never, Never, Never yield his or her sacred vote — for you are not there as a fool, merely to agree with the majority, but as an officer of the court and a qualified judge in your own right. Regardless of the pressures or abuse that may be heaped on you by any other members of the **JURY** with whom you may in good conscience disagree, you can await the reading of the verdict secure in the knowledge you have voted your own conscience and convictions — and not those of someone else.

YOU ARE NOT A RUBBER STAMP!

By what logic do we send our youth to battle tyranny on foreign soil, while we refuse to do so in our courts? Did you know that many of the planks of the "Communist Manifesto" are now represented by law in the U.S.? How is it possible for Americans to denounce communism and practice it simultaneously.

The JURY judges the Spirit, Motive and Intent of both the law and the Accused, whereas the prosecutor only represents the letter of the law.

Therein lies the opportunity for the accomplishment of "LIBERTY and JUSTICE for ALL." If you, and numerous other **JURORS** throughout the State and Nation begin and continue to bring in verdicts of NOT GUILTY in such cases where a **man-made** statute is defective or oppressive, these statutes will become as ineffective as if they had never been written.

*"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen."*14

JURY OF PEERS

Our forefathers felt that in order to have JUSTICE, it is obvious that a JURY of "PEERS" must be people who actually know the defendant. How else would they be able to judge motive and intent?

"PEERS" of the defendant, like the rights of the JURY have also been severely tarnished. Originally, it meant people of "equals in station and rank," (Black's 1910), "freeholders of a neighborhood," (Bouvier's 1886), or "A companion; a fellow; an associate. (Webster's 1828).

WHO HAS A RIGHT TO SIT ON A JURY?

Patrick Henry, along with others, was deeply concerned as to who has a right to sit on a JURY. Listen to our forefather's wisdom on the subject of "PEERS."

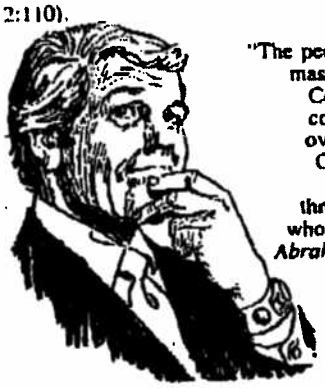
MR. HENRY

"By the bill of rights of England, a subject has a right to a trial by his peers. What is meant by his peers? Those who reside near him, his neighbors, and who are well acquainted with his character and situation in life." Patrick Henry, (Elliot, **The Debates in the Several State Conventions on the Adoption of the Federal Constitution**, 3:579).

Patrick Henry also knew that originally the JURY of PEERS was designed as a protection for Neighbors from outside governmental oppression. Henry states the following, "Why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off . . . This gives me comfort — that, as long as I have existence, my neighbors will protect me." (Elliot, 3:545, 546).

MR. HOLMES

Mr. Holmes, from Massachusetts, argued strenuously that for JUSTICE to prevail, the case must be heard in the vicinity where the fact was committed by a JURY of PEERS. ". . . a jury of the peers would, from their local situation, have an opportunity to form a judgment of the *CHARACTER* of the person charged with the crime, and also to judge of the *CREDIBILITY* of the witnesses." (Elliot, 2:110).



"The people are the masters of both Congress and courts, not to overthrow the Constitution, but to overthrow the men who pervert it!" *Abraham Lincoln*

MR. WILSON

Mr. Wilson, signer of "The unanimous Declaration," who also later became a supreme Court Justice, stressed the importance of the JURORS knowing personally both the defendant and the witnesses. "Where jurors can be acquainted with the characters of the parties and the witnesses — where the whole cause can be brought within their knowledge and their view — I know no mode of investigation equal to that by a trial by jury: they hear every thing that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due to such testimony; and moreover, it is a cheap and expeditious manner of distributing justice. There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical." (Elliot, 2:516).

FREEDOM FOR WILLIAM PENN

"Those people who are not governed by GOD will be ruled by tyrants."

William Penn

Edward Bushell and three fellow **JURORS** learned this lesson well. They refused to bow to the court. They believed in the absolute power of the **JURY**, though their eight companions cowered to the court. The four **JURORS** spent nine weeks of torture in prison, often without food or water, soaked with urine, smeared with feces, barely able to stand, and even threatened with fines, yet they would not give in to the judge. Edward Bushell said, "My liberty is not for sale," though he had great wealth and commanded an international shipping enterprise. These "tumble heads", so the court thought, proved the power of the people was stronger than any power of government. They emerged total victors.

