

**НВ**

**69**

**Amendments to SCS for CS for HB 69 \M version:**

**Amendment #1:**

On page two, at line 7, delete the word "application" and replace with "consideration"

**Amendment #2:**

On page 1 at lines 7 and 8, replace "180" with "120" days

25-LS0317M  
 Luckhaupt  
 1/31/07

SENATE CS FOR CS FOR HOUSE BILL NO. 69( )  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:  
 Referred:

Sponsor(s): REPRESENTATIVES SAMUELS, Kerttula, Hawker, Fairclough, Lynn, Wilson, Neuman,  
 Ramras, Guttenberg, Olson, Johnson, Thomas, Dahlstrom, Crawford, Holmes, Gardner, LeDoux, Seaton,  
 Nelson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to executive clemency."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 33.20.080(a) is amended to read:

4 (a) The governor may not grant [REFER APPLICATIONS FOR] executive  
 5 clemency to a person unless the governor has first provided notice of  
 6 consideration of executive clemency/to the board of parole for investigation and at  
 7 least 180 days have elapsed since the notice required under (b) of this section has  
 8 been provided. The board shall investigate each case and, not later than 180 days  
 9 after receipt of the notice of consideration, submit to the governor a report of the  
 10 investigation, together with all other information the board has regarding the person  
 11 [APPLICANT]. When the report [OR INVESTIGATION] is submitted, the board  
 12 shall also transmit to the governor the comments it has received under (b) of this  
 13 section.

14 \* Sec. 2. AS 33.20.080(b) is amended to read:

15 (b) The board shall send notice of the governor's consideration of

1 executive clemency to the Department of Law, the office of victims' rights, and  
2 [IF REQUESTED BY] the victim of a crime against a person, a crime involving  
3 domestic violence, or arson in the first degree within five business days after receipt  
4 of notice of consideration from the governor [, THE BOARD SHALL SEND  
5 NOTICE OF AN APPLICATION FOR EXECUTIVE CLEMENCY SUBMITTED  
6 BY THE STATE PRISONER WHO WAS CONVICTED OF THAT CRIME]. The  
7 victim may comment in writing to the board on the application for executive  
8 clemency. The board shall provide notice of any action taken by the governor to  
9 the Department of Law, the office of victims' rights, and the victim.

10 \* Sec. 3. AS 33.20.080(c) is amended to read:

11 (c) If the victim's [VICTIM DESIRES NOTICE UNDER (b) OF THIS  
12 SECTION, THE VICTIM SHALL MAINTAIN A CURRENT, VALID MAILING]  
13 address is unknown, [ON FILE WITH] the board [, THE BOARD] shall make  
14 reasonable efforts to locate the victim to provide [SEND] the notice required under  
15 this section [TO THE VICTIM'S LAST KNOWN ADDRESS]. The board shall  
16 ensure that the victim's address is kept confidential [MAY NOT BE DISCLOSED  
17 TO THE APPLICANT FOR EXECUTIVE CLEMENCY OR THE APPLICANT'S  
18 ATTORNEY].



## **Representative Ralph Samuels**

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### **House District 29**

**Date:** February 1, 2007

**To:** Senator Hollis French, Chair  
Senate Judiciary Committee

**From:** Representative Ralph Samuels

**RE:** Hearing Request for CSHB69(JUD)

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Please schedule a hearing for CSHB69(JUD) at your earliest convenience.

Attached please find:

1. New work draft for CSHB69(JUD)
2. CSHB69(JUD)
3. All other versions of HB69
4. Sponsor Statement
5. Back up information
  - a. Fiscal notes (zero)
  - b. Letters of support
  - c. News Articles
  - d. Constitution & Statutes
  - e. History of Executive Clemency in Alaska

Please contact Sydney Morgan of my office with any questions at x 6791.

Thank you.

**Representative Ralph Samuels**

**Sponsor Statement  
House Bill 69**

**“An Act relating to executive clemency.”**

House Bill 69 would amend Alaska statutes to require the governor to refer applications for executive clemency to the board of parole no less than 60 days prior to granting an executive clemency. The board of parole will then be required to notify the Department of Law, the Office of Victims' Rights and the victim (in the case of a crime involving domestic violence, arson in the first degree, or a crime against a person). A crime against a person includes homicide, assault, sexual offenses and all other crimes set out in AS11.41.

This amendment will not only ensure that victims of crimes are notified of the governor's intent to grant clemency but also allow them to become part of the process. By notifying the victims in advance, all parties involved can provide information that may or may not impact the final decision to grant clemency.

It is only fair that the victim of a crime be notified of the intent to grant clemency and that the governor have all applicable information regarding the crime before finalizing an executive clemency.

