

H C R

3 6

COMMITTEE REPORT  
SENATE

FURTHER: None

5/26/81

Date: \_\_\_\_\_

Mr. President:

The Committee on JUDICIARY has had HCR 36

Requesting the governor to grant a pardon to Daniel Boone Reed

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBER SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

May 13, 1981

MEMORANDUM

TO: Representative Sally Smith

ATTN: Gwen Byington

FROM: Peter B. Froehlich *PBF*  
Research Staff

RE: Daniel Boone Reed Pardon (HJR 29)  
Research Request 81-115 Additional Information

Since our April 22, 1981 memorandum to you on this subject, we have discussed the issue of whether Daniel Boone Reid should most appropriately be pardoned by the Governor or the President with several people. These include Ms. Byington, Assistant Attorney General Dean Guaneli, U.S. Attorney Jim Schwartz and 3rd Judicial District Clerk of Trial Courts Goldeen Goodfellow. We have also reviewed copies of the "verdict" and the "Judgment Roll" in U.S.A vs. Daniel Boone Reed, District Court for the Territory of Alaska Third Division, Criminal Case No. 1576, 1941.

We received copies of these two court documents from the Federal Archives and Record Center in Seattle and provided your office with copies. Finally, we have reviewed the May 8, 1981 memorandum from Alaska District Judge Gerald O. Williams to Ms. Byington.

Based on these discussions and on our review of the memorandum from Judge Williams, we have concluded that, in all likelihood, Mr. Reid was convicted of violating a territorial, not a federal arson statute. ~~Therefore, we have also concluded that in all likelihood both the Governor of Alaska, and the President of the United States are empowered to pardon Mr. Reid.~~

The first conclusion is supported by a statement by Assistant U.S. Attorney Schwartz that there is not, and was not in 1941, (to his knowledge) any federal statute passed by Congress establishing the crime of arson. According to Mr. Schwartz, definition and establishment of this type of crime has traditionally been left to the states and territories.<sup>1</sup>

---

<sup>1</sup>The recent conviction of Anchorage stockbroker Frank Reed was of a crime involving possession of an incendiary or explosive device, not arson.

Representative Smith  
May 14, 1981  
Page 2

The territorial statute was probably CLA 1933 Sec. 4790 quoted by Judge Williams. However, we cannot be absolutely positive of the criminal statute involved without a citation to it on a court record. As we mentioned in our previous memorandum, the case file in the Archives and Record Center does not include such a citation. The actual judgment entered in the court journal, docket, or journal book mentioned by Judge Williams may or may not include the citation. According to Ms. Goodfellow, who has conducted a search in Anchorage, all such books have been sent to the Archives and Records Center in Seattle. We have not tried to find them there, but will if you wish.

~~Our present conclusion is that both the Governor and the President have the power to pardon. However, we are not certain that they were both intended to have this power. It is possible that the President also has the same power.~~

In conclusion, it appears that HJR 29 could correctly ask for a pardon of Mr. Reed from the Governor, the President, or both.

We hope this memorandum helps to eliminate the lingering doubts and confusion over this matter. However, please contact us if we can provide any further information and assistance.

PF/dp

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL  
JUNEAU, ALASKA 99811

April 13, 1981

The Honorable Eric Sutcliffe  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Sutcliffe:

We were informed by a member of your staff that a question has arisen regarding the effect on a person's civil rights of felony conviction under the territorial law of Alaska. This letter will attempt to set out our position in the matter.

As we understand the problem, Daniel Boone Reed, one of your constituents, who was convicted of a felony in Alaska in 1941, was recently told by the Alaska court system that he could not serve on a jury unless his civil rights had been restored. That incident generated a number of letters to various elected officials and resulted in efforts being undertaken to obtain either a presidential or gubernatorial pardon for the person.

This department initially communicated with Mr. Reed over a month ago by way of a letter from Assistant Attorney General Barry Stern, a copy of which is attached. Mr. Stern concluded that once a convicted person had been released from custody, including any period of probation or parole, his civil rights are automatically restored, except, of course, the right to carry concealable weapons. See, A.S. 11.61.200. That conclusion was based on Alaska statutory law and is consistent with written advice rendered by this department on several previous occasions over the years.

My comments relate solely to state law and I express no opinion regarding any possible disabilities under federal law (see, e.g., 18 U.S.C. § 922(h)) or what effect a presidential pardon might have in this case, if that remedy is even available. Our office has been informed by Mr. Reed that he has contacted the United States Department of Justice in order to get information about a presidential pardon. However, since he still may desire to pursue available state procedures for executive clemency under ~~AS 33.20.070-080~~, I have also attached an application form for that purpose that you may send him.

It appears that the issue of automatic restoration of civil rights for purposes of jury service could be a recurring problem. Therefore by way of a copy of this letter I am requesting the administrative director of the court system to review the matter as he deems appropriate.

If I can be of further assistance please contact me.

Very truly yours,

WILSON L. CONDON  
ATTORNEY GENERAL

DANIEL W. HICKEY  
CHIEF PROSECUTOR

By: Dean J. Guaneli  
Dean J. Guaneli  
Assistant Attorney General

DJG:s1

Attachment

cc: Arthur Snowden  
Administrative Director  
Alaska Court System

Carole Burger  
Special Assistant  
to the Governor



KONIAG, INC.

HARBOR VIEW COMPLEX

P.O. Box 746

(907) 486-4147

KODIAK, ALASKA 99615

February 10, 1981

Honorable Ted Stevens  
United States Senate  
260 Russell Building  
Washington, D.C. 20510

Dear Senator Stevens:

Mr. Daniel Boone Reed, a longtime resident of Uganik Bay on Kodiak Island - and a Koniag shareholder, has requested our assistance in getting a Presidential Pardon.