THE FIRST AMENDMENT

The year was 1670, and the case Bushell sat on was that of William Penn, who was on trial for violation of the "Conventicle Act." This was an elaborate Act which made the Church of England the only legal church. The Act was struck down by their not guilty vote. **Freedom of Religion** was established and became part of the English Bill of Rights and later it became the First Amendment to the U.S. Constitution. In addition, the **Right to peaceful assembly** was founded, **Freedom of Speech**, and also **habeas corpus**. The first such writ of habeas corpus ever issued by the Court of Common Pleas was used to free Edward Bushell. Later this trial gave birth to the prosecutor, William Penn most likely would have been executed as he clearly broke the law.

HE BROKE THE LAW!

Then there would have been no Liberty Bell, no Independence Hall, no city of Philadelphia, and no state called Pennsylvania, for young William Penn, founder of Pennsylvania, and leader of the Quakers, was on trial for his life. His alleged crime was preaching and teaching a different view of the Bible than that of the Church of England. This appears innocent today, but then, one could be executed for such actions. He believed in freedom of religion, freedom of speech and the right to peaceful assembly. He had broken the government's law, but he had injured no one. Those four heroic **JURORS** knew that only when actual injury to someone's person or property takes place is there a real crime. No law is broken when no injury can be shown. Thus there can be no loss or termination of rights unless actual damage is proven. Many imposter laws were repealed as a result of this case.

IT IS ALMOST UNFAIR!

This trial made such an impact that every colony but one established the jury as the first liberty to maintain all other liberties. It was felt that the liberties of people could never be wholly lost as long as the jury remained strong and independent, and that unjust laws and statutes could not stand when confronted by conscientious **JURORS**. **JURORS** today face an avalanche of imposter laws. **JURORS** not only still have the power and the **RIGHT**, but also the **DUTY**, to nullify bad laws by voting "not guilty". At first glance it appears that it is almost unfair, the power **JURORS** have over [illegible] necessary when considering

FOR THE "COMMON GOOD"?

Where the people fear the government you have tyranny; where the government fears the people, you have liberty.

Politicians, bureaucrats and especially judges would have you believe that too much freedom will result in chaos. Therefore, we should gladly give up some of our **RIGHTS** for the good of the community. In other words, people acting in the name of government, say we need **more laws** and more **JURORS** to enforce these laws — even if we have to give up some **RIGHTS** in the process. They believe the more laws we have, the more control, thus a better society. This theory may sound good on paper, and apparently many of our leaders think this way, as evidenced by the thousands of new laws that are added to the books each year in this country. But, no matter how cleverly this Marxist argument is made, the hard fact is that whenever you give up a **RIGHT** you lose a **"FREE CHOICE"!**

This adds another control. Control's real name is **BONDAGE!** The logical conclusion would be, if giving up some **RIGHTS** produces a better society, then by giving up all **RIGHTS** we could produce the perfect society. We could chain everybody to a tree, for lack of **TRUST**. This may prevent a crime, but it would destroy **PRIVACY**, which is the heartbeat of **FREEDOM!** It would also destroy **TRUST** which is the foundation for **DIGNITY**. Rather than giving up **RIGHTS**, we should be giving up wrongs! The opposite of control is not chaos. More laws do not make less criminals! We must give up wrongs, not rights, for a better society! William Pitt of the British House of Commons once proclaimed, ***"Necessity is the plea for every infringement of human liberty; it is the argument of tyrants; it is the creed of slaves."***

NATURAL RIGHTS!

NATURAL RIGHTS ARE THOSE RIGHTS such as **LIFE** (from conception), **LIBERTY** and the **PURSUIT OF HAPPINESS** eg. **FREEDOM** of **RELIGION, SPEECH, LEARNING, TRAVEL, SELF-DEFENSE,** ETC. Hence laws and statutes which violate NATURAL RIGHTS, though they have the color of law, are not law but impostors! The U.S. Constitution was written to protect these NATURAL RIGHTS from being tampered with by legislators.* Further, our forefathers also wisely knew that the U.S. Constitution would be utterly worthless to restrain government legislators unless it was clearly understood that the people had the right to compel the government to keep within the Constitutional limits.

In a jury trial the real judges are the JURORS! Surprisingly, judges are actually just referees bound by the Constitution!

