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HR 140 AN ACT AUTHORIZING CAPITAL PUNISHMENT, CLASSIFYING MURDER IN THE FIRST DEGREE AS A CAPITAL FELONY, AND ESTABLISHING SENTENCING PROCEDURES FOR CAPITAL FELONIES

PRIME SPONSORS: PESTINGER

CO-SPONSORS: WARD FLOOD LISKI SHULTZ

<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>HOUSE ACTION</u>	<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>SENATE ACTION</u>
01/28/83	01	0131	FIRST READING -- COMMITTEE REPORTS				
04/13/84	02	3324	JUD -- CS02, NR02				
04/13/84	03	3324	JUD F/NOTE EQUALS ZERO				
** 04/13/84	04	3325	JUD F/NOTE HSE SUPPL #128 FINANCE RULES				

HB 141 AN ACT MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FOR PAYMENT AS A GRANT FOR THE IDITAROD TRAIL COMMITTEE, INC., FOR CONSTRUCTION PERMANENT RACE HEADQUARTERS; PROVIDE EFFECT DATE

PRIME SPONSORS: LARSON

CO-SPONSORS: FULLER

<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>HOUSE ACTION</u>	<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>SENATE ACTION</u>
01/28/83	01	0131	FIRST READING -- COMMITTEE REPORTS				
** 03/22/84	02	3012	L&C -- CS04 FINANCE RULES				

Execution set for Monday

By CHARLES C. HILL
The Associated Press

New 1/24/83

HUNTSVILLE, Texas — Attorneys for convicted murderer Thomas Andy Barefoot, sentenced to die Tuesday by lethal injection, will ask a U.S. district judge Monday to put off the execution because they say there is new evidence in the case.

Barefoot's lawyers, who also have appealed to the Supreme Court for a stay of execution, will go before U.S. District Judge Lucius Bunton in El Paso on Monday.

Barefoot, convicted of killing a Harker Heights policeman, is scheduled to die before dawn Tuesday in the same death chamber where Charlie Brooks Jr. on Dec. 7 became the first U.S. inmate to be executed by lethal injection.

Barefoot's execution would make Texas the first state to put to death more than one prisoner since the Supreme Court reinstated the death sentence in 1976.

Barefoot, 37, maintains he is innocent and said that if the state kills him, it would be committing the "most premeditated of murders."

His latest appeals came after the 5th U.S. Circuit Court of Appeals on Thursday rejected defense lawyers' contentions that a stay should be granted on grounds that two psychiatrists' testimony should not have been allowed and that a witness now says she lied when she said a man she saw near the time of the shooting resembled Barefoot.

The former oilfield roughneck was convicted of capital murder in the death of policeman Carl Levin, 31, on Aug. 7, 1978, in Harker Heights, a central Texas town.

Prosecutors said Barefoot shot Levin while being questioned about a nightclub fire. They said Barefoot feared the officer would discover Barefoot was a fugitive, wanted in New Mexico on charges that he raped a 3-year-old girl and escaped from jail.

midnight, the prison warden would give the condemned man a chance to say his last words. Then the warden would give word to start the execution.

The executioner, who be hidden behind a locked door and a wall with a one-way mirror, would inject the intravenous solution by means of a tube snaking through the wall to the inmate. Death should come within minutes. Two other drugs are also injected to assure death.

Brooks, convicted of murdering an auto mechanic in Fort Worth, was the first Texas inmate executed since 1964.

He previously had served a year in in prison for cocaine possession in Louisiana and another year for possession of a sawed-off shotgun in Oklahoma.

Prison officials say that if his appeals fail, Barefoot would be executed at The Walls prison in the same manner as Brooks:

About 11:30 p.m. Monday, two needles would be inserted into his arms and connected to neutral intravenous solutions. A few minutes after

Ignore liberals; fry the murderers

Reinstatement of the death penalty is long overdue. The bleeding heart liberals would have you believe these murders were altar boys on holiday. I say fry the creeps.

NEWS 3-7-83 - Frank O'Dell

Capital punishment views sought

To the editor:

I am writing this in hopes that thinking people will become aware of House Bill 140, which as of this writing was awaiting a hearing in the House Judiciary Committee. This bill, if passed, would authorize capital punishment for certain offenses within the state.

With this bill, we seem to once again put aside the information gathered on the subject and resort to the ancient eye-for-an-eye and tooth-for-a-tooth philosophy. Admittedly, our justice system needs a radical

overhaul, but the short-term solution of killing people for killing people makes little sense to me. Many of the people who call themselves "experts" on criminology have basically come to similar conclusions, namely, the death penalty does not stop the kind of crimes it is designed to, but tends to show a lower stage of development for the societies which use it.

I'd like to again call on all those thinking people who feel other solutions should be sought in place of state-sanctioned killing, to write to our representatives on this bill. I'd like to especially appeal to my friends in the

pro-life movement and hope that their desire for consistency will compel them to speak out on this issue.

Greg Stevens
Juneau

LETTERS TO THE EDITOR are the readers' opportunity to speak out on any legitimate or timely topic. Letters should be typed or neatly handwritten. Brevity is desirable. Anonymous letters will not be published, and the editor reserves the right to edit as necessary. Letter writers should include their address and phone number for the editor's reference.

Death penalty debate

NEWS 2-15-53
Legislators and onlookers in the Alaska Senate got a rueful chuckle out of committee referrals made by Senate President Jalmar Kerttula for a death penalty bill introduced last week. Sen. Kerttula sent the bill to both the Judiciary and Finance committees, noting that "it costs money" when the latter assignment drew guffaws. Sen. Joe Josephson, who chairs the Senate Health and Social Services Committee occasioned further chuckles with his observation that the bill "has certain health implications as well."

The laughter no doubt served to break the tension surrounding a very serious matter for all concerned. But committee referrals to at least two different panels indicate that the Senate will give the idea plenty of scrutiny before moving on any death penalty bill this session. And that scrutiny suggests a further consideration for chairmen planning committee hearings: the need for broad public participation in any decision to embrace the death penalty in our state.

