

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 23, 2015

1:34 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator John Coghill, Vice Chair
Senator Mia Costello
Senator Peter Micciche
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE CONCURRENT RESOLUTION NO. 3(RLS)

Urging the governor and the attorney general to pursue all legal and legislative options to open the coastal plain of the Arctic National Wildlife Refuge and areas of the Chukchi and Beaufort Seas to oil and gas exploration, development, and production.

- SCHEDULED BUT NOT HEARD

CS FOR HOUSE JOINT RESOLUTION NO. 15(JUD)

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.

- MOVED CSHJR 15(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 15

SHORT TITLE: HONOR TED STEVENS; DISCIPLINE PROSECUTORS

SPONSOR(S): RULES BY REQUEST

02/13/15	(H)	READ THE FIRST TIME - REFERRALS
02/13/15	(H)	JUD
02/27/15	(H)	JUD AT 1:00 PM CAPITOL 120
02/27/15	(H)	Moved CSHJR 15(JUD) Out of Committee

02/27/15 (H) MINUTE(JUD)
03/04/15 (H) JUD RPT CS(JUD) 4DP 1NR
03/04/15 (H) DP: MILLETT, GRUENBERG, LYNN, KELLER
03/04/15 (H) NR: CLAMAN
03/11/15 (H) TRANSMITTED TO (S)
03/11/15 (H) VERSION: CSHJR 15(JUD)
03/13/15 (S) READ THE FIRST TIME - REFERRALS
03/13/15 (S) JUD
03/23/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE BOB HERON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HJR 15.

TIM MCKEEVER, representing himself
Seattle, Washington

POSITION STATEMENT: Testified in support of HJR 15.

ACTION NARRATIVE

[1:34:20 PM](#)

CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Costello, Micciche, and Chair McGuire.

HJR 15-HONOR TED STEVENS; DISCIPLINE PROSECUTORS

[1:34:23 PM](#)

CHAIR MCGUIRE announced the consideration of HJR 15, 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. [CSHJR 15(JUD) was before the committee.]

[1:34:45 PM](#)

REPRESENTATIVE BOB HERON, sponsor of HJR 15, introduced the legislation speaking to the following sponsor statement:

Senator Stevens contributions to the state are obviously too long to list, but included helping to craft key federal legislation that has immensely benefited Alaska, such as the Alaska Native Claims Settlement Act, the Trans-Alaska Pipeline

Authorization Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

On July 29, 2008, Alaskan Senator Theodore Fulton "Ted" Stevens, Sr., was wrongfully indicted for allegedly failing to disclose the value of renovations to his cabin. After trial, Attorney General of the United States, Eric Holder, asked that the verdict be set aside when it was discovered that federal prosecutors unlawfully withheld exonerating evidence from the defense. Judge Sullivan subsequently appointed a special counsel to investigate the prosecutors. 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. 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.

HJR 15 Resolves that the Alaska State Legislature:

- Supports the full and fair exoneration of Senator Ted Stevens;
- Denounces the decision to reverse the suspensions of the federal prosecutors who intentionally withhold evidence from the defense of Senator Stevens;
- Requests the Alaska Bar Association determine whether federal prosecutors in the Stevens case violated the Alaska Rules of Professional Conduct;
- Honors the distinguished leadership of Senator Stevens to the State of Alaska on many issues that the state still faces today; and
- Further honors the importance of Senator Stevens' service and legacy as a vital part of the history of the State of Alaska.

[1:35:58 PM](#)

SENATOR WIELECHOWSKI and SENATOR COGHILL joined the committee.

CHAIR MCGUIRE highlighted a possible conflict of interest because she had worked for Senator Stevens.

She described the first resolve on page 3 as particularly important, denouncing the decision to reverse the suspensions of the federal prosecutors who intentionally withheld evidence. It's important that citizens know that there is recourse if the government's powers to investigate and prosecute are used for political purposes or to unfairly prosecute an American, she said.

[1:38:51 PM](#)

SENATOR COGHILL thanked the sponsor and expressed particular appreciation that the Alaska Bar Association is asked to determine whether any prosecutors in the Stevens case violated the Alaska Rules of Professional Conduct. He said he appreciated that the late Senator Stevens looked out for Alaskans individually.

[1:39:50 PM](#)

TIM MCKEEVER, representing himself Seattle, Washington, testified in support of HJR 15. He explained that the prosecutors who clearly violated their obligations appealed the sanctions imposed by the Department of Justice. Because of a procedural error, the appellate review resulted in a determination that the sanctions could not be imposed. The effect is that the prosecutors got away without being penalized. He opined that it is appropriate for the legislature to chastise the conduct that resulted in those problems and to recognize Senator Steven's role serving Alaska.

CHAIR MCGUIRE found no further testifiers and closed public testimony of HJR 15.

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REPRESENTATIVE HERRON highlighted that Representative Gruenberg also worked for Senator Stevens. He related that just before Senator Stevens was indicted he called an all employees teleconference and showed such strength that everyone was speechless. He cautioned that if this can happen to arguably one of the most powerful Alaskans that has ever served the state, it could happen to anyone.

CHAIR MCGUIRE said what bothered her the most was the potentially chilling effect it might have on lawmakers willing to take strong issues. That's why it's important that the powers of all three branches of government are kept in check, she said.

SENATOR MICCICHE said this case shook his confidence in the system. He opined that this should be a test case for prosecutors going forward, because it changed history.

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SENATOR COGHILL motioned to report CS for HJR 15 from committee with individual recommendations and attached zero fiscal note(s).

CHAIR MCGUIRE announced that without objection, CSHJR 15(JUD) is reported from the Senate Judiciary Standing Committee.

1:45:35 PM

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 1:45 p.m.