When incarcerated at a federal jail in Valdez (all Alaskan jails were federal in those days) nearly fifty years ago, back in Territorial days, he somehow set fire to the building and it burned down. He subsequently was convicted of arson and sentenced to serve time in another (apparently fireproof) federal jail.

Now in his seventies, Mr. Reed, who has been a personal friend of mine for nearly three decades, has been an exemplary, law abiding citizen and is respected throughout Kodiak Island. He is a leader among Koniag's senior citizens whom he serves well. He is an outstanding honorable citizen.

I strongly urge that you help in this effort to restore Mr. Reed's civil rights. This will require a Presidential Pardon. Please advise what needs to be done.

Respectfully yours,

KONIAG, INC.

Karl Armstrong  
Executive Vice President

KA/rjm

Attached/Judge Madsen Letter  
Byerly Letter

XXXXXXX

P.O. Box 665

TELE: (907) 486-5785

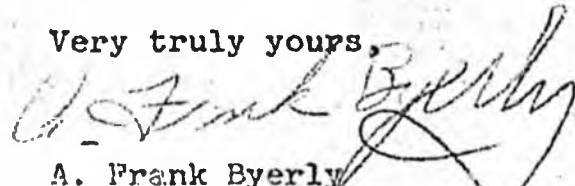
February 6, 1981

Honorable Don Young  
Representative for Alaska  
1210 Longworth Building  
Washington, D.C. 20510

Dear Representative Young:

It is my understanding that Daniel Boone Reed has requested your assistance in securing a Presidential Pardon. Mr. Reed is well known on Kodiak Island, having lived here for a number of years. Mr. Reed is in excess of seventy years of age, and he has remained free from criminal law violations since his conviction in 1941. I would certainly support any help that you might be able to render on his behalf, and if I might be of any assistance, please feel free to contact me.

Very truly yours,



A. Frank Byerly  
Adult Probation-Parole Officer  
Kodiak District Probation Office

- - - - - C O P Y - - - - -

Box 25  
Kodiak, Alaska 99615  
February 17, 1981

The Honorable Ronald Reagan  
President of the United States  
The White House  
Washington D. C. 20510

Dear Mr. President:

Mr. Daniel Boone Reed, whom I have known for 30 years, wishes to have his civil rights restored which he lost while serving an 8-year prison term from 1941-1949 while Alaska was still a U. S. Territory.

Mr. Reed has proven himself to be a good citizen of the State of Alaska. He has participated in the welfare of the livestock industry on Kodiak Island, the fishing industry, Senior Citizens, and certification of the Uganik Native Corporation.

He has been called for Grand Jury duty, and singled out for special honors by the Native people. He is unable to enjoy and accept these privileges until his civil rights are restored.

He is an Eskimo 72 years of age, and for the last 31 years living on Kodiak Island he has been a law-abiding citizen without reproach. He is a man who loves his country, has a lot of dignity, and would like to become a first class citizen.

His address is: Daniel Boone Reed  
West Point 99697  
Via Kodiak, Alaska 99615

On his behalf, I am thanking you for any consideration you can give to this matter.

Yours truly,

/s/ DeWitt Fields

De Witt Fields

c.c. Sen. Ted Stevens  
Sen. Frank Murkowski  
Rep. Don Young  
Mr. Daniel Boone Reed

Senior Citizens  
of  
Kodiak

Box 315  
Kodiak, Alaska  
99615  
Dennis Murray  
Project Director  
Tel.486-6181

February 23, 1981

The Honorable Ted Stevens  
United States Senator  
260 Russell Building  
Washington, D.C. 20510

Re: Legal Rights for Daniel Boone Reed

Dear Senator Stevens:

Mr. Daniel Boone Reed was recently in my office, and shared with me his particular situation. At the present Mr. Reed does not have his civil rights. Several years ago he spent time in prison as a result of a fire in the Valdez jail. His civil rights were terminated, and apparently not restored upon his release.

Mr. Jerome Selby of Kodiak Area Native Association asked me to write a letter to you concerning my knowledge of Mr. Reed's character. It is my understanding that such information will be helpful in your efforts to restore Mr. Reed's rights.

I have known Daniel Boone Reed for the past 5 to 6 years. Although he lives with his wife, Nan, at West Point, he is a frequent visitor to town. During those years I have found him to be honest and forthright. He is also generous with his time and skills. He has contributed cribbage boards made of deer horns to the Senior Center for sale at our Christmas Bazaar. Further, he has served as a volunteer on several committees of Kodiak Area Native Association. He is particularly concerned about the health and well-being of the elderly.

I would certainly endorse and support any efforts on your part to restore his civil rights.

Thank you for the opportunity to provide input.

Sincerely,

/s/ Dennis Murray

Dennis Murray  
Project Director

cc: Mr. Jerome Selby, KANA  
Senator Frank Murkowski  
Representative Don Young  
Daniel Boone Reed

Alaska State Legislature

SENATOR ALFRED OWEN  
WEST POINT VIA  
KODIAK, ALASKA



COMMITTEES  
STATE AFFAIRS  
LABOR AND MANAGEMENT

Senate  
3/7/10

Representative Eric Sutcliffe  
Alaska House of Representatives  
Pouch V  
Juneau Alaska 99811

Dear Sir:

I am writing in behalf of Daniel Boone Reel,  
in support of your efforts to obtain the  
restoration of his civil rights.

Mr. Reel has been my nearest neighbor  
for the last 26 years. He has been a good  
neighbor in the best sense of that word, law  
abiding and helpful in time of need. He is  
active in behalf of the Senior Citizens, and the  
Kodiak Island Native Association.

The restoration of his civil rights is long  
overdue. Thank you for your efforts in his behalf.

Sincerely,  
Alfred H. Owen