## Sydney Morgan

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**From:** Rep. Ralph Samuels  
**Sent:** Thursday, January 18, 2007 12:41 PM  
**To:** Sydney Morgan  
**Subject:** FW: Victims Bill

-----Original Message-----

**From:** chris schelb [mailto:cschelb@chilkoot-nsn.gov]  
**Sent:** Thursday, January 18, 2007 8:57 AM  
**To:** Rep. Ralph Samuels  
**Subject:** Victims Bill

Please do not waiver in your attempt to install the bill that calls for the survivor's to be notified and to make comment regarding pardons. With the Stone matter, I had the chance to read all investigation reports and the depositions of all parties involved in the death. This event was not an accident, and Frank Murkowski should be ashamed of himself for letting Fischer off the hook. The only way Fischer could have been more culpable would have been if he put a gun to Stone's head and pulled the trigger. Please make sure that a pardon for something like this never happens again.

Of note; I plan to write more detailed letters of support to my reps Bill Thomas and Albert K in support of your bill. If you have any questions or need assistance doing research, lobbying, or other, do not hesitate to contact me. Thanks.

Chris

Chris Schelb MPA  
Director of Natural Resources  
Chilkoot Indian Association  
PO Box 490 Haines, AK 99827  
907/766-2323 (ph)  
907/766-2365 (fax)  
907/314-0259 (cell)

Legislature of the State of Alaska  
Twenty-fifth Legislature-First session

Ref: House Bill 69  
"An Act relating to executive clemency"

Honorable Representatives:

I am writing to offer my support, as a citizen of the State of Alaska and as a victim of violent crime, for the passage of **House Bill 69**.

My mother, R. Evangeline Landers, was murdered Nov 19<sup>th</sup>, 2004, in a domestic assault by my stepfather. She was shot in the back of the head while trying to run away from a man to whom she had been married nearly 30 years. The shot that ended her life was the third one fired. The first nearly ended the life of my mother's best friend. The second missed my mother as she tried to escape.

While it is my sincere hope that the recent sentencing of this convicted murderer would never be revoked by executive clemency, the mere possibility that it could be is another heartbreak added to those of the last two years. That clemency is presently possible without notification to the victims of violent crime is an egregious omission of Law, and I would respectfully request that the correction me made through the passage of this proposed legislation.

I understand the need for any defendant to be considered "innocent until proven guilty". I believe that our forefathers may not have anticipated that the process of reaching the necessary proof might drag inexorably through a court system and take years to complete. Had they envisioned a world where the murder of another human would be as commonplace as it has become, I believe they would have done what you now have the opportunity to do---- and that is to provide some protection and equal consideration to those whose lives have been shredded by the senseless violence.

Allowing executive clemency without notification to or comment from the victim(s) would render them powerless once again in a system that appears to be more protective of the rights of the offender rather than those who endured the pain and loss of the offense.

Thank you in advance for your careful consideration and passage of legislation that will lend some measure of dignity to those whose voices are not often heard but should be.

Respectfully submitted,

Rene' E. Breitkreutz  
2135 W. Church Ridge Dr.  
Wasilla, AK 99654  
(907) 373-0118

January 16, 2007

Rep. Ralph Samuels  
State Capitol Building  
Room 126  
Juneau, AK 99801-2095

Dear Rep. Samuels,

Although we are not in your district, we feel compelled to speak out concerning your proposed legislation.

We were deeply hurt when Gov. Murkowski, as he was leaving office, pardoned Whitewater. Our son, Kyle Angerman, was also killed while working for Whitewater in 1999, just months after Gary Stone was killed. We feel this was gross irresponsibility on the governor's part.

We are in full support of your legislation.

Sincerely,

*Fred Angerman*  
*Mercedes Angerman*

Fred Angerman, Sr.  
Mercedes Angerman  
PO Box 1  
Wrangell, AK 99929  
907-874-3872

Sent by Fax

House Conference  
TO: HOUSE BILL 69

Date: 1-17-2007

SAMUEL

Phone:

465-3810

Fax:

1-907-465-3810

FROM: Walter M. Wood - REA BROKER  
P.O. Box 868  
Valdez, Alaska 99686

Phone: 907-835-2408

Fax: 907-835-5462

Email: wldzrlty@alaska.net

COVER PAGE PLUS -- Q

MESSAGE -

HOUSE BILL 69 TOO MANY TO NOT

BE CONCERNED FOR ALL OF US,  
PLEASE SUPPORT.  
THANK YOU.

## **Daily News letters**

*(Published: January 17, 2007)*

### **Murkowski's pardon for Whitewater was irresponsible and a disgrace**

I was horrified when I read that Frank Murkowski pardoned Whitewater Engineering Corp. for the negligent homicide conviction it received in the criminal case concerning the death of Gary Stone ("Company off hook thanks to pardon," Dec. 24). I was further hurt by the governor's comments that it was a "tragic accident" and the charges were "excessive punishment." I am sure that Mr. Stone's children -- now fatherless -- feel differently.