*Lysander Spooner wrote as follows:

"Government is established for the protection of the weak against the strong. This is the principal, if not the sole motive for the establishment of all legitimate government. It is only the weaker party that lose their liberties, when a government becomes oppressive. The stronger party, in all governments are free by virtue of their superior strength. They never oppress themselves. Legislation is the work of this stronger party; and if, in addition to the sole power of legislation, they have the sole power of determining what legislation shall be enforced, they have all power in their hands, and the weaker party are the subjects of an absolute government. Unless the weaker party have a veto, they have no power whatever in the government and . . . no liberties . . . The trial by jury is the only institution that gives the weaker party any veto upon the power of the stronger. Consequently it is the only institution that gives them any effective voice in the government; or any guaranty against oppression."

Essay on the Trial by Jury

A JURY'S Rights, Powers and Duties:

The Charge to the **JURY** in the First **JURY** Trial before the supreme Court of the U. S. Illustrates the TRUE POWER OF THE JURY. In the February term of 1794, the supreme* Court conducted a **JURY** trial and said ". . . it is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still both objects are within your power of decision."

"You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."

(State of Georgia vs. Brailsford, et al, 3 Dall. 1)

"The **JURY** has an unreviewable and unreversible power . . . to acquit in disregard of the instructions on the law given by trial judge . . ." (emphasis added)

U.S. vs. Dougherty, 473 F 2nd 1113, 1139 (1972)

Hence, **JURY** disregard of the limited and generally conviction-oriented evidence presented for its consideration, and **JURY** disregard for what the trial judge wants them to believe is the controlling law in any particular case (sometimes referred to as "**JURY** lawlessness")* is not something to be scrupulously avoided, but rather encouraged. Witness the following quotation from the eminent legal authority above-mentioned: "Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in the local **JURY** that formerly confronted kings and ministers." (emphasis added)

(Dougherty, cited above, note 32, at 1130.)

*Separate is not capitalized in the Constitution, however Schwier is. Art. III.

*Jury lawlessness means willingness to nullify bad law.

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The Right of the JURY to be Told of Its Power

Almost every **JURY** in the land is falsely instructed by the judge when it is told it must accept as the law that which is given to them by the court, and that the **JURY** can decide only the facts of the case. This is to destroy the purpose of a Common Law **JURY**, and to permit the imposition of tyranny upon a people.

"There is nothing more terrifying than ignorance in action." Goethe

— engraved on a plaque at the Naval War College

"To embarrass justice by a multiplicity of laws, or to hazard it by confidence in judges, are the opposite rocks on which all civil institutions have been wrecked."

Johnson — engraved in Minnesota State Capitol Outside the Supreme Court Chambers

". . . The letter killeth, but the spirit giveth life." II Corinthians 3:6

"It is error alone which needs the support of government. Truth can stand by itself."

Thomas Jefferson

The **JURY'S** options are by no means limited to the choices presented to it in the courtroom. "The jury gets its understanding as to the arrangements in the legal system from more than one voice. There is the formal communication from the 'judge.' There is the informal communication from the total culture — literature; current comment, conversation;

LAWS, FACTS AND EVIDENCE!

Without the power to decide what facts, law and evidence are applicable, **JURIES** cannot be a protection to the accused. If people acting in the name of government are permitted by **JURORS** to dictate any law whatever, they can also unfairly dictate what evidence is admissible or inadmissible and thereby prevent the **WHOLE TRUTH** from being considered. Thus if government can manipulate and control both the law and evidence, the issue of fact becomes virtually irrelevant. In reality, true **JUSTICE** would be denied leaving us with a trial by government and not a trial by **JURY!**

HOW DOES TYRANNY BEGIN? WHY ARE THERE SO MANY LAWS?

Heroes are men of glory who are so honored because of some heroic deed. People often out of gratitude yield allegiance to them. Honor and allegiance are nice words for power! Power and allegiance can only be held rightfully by trust as a result of continued character.

When people acting in the name of government violate ethics, they break trust with **"WE THE PEOPLE."** The natural result is for **"WE THE PEOPLE"** to pull back power (honor and allegiance).

The loss of power creates fear for those losing the power. Fearing the loss of power, people acting in the name of government often seek to regain or at least hold their power. Hence, to legitimatize their quest for control, laws and force are often instituted.