The death penalty implicates every citizen in a cycle of violence the state seeks to stop. Before any death penalty bill can advance to a vote of the legislature, it must bear widespread scrutiny and debate among all Alaskans. Public hearings must be held around the state; reputable research about the death penalty and its impacts must be widely distributed and debated; the methods and circumstances of imposing capital punishment must be carefully defined; and, finally, Alaska citizens and their leaders must forthrightly confront the moral dimensions of a painful issue. Such scrutiny would be difficult at best, but it is the very least demanded of a democratic state that would adopt the authority to impose a penalty of death.

NEWS - 2-8-83 - Bennett E. Taber

Death penalty instills respect

Your Jan. 30 editorial opposing the death penalty begs reply. Illegal executions is very much in force and has been. All victims of illegal execution (murder) are innocent. This overwhelms the concerns that the state might mistakenly condemn the wrong person.

No proponent I know of wants revenge. We want that potentially violent minority we live with to have respect for society and its laws. In place of respect there is arrogance and contempt. I've seen guns waved and murder threats casually performed.

Sometime in the future, social evolution will take us to that plateau of civilization where we no longer need state executions. How could you state that the victim's pain is acknowledged and properly mourned. Very untrue! No one can imagine the Hitchcock nightmare of a fear-ravaged poor soul fending off repeated strikes of a sharp knife. Or the silent struggle of a woman, her neck in the strong grip of the strangler.

Please print this as soon as possible so it will work as a reply to your editorial.

— Harold Hermann

Pestinger proposes death penalty

by Bill White
Times Juneau Bureau

Juneau — A bill to resurrect the death penalty in Alaska after a 26-year absence from the state's law books was introduced today by freshman Rep. Sam Pestinger.

The bill would allow a judge to sentence to death some criminals convicted of first degree murder. The method of execution would be decided by the state agency in charge.

"During my campaign, there was strong voter support throughout our district for a carefully reasoned law that would permit capital punishment," said Pestinger, R-Anchorage.

"I believe this is such a law."

Sen. Fritz Pettyjohn, R-Anchorage, is

working on a similar bill for introduction in the Senate.

The death penalty was abolished in Alaska in 1957. Co-sponsor of that bill was Sen. Vic Fischer, D-Anchorage, then a member of the territorial legislature.

"It's anti-Christ," Fischer said Thursday of Pestinger's proposal.

"As punishment it violates the commandments," he said, citing the one that states, "Thou shalt not kill."

"And it violates the (state) constitution," he added, citing the section that says, "Penal administration shall be based on the principle of reformation and upon the need for protecting the public."

Alaska executed nine criminals before the death penalty was abolished. The last to

die was Eugene La Moore, who was hanged in 1950 at the Juneau federal jail for the murder and robbery of a local grocer.

Pestinger's bill calls for the jury to advise the judge on whether to sentence a first degree murderer to death or life in prison. The judge would need to find one of seven "aggravating factors" to exist before imposing the death sentence. They include:

- The defendant tortured or committed aggravated battery on the victim.
- The defendant was a paid assassin.
- The defendant murdered a police officer, fire fighter, prison guard or prosecutor.
- The defendant belonged to a gang or terrorist group of at least five members, and the murder was committed to further the

group's criminal goals.

Pestinger said the jury's advice — which may be ignored — and the aggravating circumstances provide needed checks on the judge's sentence.

"When you're talking about taking a man's life, then you need a lot of checks and balances," he said.

Pettyjohn said his bill proposes one main difference. The jury, not the judge, would impose sentence after a separate hearing on the sentence.

Gov. Bill Sheffield said during his election campaign he supports capital punishment. But he refused to comment on Pestinger's bill without reading it, then reviewing it with Cabinet members, the legislature and the public.

Supreme Court blocks killer's execution

Associated Press

Times 1/20/83
Huntsville, Texas — Less than a day before convicted police killer Thomas Andy Barefoot was to be put to death, his execution was blocked by the U.S. Supreme Court.

In a surprise move, the court in Washington scheduled a hearing on Barefoot's case April 26 and told Texas authorities to keep him alive at least until they use his case to decide how federal courts should handle emergency death penalty appeals.

Barefoot had been waiting today in a 7-foot by 9-foot cell a few feet from the death chamber in The Walls prison in downtown Huntsville. He was transferred to The Walls today from death row at the Ellis Unit, about 13

miles northeast of Huntsville, prison spokesman Rick Hartley said.

Barefoot, 37, was convicted of killing a Harker Heights policeman in 1978. He insists he is innocent and that his execution by lethal injection would be "the most premeditated of murders."

Barefoot shot police officer Carl Levin, 31, on Aug. 7, 1978, while being questioned about a nightclub fire. Officials said Barefoot feared Levin would learn he was wanted in New Mexico on charges that he raped a 3-year-old girl and escaped from jail.

The 5th U.S. Circuit Court of Appeals on Thursday rejected a motion to stay the execution.

The defense in the appeal argued that a trial witness has admitted lying when she said she saw a man resembling Barefoot around the time of the slaying, and it said that testimony was improperly allowed.

Six states have executed one man each since the Supreme Court approved reinstatement of capital punishment.

The execution of Charlie Brooks Jr. on Dec. 7 in Texas was the most recent and was the first time an execution was carried out by lethal injection.

Barefoot has twice served one-year prison terms, in Louisiana for cocaine possession and in Oklahoma for possession of a sawed-off shotgun.

1/12/83

the main concern. Parents "My son has already been wanted to know whether displaced twice," she said.

The meeting began with presentation by Eagle Riv

court report

Child molesting trial opens

A jury of three women and nine men on Tuesday listened to the prosecution's opening statement in the sexual molestation trial of Gillie Jacko, 77. Jacko, of Pedro Bay, is charged with molesting five elementary school-aged girls during the past few years. In her opening statement, Assistant District Attorney Betsy Sheley told the jury that the girls themselves, their confidants and public officials would testify during the trial this week. Defense lawyer Dan Hensley will make an opening statement after Sheley presents her case. There are 45 felony child molesting cases currently open in Anchorage, according to Sheley.

