CS FOR HOUSE JOINT RESOLUTION NO. 15(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/4/15
Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST

A RESOLUTION

Denouncing the decision to reverse the suspensions of the federal prosecutors who intentionally withheld evidence of innocence from the defense of Senator Ted Stevens; and honoring the service of Senator Ted Stevens.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Theodore Fulton "Ted" Stevens, Sr., honorably served Alaska as a United States senator from December 24, 1968, until January 3, 2009; and

WHEREAS Senator Stevens served longer than any Republican senator in United States history; and

WHEREAS Senator Stevens was instrumental in crafting key federal legislation that has greatly benefited Alaska, including, but not limited to, the Alaska Native Claims Settlement Act, the Trans-Alaska Pipeline Authorization Act, and the Magnuson-Stevens Fishery Conservation and Management Act; and

WHEREAS Senator Stevens was President pro tempore of the United States Senate from 2003 to 2007 and was President pro tempore emeritus of the United States Senate from 2007 to 2009; and

WHEREAS Senator Stevens served in the Alaska House of Representatives from 1965 to 1968, serving as House Majority Leader during his second term; and

WHEREAS Senator Stevens was indicted on July 29, 2008, for allegedly failing to disclose as a gift the value of renovations to his cabin in Girdwood, Alaska; and

WHEREAS Senator Stevens pled not guilty to the charges before District Court Judge Emmet G. Sullivan in the United States District Court for the District of Columbia on July 31, 2008; and

WHEREAS evidence presented at trial showed that Senator Stevens paid all bills for work presented to him, and that he actually paid more than the renovations were worth; and

WHEREAS, after a trial, United States Attorney General Eric Holder asked that the verdict of the jury be set aside after it was discovered that federal prosecutors unlawfully withheld critical, exonerating evidence from the defense; and

WHEREAS, on April 7, 2009, United States District Judge Sullivan granted the motion filed by the United States to set aside the verdict and dismiss the indictment; the dismissal order includes the statement: "There was never a judgment of conviction in this case. The jury's verdict is being set aside and has no legal effect."; and

WHEREAS Judge Sullivan appointed a special counsel to investigate the prosecutors, and the special counsel's 2011 report on the case stated: "The investigation and prosecution of United States Senator Ted Stevens were permeated by the systematic concealment of significant exculpatory evidence which would have independently corroborated Senator Stevens's defense and his testimony, and seriously damaged the testimony and credibility of the government's key witness."; and

WHEREAS, on May 23, 2012, United States Associate Deputy Attorney General Scott N. Schools issued a final decision approving the disciplinary action proposed by Kevin Ohlson, chief of the Professional Misconduct Review Unit, that federal prosecutor Joseph Bottini be suspended for 45 days and federal prosecutor James Goeke be suspended for 15 days; and

WHEREAS, on January 2, 2015, the United States Merit Systems Protection Board upheld a 2013 ruling by an administrative judge finding that the United States Department of Justice violated its own rules when it suspended prosecutors Joseph Bottini and James Goeke;

BE IT RESOLVED that the Alaska State Legislature supports the full and fair

exoneration of Senator Ted Stevens; and be it

FURTHER RESOLVED that the Alaska State Legislature denounces the decision to reverse the suspensions of the federal prosecutors who intentionally withheld evidence from the defense of Senator Ted Stevens; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests that the Alaska Bar Association and any other appropriate bar associations determine whether any of the prosecutors involved in the Stevens case violated the Alaska Rules of Professional Conduct and any other applicable codes of professional conduct; and be it

FURTHER RESOLVED that the Alaska State Legislature recognizes and honors the long and distinguished leadership of Senator Ted Stevens on many issues that the state still faces today, including access to federal land for oil, gas, and mineral development, the role of Alaska in the nation's defense, and the need for adequate federal services for Alaskans and others, and the legislature recognizes that Senator Ted Stevens's record and papers provide insight and guidance into how the state can address those issues; and be it

FURTHER RESOLVED that the Alaska State Legislature honors the importance of Senator Ted Stevens's service and legacy as a vital part of the history of Alaska.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Eric H. Holder, Jr., Attorney General of the United States; the Honorable Susan Tsui Grundmann, Chair of the U.S. Merit Systems Protection Board; Loretta Lynch, nominee for Attorney General of the United States; Geoffry B. Wildridge, President of the Alaska Bar Association; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.