Unchecked power is the foundation of tyranny. It is the **JUROR'S** duty to use the **JURY ROOM** as a vehicle to stem the tide of oppression and tyranny: To prevent bloodshed by peacefully removing power from those who have abused it. The **JURY** is the primary

November 17, 2005

From: Cris Tyree + Ron Huckstep

To: Anchorage Daily News, Lisa Demer

Barbara Brink, Attorney

Alaska Bar Association

Alaska Representatives (House + Senate)

Concerning Newspaper Article "Lawyer Says Patients Don't Get Fair Hearing"

Sunday, November 6, 2005

In Alaska very few clients get a fair hearing. Ms. Brink you're quoted "If the client says fight, we fight." Not true + here's why.

Alaska Rules of Professional Conduct, hereby ARPC. Rules Lawyers sign an oath to uphold. Rules set up to go against the client. Rules set up to purposly lose cases. Rules client do not know about before they hire the lawyers. Rules that are unfair + unjust. Rules that lead to revenues for the adversary systems (Court systems) + law enforcement. And the lawyers.

The following pages are points, questions + facts about the wording, sentence framing, gray areas, etc. about ARPC.

Cris Tyree + Ronald C. Huckstep

ALASKA RULES OF PROFESSIONEL CONDUCT

1. Page 1, a lawyer is an officer of the legal system. Isn't this a conflict of interest? As officers of legal system, a lawyer's loyalties lie with the adversary system + it's revenues. Also this leads to protection of law enforcement (police - troopers, etc). So how is client fairly represented? Will you, the lawyer, discuss the client's affairs, case, evidence, etc. with judges, court clerks, police, etc? Isn't this why several charges are made so client will plead to at least one, leading to revenue for court?
2. Page 1, "assure justice is being done." Why use the word "assure"? This is a gray area + allows for lawyer to go behind client's back. It gives "play room" for lawyer. No client "assumes", they "expect".
3. Page 1, "Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to client, to the legal system, etc." Why is the legal system part of the conflict? Sometimes the legal system is the problem because they are violating ones' Constitutional Rights, so one may want to sue the legal system, but lawyer's

can't represent a client well with lawyer's loyalties lying with adversary system + law enforcement. Why hire a lawyer?

4. Page 2, "close relationship between the profession, the processes of government + law enforcement." Again conflict of interest. If police lie or tamper with evidence, how can the lawyer serve his client + the police? Where is the fair hearing? Why the processes of government? In America we have the Constitution of the United States. Simple Law. So since the government + law enforcement are violating Constitutional Rights, where is the fair hearing? How can lawyer represent client in lawsuit against the government, fair + just? Again lawyer can not serve two masters.

5. Page 2, "Every lawyer is responsible for observance of ARPC. A lawyer should also aid in securing their observance by other lawyers." We live in America!! This is Nazi!! Let's definitly make sure client doesn't get great representation or fairness!! No Lawyer should have to watch another lawyer + have to "tattle tale"

6. Page 3, "The attorney-client privilege is that of the client, not the lawyers." Another gray area. Leaves room for indiscretion on lawyers end. The privilege is the lawyer's, for being used by client.
7. Page 4, "The client shall be advised of the lawyer's limited knowledge in the field to which advice is sought." Are lawyer's really honest with the client on this? Do lawyers tell client the Constitution of the United States is not allowed in Alaska Courts? Do lawyers tell clients about Page 5, Rule 1.2c on limiting scope? Do lawyers explain Criminal Rule 11a + how they conned Alaska Representatives to pass as law? Do lawyers tell client about loyalties to adversary system + lawenforcement?
8. Page 5, lawyer discusses waiving jury trial + appeal. Why would client want to give up his Constitutionally secured right to a jury of his peers? Why mention appeal? Does lawyer know he's going to lose case?
9. Page 5, Rule 1.2c, limit scope. This is not in the interest of client. This is a basic right also secured in Constitutes Bill of Rights. Clients want all their

evidence". Again this is conflict of interest, protecting law enforcement, not client. Which brings us to the Killer sentence in ARPC.

10. Page 9, "However, a lawyer is not bound to press for every advantage that might be realized for a client." This sentence says it all!! Do you lawyers share this with the client? As you are suppose to be honest, fair, truthful humans with morals, values & ethics.

11. Not in ARPC, but Alaska Bar Association (ABA) conning Alaska Representatives to pass Criminal Rule 16a. Why would ABA want this law passed when it goes against this clients best interest? Does this law show loyalty, honesty, truthfulness, ethics, values, morals, kindness, love from Alaska Bar Association (Lawyers, Judges), law enforcement & our fine Alaska Representatives? No, it shows their evilness. Their cruelty. Their GREED.

We have other points & questions on ARPC.

Cris Tyree & Ronald B. Huchitt