Change of venue granted

The trial of an accused escapee was moved to Palmer Tuesday. Thomas Nelson, 31, allegedly climbed the Palmer Jail fence and escaped late Sept. 30. He was caught walking toward Glennallen at Mile 131.5 of the Glenn Highway, according to court papers. Nelson is serving time for selling stolen outboard motors. Nelson apparently boycotted his scheduled trial Tuesday, remaining at Sixth Avenue Jail until a talk with his lawyer convinced him to show up. Then defense lawyer Jonathon Katcher moved to move the trial to Palmer, largely for the convenience of witnesses. Judge Karl Johnstone consented to the Palmer jury.

From Daily News staff reports

Two evening win slots on

Two competing night news shows won prime time slots on the statewide satellite system at a special meeting of the Rural Alaska Television Network (RATNet) board in Anchorage Tuesday.

The network, which controls access to state satellite channels in about 150 villages, agreed that KIMO-TV and KTTU-TV, both of Anchorage, may air half-hour statewide news programs on the satellite system for the next two years. Quarterly reviews will assure that production quality is maintained over the two-year period, according to Helene Nelson, Project Coordinator for the state Satellite TV Project.

RATNet's decision is especially important for KIMO because it means a move from their present undesirable 6:30 p.m. time slot to 6:30 p.m. considered prime time news shows.

KTTU will retain the 5

would begin. ask the members before they leave their appoint an acting director. Some of the members may be reappointed, he said. ive director John Blaine, who was hired 1980, said he was not surprised by 's action. "I'm surprised only by the," he said Tuesday. "I was expecting him to have his imprint on the arts. The erves at the pleasure of the governor. I e that the gains the council has made over few years aren't lost "

Gordon Smith, president of the Alaska Arts Alliance, a statewide group of arts organizations that receives state money, said the alliance will recommend criteria for appointing new council members.

"We'll recommend the kind of individual that might be appropriate," Smith said.

During last July's controversy between the council and arts groups, the alliance claimed the council was holding, for its own programs, \$1.8 million of the \$5.4 million that the legislature ed as grants to arts groups.

several resolutions calling utiny of the council's pro- sed to fund arts groups. aid the council had "always ices with money from its t the council's founding mention grants "

Friday, February 18, 1963. The Anchorage Times A-7

the editor

The death penalty

Dear Editor:

I am writing this in hopes that thinking people will become aware of House Bill 140, which as of this writing is awaiting a hearing in the House Judiciary Committee. This bill, if passed, would authorize capital punishment for certain offenses within the state.

With this bill, we seem to once again put aside the information gathered on the subject and resort to the ancient eye for an eye and tooth for a tooth philosophy. Admittedly our justice system

needs a radical overhaul, but the short term solution of killing people for killing people makes little sense to me.

Many of the people who call themselves "experts" on criminology have basically come to similar conclusions, namely, the death penalty does not stop the kind of crimes it is designed to, but tends to show a lower stage of development for the societies that use it.

Greg Stevens
Juneau

Opinion

JUNEAU EMPIRE

WILLIAM S. MORRIS III
PRESIDENT and PUBLISHER

JEFFREY A. WILSON
GENERAL MANAGER

CARL SAMPSON FRED HOWARD TOM BLUMENSHINE
Managing Editor Circulation Manager Production Manager

We favor the death penalty

Eight people are shot to death and then set afire aboard a fishing boat anchored near Craig.

Six McCarthy residents are gunned down in cold blood.

Four Anchorage teen-agers are chased down and shot to death as they walk through a park.

Two elderly Juneau residents are bound, stabbed 60 times until they die and then sexually assaulted.

Listed above are multiple murders that happened in our state during the last year. These are not just crimes; they are outrages against society. The grief they have caused cannot be measured in prison sentences; it is not enough just to take those criminals off the streets.

For crimes so shocking, so hateful, we believe the death penalty should be imposed.

The death penalty cannot be debated without emotion.

In arguing against it, many people believe a "civilized society" should never take a life. They argue the "eye for an eye" tenet should never be applied, and that the sentence is not a deterrent.

In the vast majority of cases, those arguments stand up. A person who acts in a moment of passion, even if he kills another person, should be given the benefit of the doubt and no death penalty should be allowed.

In some cases, though, the criminal has suspended the rules of humanity.

Multiple murders — when a person kills one person and then keeps on killing — do not qualify the criminal for the compassion of society.

Neither do planned murders.

Neither does the killing of a law officer.

A death sentence should be imposed only after all possible avenues of appeal are pursued, and there exists no shadow of a doubt that the criminal's rights have been protected and that he or she is guilty as charged.

The Alaska Legislature is reviewing proposals to reinstate the death penalty. We urge its members to adopt such a proposal, as long as it guarantees that all appeals may be pursued.

We do not take joy in advocating such a position. In fact, sometimes it hurts to advocate what we believe is the right thing. But it hurts us not nearly as much as it hurts the friends and families of victims of such horrible crimes and the society that allows such criminals to live.

HB 140
JR

Call for the death penalty NEWS 1/12/83

Three murders in Anchorage the last week of 1982 prompt me to urge Gov. Sheffield to deliver on his promise to enact the death penalty as soon as possible.

I'm keenly interested because the lives of 1983 murder victims are at stake. I want to save some of them.

— *Harold Hermann*

Times
2-26-83

Capital punishment

Dear Editor:

So called enlightened experts on criminology may have come to conclusions about the death penalty not stopping the crimes it is supposed to. But us poor, uneducated and unenlightened non-experts are getting fed up to the eyeballs with your garbage and the continued killing by your "rehabilitated" criminals who roam the streets making it unsafe to go out of one's own house.

I refer to several incidents in this community such as the high school girl killed at Eastertime two or three years ago, the

woman and her son who were killed about one and a half years ago and the most recent one at Russian Jack Springs Park less than one year ago, when four teen-agers died.

We have had enough. The death penalty may not deter killing in some people's point of view. But I'll tell you what: It sure as shooting eliminates second offenders. It's about time more people became aware of this — politicians and bureaucrats included.

A. Ulen
Soldotna

A. Ulen city

NO 119

FE 5245, 10 129 118



UNIVERSITY OF CALIFORNIA
100 SHREVE DRIVE, DOWNSIDE ST. 95825
TEL 841-4312 FAX 845-1447

PLEASE TAKE TO OFFICE TO ADDRESS HOUSE BILL 140 CONCERNING
THE COURT OF APPEALS. IT IS REQUESTED THAT YOU CONTACT THE
COURT OF APPEALS AND ADVISE THEM OF THE REASON FOR THE
DELAY IN THE COURT OF APPEALS. IT IS REQUESTED THAT THE
REASON FOR THE DELAY BE ADVISED TO THE COURT OF APPEALS
AS SOON AS POSSIBLE. PLEASE ADVISE THE COURT OF APPEALS
AS SOON AS POSSIBLE.



FROM: THOMAS WOOD, SR BOX 5209, EAGLE RIVER 99577
H 694-9430 W 562-2243

IF WE ARE EVER TO CONTROL THE OUT-OF-CONTROL RATE WHICH PERMEATES OUR CODDLING SOCIETY, WE NEED HARD AND FAST DETERRANTS FOR THE WOULD-BE CRIMINALS. ENOUGH OF THESE "GOODY TWO SHOES" REHABILITATORS AND THE GARBAGE THEY EXPOUND. DICK SCHULTZ IS ON THE RIGHT TRACK; CAPITAL PUNISHMENT IS A START IN THE RIGHT DIRECTION.



H3
285
140

3/11/83, SHIRLEE ANC LIO, 14662

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: RUTH TADDA, 4511 FOLGER, ANCHORAGE 99507
H 561-8809 W 269-5534

AB ~~335~~
140

REFERENCE CAPITAL PUNISHMENT: DO NOT SUPPORT UNDER ANY
CIRCUMSTANCES. "THOU SHALT NOT KILL." I DO NOT BELIEVE
CAPITAL PUNISHMENT EVEN IN THE NAME OF THE JUSTICE SYSTEM
HAS THE RIGHT TO WAIVE THAT RULE.

MSG 83-00012745 PRTY 1 03/03/83 18:25:27 ORIG: LA01 IN= 0020 OUT= 0108
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

3/3/83, SHIRLEE ANC LIO, 12745

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: JAMES PLUMLEY
BOX 75, PRINCE OF PEACE DRIVE, EAGLE RIVER, AK 99577
(H) 694-5416 (W) 694-9511

IT IS TIME TO STOP TALKING AND VOTE ON THE DEATH PENALTY.
(HB 140) BEFORE THE STATE HAS ANY MORE MASS MURDERS.



TO: SENATORS ALL SENATORS

REPRESENTATIVES ALL REPRESENTATIVES

FROM: BRENDA STEPHENS

BOX 460

SOLDOTNA, ALASKA 99680

PH 342-4442

I WOULD LIKE TO SEE A BILL SUCH AS H.R. 1400 ADOPTED AS STATE LAW

WE HAVE BEEN PASSIVE AND CONDESCENDING FOR TOO LONG.

FROM: BRENDA STEPHENS

P.O. BOX 470

SOLDOTNA, ALASKA 99680

PH 342-4442

FROM WHAT I UNDERSTAND, ALASKA RECEIVES APPROXIMATELY 1.5 BILLION OF
FEDERAL MONEY YEARLY. IT IS THE LARGEST PERCENTAGE OF FEDERAL FUNDING
NATIONWIDE.

ALTHOUGH I REALIZE THAT IT IS NOT POSSIBLE, MY LEGISLATURE WOULD
TO SPEND EVERY DOLLAR IT CAN (INCLUDING THE PERMANENT FUND), WE SHOULD
TRY TO BECOME INDEPENDENT FROM FEDERAL FUNDING.



4/26/83, SHIRLEE ANC LIO, 12215

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: ROBERT CLARK, P.O. BOX 4-1908, ANCHORAGE 99509
(RES: ATKINSON DR.) H 333-5295 W 266-1680

GILBERT AND SULLIVAN'S OPERA, THE MIKADO, STATED IT CLEARLY:
"LET THE PUNISHMENT FIT THE CRIME." SO THOSE FOUND GUILTY
OF VIOLENT CRIME DESERVED EXECUTION. AND IN THE BIBLE
GOD COMMANDED THAT MEN CONVICTED OF VIOLENT CRIME WERE TO
BE STONED TO DEATH. PASS HB 140.

BOARD OF CHURCH AND SOCIETY
ALASKA MISSIONARY CONFERENCE
915 SECOND AVENUE
FAIRBANKS, AK 99701
January 19, 1984



Mr. Charlie Bussell, Chairman
House Judiciary Committee
Pouch V M/S 3100
Juneau, Alaska 99811

Re: HB 140

Dear Mr. Bussell:

Although other Western nations have largely abolished the death penalty; and after a decade-long moratorium on this ancient form of social vengeance, there now seems to be growing pressure to return it here in Alaska.

It is my hope that this pressure will be resisted and that HB 140 (seeking to reinstate the death penalty in Alaska) will not be supported.

The General Conference of The United Methodist Church has long opposed the death penalty. It is based on the "lex tallionis" which Jesus repudiated (see Matthew 5:38-39). "Gregg V. Georgia", although permitting the use of the death penalty as retribution, conceded the lack of evidence presented to the Supreme Court that it reduced violent crime.

Perhaps the most persuasive case against the death penalty is its history of falling unfairly and unequally upon outcast minorities.

For your information, I quote from the current Book of Discipline of The United Methodist Church:

"We support governmental measures designed to reduce and eliminate crime, consistent with respect for the basic freedom of persons. We reject all misuse of these necessary mechanisms, including their use for the purpose of persecuting or intimidating those whose race, appearance, life style, economic condition, or beliefs differ from those in authority, and we reject all careless, callous, or discriminatory enforcement of law...In the love of Christ who came to save those who are lost and vulnerable, we urge the creation of genuinely new systems of rehabilitation that will restore, preserve, and nurture the humanity of the imprisoned. FOR THE SAME REASON, WE OPPOSE CAPITAL PUNISHMENT AND URGE ITS ELIMINATION FROM ALL CRIMINAL CODES." (Emphasis mine.)

Thank you for taking time to read this letter. I hope you will do whatever you can to prevent a backward step from being taken in Alaska with regard to the death penalty.

Sincerely,

Church & Society Chairman for Alaska Methodists

cc: Alaska Legislators, UM churches in Alaska



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465-4990
P.O. Box 4-1325
ANCHORAGE, ALASKA 99509
248-1515



OR

CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
SPECIAL COMMITTEE ON FISHERIES
MEMBER
LEGISLATIVE COUNCIL
MEMBER
ALASKA CODE REVISION COMMISSION

Representative Charlie Bussell

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

May 2, 1983

W. C. Jones
337 East 24th Avenue
Anchorage, Alaska 99503

Dear Mr. Jones:

As you well know, I agree totally with you in regards to the issue of capital punishment in Alaska.

We need to figure a way to get it through the Legislature which as you know contains just enough liberals to break such legislation. In an attempt to circumvent that problem I put out a ballot proposition. I know the results will heavily favor instituting capital punishment for certain crimes in Alaska.

Armed with these results maybe we can lend some backbone to enough of the spineless ones to get the legislation through.

Thanks for the support and I hope we are out of here in a few days.

Best regards,

Representative Charlie Bussell
Chairman, Committee on Judiciary

CB:lyn

The Honorable Charlie Bassell ^{enclosure in} Apr 23, 1983
Dear Sir,

I wish to express my support for ¹⁴⁰ Capitol punishment now being proposed. To say it is not a deterrent goes against human nature. I think it would be a deterrent in many cases.

I am enclosing an article from Newsweek (May 24, 1982) This lists just a few examples. Of course we have our own cases of Meach and Hastings among many others who have wantonly murdered their victims.

Think of the recent case of three teenagers who murdered a helpless old lady for her car and a small amount of money. Can anyone say they would not have been deterred by the threat of a death penalty?

No one likes Capitol punishment. But we must think of the victims of murder, and perhaps more importantly, the tragedy for the loved ones they leave behind.

Sincerely,
W. C. Jones

W. C. JONES
337 E. 24
Anchorage, AK 99503



The Value of Punishment

GEORGE F. WILL

Last February Jimmy Lee Smith walked out of Soledad Prison. His partner in murder nineteen years ago, Gregory Powell, is scheduled for release from another California institution June 18. These and other parole cases, including Sirhan Sirhan's, have stirred proper fury.

On March 9, 1963, Ian Campbell and Carl Hettinger, young Los Angeles policemen, stopped a car that had made a suspicious U-turn. The occupants, Powell and Smith, pulled guns, disarmed the officers, drove to an onion field near Bakersfield and murdered Campbell. Hettinger escaped. The day Campbell was buried, a kidnapper and rapist named Miranda was arrested. Miranda's case generated one of the Warren Court expansions of defendants' rights. It became the basis of one of the blizzard of motions that caused the Powell-Smith case to consume almost seven years and fill 159 volumes—45,000 pages. The harrowing story is in Joseph Wambaugh's superb book (and movie) "The Onion Field."

Smith and Powell were sentenced to death. Retried, Smith was sentenced to life, Powell to death again. In 1972 California's capital-punishment law was declared unconstitutional, sparing Powell and 101 others, including Sirhan, who now says he should be paroled because his victim, Robert Kennedy, were he alive, would agree that he, Sirhan, has suffered enough.

Crime: It is grotesque for Sirhan to put words into the mouth of the man he silenced. And it is grotesque that in 1975—just seven years after his crime—the parole board set a 1986 release date, now moved up to Sept. 1, 1984. The board acted without knowledge of two letters he has written threatening to kill three people. To his lawyer he wrote concerning an author: "Hey Punk . . . if he [the author] gets his brains splattered—he will have asked for it like Robert Kennedy did . . . neither of you is beyond my reach." These threats may be a sufficient reason, but are not the best reason, for denying him parole. The best reason is that fifteen years in jail is not a punishment that fits his crime.

Sirhan has mastered the buzz words of the playacting that is a normal part of parole processes. He promises to work "to improve the quality of life" if he gets the parole that his says is dictated by "equal treatment un-

der the laws." Actually, the parole board has treated him as it does other murderers. But he did not just murder a man, he assaulted and maimed the democratic system that so many have died defending.

Punishment always involves a judgment of proportionateness. Of the 102 men who in 1972 were sentenced to die in San Quentin's apple-green gas chamber, 29 have been paroled and 25 have release dates. Steve Grogan, 30, was convicted with Charles Manson (another man saved in 1972). A witness to Grogan's crime quoted him saying: "So I had this big machete and I chopped his head off and it went bloop, bloop and rolled out of the way." Grogan has a 1987 release date. Another murderer,

*It is grotesque
for Sirhan
to put words into
the mouth of
the man he silenced.*

who was paroled after 1972, committed a second murder and is back on death row under a new capital-punishment law. Of the 2,173 men serving life sentences for murder in California, only two have been in prison more than twenty years. Increasingly, a life sentence is seen as a fraud that mocks the dead and jeopardizes the living by trivializing the crime of murder and diluting the indignation society needs for self-defense.

William Fain, 36, has twice had his parole from San Quentin blocked by public pressure. In 1967 he flagged a passing car, shotgunned a 17-year-old student and raped two young women. The murder victim's family has gathered 62,500 signatures protesting parole. A court has held that "awareness of the public hostility" is a legitimate reason for denying parole.

It may be unfortunate that parole decisions have become political issues. And it may be unconstitutional for them to be influenced by mass pressure tactics. However, a legitimate function of the political process is to serve as a safety valve when judges or

bureaucracies lacerate the public's sensibilities. Furthermore, law has an expressive function, expressing and thereby sustaining certain values. There also is a cathartic function of expressive state action. The Nuremberg tribunals, however problematic they were jurisprudentially, performed the vital function of civilizing the vengeance that was going to be expressed, one way or another.

Retribution: In 1952 Justice Hugo Black wrote: "Retribution is no longer the dominant objective of criminal law. Reformation and rehabilitation of offenders have become important goals of criminal jurisprudence." Today, after 30 years of rising crime and recidivism, we at least know what we do not know—how to reform and rehabilitate. In 1972 Justice Thurgood Marshall wrote that "punishment for the sake of retribution is not permissible under the Eighth Amendment." That is absurd. The element of retribution—vengeance, if you will—does not make punishment cruel and unusual, it makes punishment intelligible. It distinguishes punishment from therapy. Rehabilitation may be an ancillary result of punishment, but we punish to serve justice, by giving people what they deserve.

From plea bargaining through sentencing through paroling, the criminal-justice system is riddled with exercises of discretion that are unjustified by sufficient knowledge, and unrationalized by coherent theories. This is especially true at the parole stage, where judgments often presuppose—rashly—knowledge of rehabilitation and individual predictability.

In penology, as in other fields of social reform, the millennium has been indefinitely postponed. For now, we should do what we know how to do, for reasons we can explicate. We should use the criminal-justice system to isolate and punish—that is, to protect society from physical danger—and to strengthen society by administering condign punishments that express and nourish, through controlled indignation, the vigor of our values. We should be ashamed and alarmed to live in a society that does not intelligently express through its institutions the public's proper sense of proportionate punishment for the likes of Smith, Powell and Sirhan. We are in danger of becoming demoralized—literally, de-moralized.

AS 140
File

1666 Patterson
Anchorage, Alaska 99504
January 24, 1984



Rep..Charlie Bussell, Chair
House Judiciary Committee
Pouch V M/S 3100
Juneau, Alaska 99811

Dear Representative Bussell:

Just want to add my word of opposition to the Death Penalty concept for our life style here in Alaska.

When I compare actual societies, I would prefer one in which there is not the concept of ultimate revenge at the point of taking a life for a life.

It seems to me that we are saying "we will kill you to prove how wrong killing is". Doesn't make sense to me.

Sincerely,

A handwritten signature in cursive script that reads "John J. Shaffer".

John J. Shaffer

Enclosures: some statements on the subject that might be helpful to your deliberations.

Death penalty raises opposition

'Taking life diminishes each of us,' religious leaders say

(Compiled From News Releases
INDIANAPOLIS — Religious leaders here voiced opposition to capital punishment as the state scheduled the execution of convicted murderer Steven Judy earlier this month.

Protestant and Catholic leaders urged the governor to commute the death sentence to life imprisonment prior to the execution, saying that "taking another life only compounds the tragedy and diminishes each of us."

Bishop James Armstrong, the United Methodist leader of the Indianapolis area, was the spokesperson at a news conference four days before the execution along with the Rev. Harold B. Statler of the Indiana Council of Churches and Rabbi Dennis C. Sasso.

Contrary to Will of God

Concern was expressed for the convicted murderer, for the families of both the victims and Judy's foster parents, for those who carried out the execution and for "the values of a civilized society and the conviction that capital punishment is contrary to the will of God."

Their opposition was based on four reasons: "it is morally wrong to continue the cycle of killing," "capital punishment is used in a discriminatory manner," "there is no conclusive evidence that it is a deterrent to crime," and "it is irrevocable — an error cannot be undone."

The 20 district superintendents of the UMC's North and South Indiana annual conferences also requested the governor to commute the sentence.

Several hundred persons gathered for an ecumenical prayer service in St. Ann of the Dunes Catholic Church near the state prison the Sunday before and joined in a candlelight vigil outside the prison.

A statement decrying violence — that which shaped Steven Judy's life, the violence he committed in taking the lives of four innocent victims, and that executed by the state in taking his life — was prepared by Bishop James Armstrong of the Indianapolis Area and read during funeral services March 12 for the convicted murderer.

Bishop Armstrong had been asked to participate in the service by Mr. Judy's

foster parents, Mr. and Mrs. Robert Carr, but he could not because of a meeting of the Methodist bishops of four denominations in Atlanta at the same time.

Bishop Armstrong's statement, which included a prayer for the victim's family, was read by the Rev. David Felton, a staff member of the Indiana Council of Churches who conducted the service at a funeral home.

"The Lord of the Christian faith, referring to a primitive law of retaliation, quoted it and said, 'It was said of old, an eye for an eye and a tooth for a tooth; but I say unto you . . .'

"Only the quality of life, expressed in routines of daily life, can overcome the prevailing, spreading climate of violence," the bishop said. "As the Epistle of I John suggests: 'Love must not be a matter of words or talk; it must be genuine and show itself in action (1 John 3:18 NEB).'"

The Social Principles of the United Methodist Church state the denomination's official opposition to capital

punishment and urges its elimination from all criminal codes.

Public support for the death penalty, however, has reached the highest point in 28 years, with 66 percent now supporting execution for persons convicted of murder, says the latest Gallup Poll.

The poll taken Jan. 30 to Feb. 2 found that 25 percent of the American public opposed capital punishment and nine percent had no opinion.

Public support increasing

Support for capital punishment has risen steadily from a low of 42 percent in 1966. But, while a large majority now favor the death penalty for murder, only 37 percent favor it for persons convicted of rape, 39 percent for treason and 22 percent for airplane hijacking.

Four persons have been executed in the U.S. since the 1976 Supreme Court decision lifting the ban on capital punishment.

Eight women and 731 men are on death row, more than 500 in Deep South states.



A TIME TO SPEAK

*Capital
punishment*

by Most Rev. Michael Kenny
Bishop of the Diocese of Juneau

The first time I met him two years ago, I liked him at once. He had just been named auxiliary bishop of Cleveland. At 41, he was the youngest member of the American hierarchy, and a black. He had an air of confidence about him that was in no way threatening. He was definitely a man on fire, but with a calm and without anger. And he had a warm and welcoming smile.

Since that first meeting, Bishop James Lyke has become not only a friend, but a man I greatly admire and respect. Among the bishops he has become an eloquent spokesman for the poor. Without pointing a finger or being self-righteous, he has challenged the bishops to be consistent, accountable and, above all, faithful to the Gospel. When he speaks, the bishops listen because he is serious, knowledgeable and on target.

At the conclusion of the National Conference meeting in November of 1980, Bishop Lyke took the assembly to task for spending an inordinate amount of time on items of lesser importance that came early on the agenda (e.g. the translation of a prayer for the Mass for St. Kateri Tekakwitha), and not leaving enough time for items of greater significance that came up later (e.g. a statement on capital punishment). The bishops accepted his point and the meeting in 1981 reflected a definite change.

On the capital punishment issue, Bishop Lyke had wanted to speak out in strong opposition. As a black he knew firsthand how unequally the death penalty is meted out to poor people and to minorities. But infinitely more important to him, as a Christian and as a Franciscan, he desired to proclaim how contrary to the compassion and gentleness of Jesus the execution of our brothers and sisters truly is. The bishop had wanted to say these things back in 1980, but time had run out.

Perhaps this is providential. For this month Bishop James Lyke has been given his moment to speak his mind and heart, and to tell others his reading of the Gospel. The circumstances grace his words with an eloquence, a power and a credibility that is inescapable.

On January 1, his 59-year-old brother Amos was murdered in his own home, brutally suffocated by four assailants. In the funeral homily Bishop Lyke spoke his truth.

"For those who killed my brother, we beg God's mercy and forgiveness. With St. Paul, we believe deeply that we shall overcome evil with good. We listen intently to Christ's words, 'Love your enemies; pray for your persecutors.'

"While we would want some form of justice, I would not desire the death penalty. Capital punishment is inconsistent with the way and thinking of Jesus, who could have called twelve legions of angels to his defense, but instead chose to die that even his enemies might have life.

"In a very real way, we are all on trial. So much of what all of us do fosters a climate of violence in our society and feeds the systems of aggression that cheapen human life.

"When we attempt to solve family problems through physical force or vitriolic words, when we applaud the injury of others, when we view television programs or attend movies wherein violence is glorified, when we use or condone the use of drugs, when we join gangs that bring fear and terror to our neighborhoods, when we purchase 'hot' goods, when we participate in these and so many like activities, we support and feed the climate of violence and the systems of aggression."

Thank you, Jim. God comfort you and your family. God give your brother eternal life. And God bless and forgive your brother's murderers.

THE BISHOP'S SCHEDULE

Feb. 2	Holy Name School, Catholic Schools Week
Feb. 2	St. Rose, Wrangell: Parish Council Meeting
Feb. 3	St. Paul's, Juneau
Feb. 6-7	St. Gregory's, Sitka
Feb. 14	Juneau: Br. Loughlan with lay and religious
Feb. 15-17	Sitka: Br. Loughlan, Priests Meeting
Feb. 17	Sitka: Br. Loughlan with lay and religious
Feb. 21	Ketchikan: Br. Loughlan with lay and religious
Feb. 21-23	Mt. Angel Seminary: consultation on social justice
Feb. 24	Cathedral, Ash Wednesday
Feb. 26	Anchorage: Anniversary of Papal Visit
Feb. 27	Cathedral: Rite of Election
Feb. 28	St. Peter's: Rite of Election
	St. Paul's: Rite of Election
	St. Therese, Skagway: Rite of Election

Former state corrections director opposes death penalty

By CHARLES F. CAMPBELL

Lately there has been quite a lot of talk on the part of candidates for public office about reinstatement of the death penalty in Alaska.

The news reports I have seen suggest to me that those advocating capital punishment legislation, in the course of their political efforts, have not taken the trouble to look into this matter except, perhaps, to read the polls which indicate that 75 percent of the people of Alaska favor the death penalty.

The fact of the matter is that for all of the controversy surrounding it, very few peo-

ple appear to know what needs to be known about this unhappy subject. For example, it is assumed that, if nothing else, the death penalty would save the state money, when in fact, the data indicates that the death penalty is the most costly remedy available in the criminal justice process.

I will take time here to comment on only one of the considerations which have so thoroughly convinced me that we should continue to reject the notion of capital punishment. The most compelling of these considerations is the matter of the probable effect of executions on those who



might be predisposed to violent crime. During the eight-year moratorium following the decision in *Furman v. Georgia*, the U.S. Supreme Court listened to reams of testimony on the issue of deterrence and was unable to conclude that there was a deterrent value to capital punishment.

And now we have extensive research conducted by

Bowers and Pierce of Northeastern University, supported by the findings of other investigations, which indicates that executions are *more likely to incite than to deter* potential murderers.

A judgment cannot yet be made as to the validity of the various studies on the question of deterrence, except to say that the weight of the evidence at present strongly argues against use of the death penalty, if our real concern is with the matter of reducing the incidence of major violent crime.

We really should not be surprised at the findings of the Bowers-Pierce research.

They tell us something that we already should have realized — that responding to violence with violence begets more violence. The state has no business sinking to the level of the behavior it has the responsibility to punish. Who is helped when the state engages in the grisly act which an execution inevitably is? Certainly not the victim or the victim's loved ones, and, as has become clearer, certainly not the potential victims of major violent crimes.

Apart from the question of deterrence, reinstatement of the death penalty would create a morass of ugly, cultural-

ly divisive, costly problems for the state, while accomplishing nothing of value.

Assuming that they are truly concerned about the best interests of the people of the state, I would strongly urge Mr. Fink and others running for political office, who have chosen to make use of the death penalty question in their political campaigns, to study this serious matter more carefully before talking about it further.

□ Charles F. Campbell is former director of the Alaska Division of Corrections.

letters from the people

Communication



Sept 78
Capital
Punishment

From Bishop Jack Tuell

Oregonians face a number of moral issues in the balloting this November, but one that is as clear cut as any is Ballot Measure 8, which would restore the death penalty in certain cases. The United Methodist Church has taken a strong position on the subject: "We oppose capital punishment and urge its elimination from all criminal codes." (Discipline, Page 100.)

I agree with all of my heart that the death penalty is wrong and urge Oregonians to vote "no" on Ballot Measure 8. A brief summary of reasons:

Non-deterrence: The most common argument for imposing the death penalty is that it will deter crime. That is a lie. No reputable study bears out the contention that it will deter crime. Many studies show it to be irrelevant.

Irreversibility: No sentence can be more final than death. Yet frequently new evidence arises in murder cases and a person who has served ten years in prison is found to be innocent and is freed. What if that person were dead, killed by us? A Christian faith that teaches hope and reverence for life cannot condone such action.

Barbarousness: The death penalty is barbarous. "It is a killing done with extensive premeditation, with the long foreknowledge of the victim, with great ceremony, under cover of law and with widespread public approval." (Henry Schwartzchild) Furthermore, we do this act of barbarity, as the State acts in our names. How can a Christian participate in such slaughter?

Unfairness: It is a well-established fact that the people who end up on death row are the poor or the non-white. Of 3,859 people executed in the United States between 1930 and 1968, 63.5% were black. How often has a well-to-do white person accused of murder ended up being executed? And in one of the few situations in the world which may be discriminatory against men, over 99% of those 3,859 executed were men.

Those who favor the death penalty often accuse those who oppose it as caring more for criminals than for their victims. Nothing could be further from the truth! But as someone has asked, "Why do we kill people who kill people to prove that killing is wrong?"

Oregon has gained a reputation over the years as a humane and forward looking State. Let us not take this giant step backwards at the November elections.

Faithfully yours,
Jack M. Tuell

PORTLAND PASTOR HONORED

The Reverend Mr. Peter Warner, Pastor of the Parkrose United Methodist Church was honored June 20 by receiving a certificate of recognition by The National Conference of Christians and Jews of Portland. The citation is "For distinguished and uncommon contributions to and dedicated concern for varied segments of our community." "For a sensitive and empathetic spirit contributing to the lowering of barriers and changing of attitudes in the community, all being in the highest traditions of National Conference of Christians and Jews and bringing to bear 'the Brotherhood of Man.'"

Rev. Peter Warner, has been an American citizen for just five years but has been a member of this conference for several years, coming here from Jamaica, where he had been a member of the British Methodist Church and missionary to Jamaica.

In the nomination of Rev. Warner for this award, Barbara Roberts, Multnomah County Commissioner gave evidence of his community service and concern as she describes the several innovative activities

in which he and his church are engaged. Mrs. Roberts states "He is a professional counselor for Northwest Counsel Associates, chairman of the Parkrose School Board, referee for both amateur professional soccer. He is the innovator for an exciting new mental health program called "David's Harp."

"David's Harp" is a socialization program for patients being discharged from mental hospitals. The concept of the program is to build a bridge between hospital and community, by developing self-confidence and social skills in returning patients. More than 150 persons from the congregation have volunteered their services, and so far 75 persons have been trained and are working in the project that has come to be known as "David's Harp."

The United Methodist expresses congratulations to Peter Warner for this significant award and the spirit of ministry which he performs for Parkrose United Methodist Church and the Portland community. The entire conference can add its note of appreciation for this member of the annual conference having received this citation.



A PART OF the United Methodist participants in the International School of Christian Mission held at Portland

University are: (from left) Don Crego, Smith, Roberta Dykes, Dr. Don Struchiner, New York, and Marji Tuell.

Marji Tuell Contributes Article

Marji Tuell, a Certified Director of Music, speaks of TREADMILLS, TRENDS, AND TREATS, in an article written by her for Music Ministry, a monthly magazine for church musicians. The article appeared in the June, 1978 issue of the paper, edited by our curriculum resources of the United Methodist Church.

Everyone in the conference knows Marji as a person dedicated to good music in the church and one who has led many persons and groups in hymnsinging workshops in churches in Oregon and Idaho. Marji also taught a hymnody class at the April Assembly of The United Methodist Women in St. Louis.

The article is worthy of your attention and reading. It would be well for all church musicians and pastors to read it and share its wisdom within the Church.

Odell Church Plans Addition

October 1, has been set for the building of a new entrance ramp to the Odell UMC. The covered ramp will make easy access to the basement dining room and upper sanctuary for wheel chair use. The building program also calls for relocation of restrooms in the church keeping with modern plans related to wheel chair persons.

The total cost of the project will amount to \$18,000. All of the money has come from donations to the project except for \$5,000 from the Mid-Columbia Economic Development District Area on Aging. The new ramp will help the church expand its program to senior citizens in the community. The Rev. Mr. Ed. Stubbins, Pastor of the Odell church.

Ron Ray, Diane Serving In Africa

Oregon-Idaho Conference's latest con-

Hausa, the trade language of the N.

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Katherine Fanning
Editor and Publisher

Howard Weaver
Managing Editor



Gerald E. Grilly
General Manager

Steve Lindbeck
Editorial Page Editor

Lawrence Fanning, Editor and Publisher 1967 to 1971
Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

2/27/83

Public reassurance in a civilized way

Superior Court Judge Victor Carlson admirably carried two big burdens in an Anchorage courtroom last week: protecting public safety and dealing with an angry outcry in the wake of the conviction of Charles L. Meach for the murder of four Alaska youths.

There was little doubt, once a Fairbanks jury convicted Mr. Meach of first-degree murder, that the circumstances demanded the stiffest possible sentence for one of Alaska's most brutal and vicious crimes. Charles Meach gunned down four separate victims in cold blood and without the least provocation. Eight years earlier he had killed a 22-year-old grocery clerk and been hospitalized for mental disease or defect. The public needed reassurance that he would never walk the streets again, and so it was done: Judge Carlson sentenced Mr. Meach to 396 years in prison — without chance of parole — in what was the maximum possible sentence and the longest prison term in state history.

But he did more than that. The remarkable part of Judge Carlson's sentencing comments was what he had to say about the "hue and cry for capital punishment" arising from the cold-blooded killings last spring. "I want this record to demonstrate," wrote the judge, "that capital punishment would be wrong and not in the public's interest if capital punishment was available in this case . . ."

And he listed seven concise reasons why the death penalty is inappropriate to a society pretending to call itself humane:

- Homicide on behalf of the state is inconsistent with our culture's most basic respect for human life;
- The expense of trying a capital case is large, since absolutely "no stone can be left unturned" by either side when the life of a defendant is at stake;
- The extra emotional cost to all, especially jurors, encourages acquittals when the prosecution might otherwise meet its burden of proof beyond a reasonable doubt;
- The criminal justice system is not above error, but there can be no recourse if an innocent person is put to death;
- The death penalty skews the administration of justice when defendants — acutely aware that the trial process is not infallible — plead guilty to lesser offenses to avoid the threat of a death penalty;
- Imposition of the death penalty has not been without bias. A greater than representative number of illiterates, poor, minorities and political criminals have faced the death penalty in the United States; and
- Two wrongs do not make a right. The death of a murderer is only symbolic retribution, and can never bring back the victim.

Judge Carlson was correct to impose a sentence designed to keep Charles Meach behind bars the rest of his life — and equally correct to insist that taking still another life would serve no civilized purpose.