On May 5, 1999, weeks after the death of Gary Stone, my brother, Kyle Angerman, was electrocuted while working for Whitewater. While a criminal conviction was not pursued in this matter, there were many safety violations with which Whitewater was charged.

The Stone family and mine could once find common comfort in the knowledge that the finding of Whitewater's criminal responsibility for one of these deaths would prevent it from putting more Alaskans at risk. That has now been torn from both of our families, as well as the greater community of Alaskans who believe that this was a correct conviction -- one not appropriate for pardoning.

Many will watch Whitewater Engineering and its subsidiary companies with great vigilance if, and when, it attempts to do business in Alaska. And I will work to help ensure that Thom Fischer, and all who are in his employ, never forget Gary Stone and Kyle Angerman.

---- Mercedes Angerman

Anchorage

## Sydney Morgan

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**From:** Rep. Ralph Samuels  
**Sent:** Wednesday, January 17, 2007 12:48 PM  
**To:** Sydney Morgan  
**Subject:** FW: Gov Pardons

-----Original Message-----

**From:** keddington@alaska.com [mailto:keddington@alaska.com]  
**Sent:** Wednesday, January 17, 2007 12:28 PM  
**To:** Rep. Ralph Samuels  
**Subject:** Gov Pardons

**Email For:** Representative Ralph Samuels  
**From:** keddington@alaska.com  
**Name:** Dave Keddington  
**Street:** 7040 Tulugak Cr  
**City:** Anchorage  
**Zip Code:** 99507

**Subject:** Gov Pardons

Ralph,  
Thanks a lot for championing the pardon (Whitewater Engineering Corp) legislation. What Gov M did was flat-out-wrong. I\'m a long-time Republican...and what he did was very embarrassing for us all.

Please Add My Email Address to your distribution list. Thank You.

To whom it may concern,

I have been struggling over this letter the last couple of weeks. It seems like I should write something official and straight forward, though I am not sure I can guarantee no feelings will get in the way.

All of this is such a shock. From the very day that my dad was buried in the avalanche. Than Thom Fischer gets let off of any personal accountability, and only his company has to pay for his lack of providing a safe environment for his employees, but still at least it is something.

Between the criminal case and the civil suite all of it lasted six years. The day that Megan Holland, a reporter from Anchorage Daily News, called my sister, Jessica, to see if she was aware of the pardon and wanted to make a statement, made those six years seem in vain. I felt like my dad had died all over again.

I thought how is this possible? How can a pardon be granted without even consulting us, the family, on what we think and feel about the situation. Than to be informed, after the damage has already been done, not by anyone at the governors office, but from a reporter. This leaves me with even less faith in the justice system than before.

Nothing can change what has been done. My dad is not going to come back, those six years are not going to disappear, and this pardon will not be undone. I have to remind myself of these things all the time. I would not wish any of this on anyone not even Thom Fischer or Frank Murkowski.

My request is that in the future before a governor grants a pardon the victims, or victims families are made aware of the pardon application (by the governors office) and are able to state opinion and/or protest. Really all I am asking for is common decency, and it seems silly, but if there has to be a law for it so be it. I really want to have more hope and trust in how our justice system works, please help me with that.

Sincerely,  
Katie N Stone

January 8, 2007

State of Alaska Legislature

To Whom It May Concern:

My name is Jessica Ridinger; I am the daughter of Howard Gariel Stone. My dad was killed on April 15<sup>th</sup>, 1999 in an avalanche. This took place in Cordova, Alaska. Whitewater engineering where rightfully charged with manslaughter, but they accepted lesser charge of criminal negligence. Recently, the governor of Alaska pardoned Whitewater Engineering of my dad's death.

I was home on a Monday evening making dinner for my family, and I received a phone call from a reporter from the Anchorage Daily News. Her words to me were: "Is this Jessica Ridinger?" I said "yes". She said, "Are you the daughter of Gary Stone?" I again said, "Yes". She then said, "Are you or your family aware that the Governor of Alaska has pardoned Whitewater Engineering for the death of your father?" At that moment I was in shock and disbelief. I could not believe I was hearing this for the first time, from a stranger and I was smart enough to know there is nothing I can do about this. But it felt like a stab through the heart. I instantly started crying. Just when our family is able to start the healing process once again... Something comes up that opens the wounds or even wounds more. Finding out this way and after the pardon had been made raises so many questions.

Why would the State of Alaska allow this to happen to the victims families? Why did we have no voice? Why were we not contacted in September 2006 (when the petition went in)? What does the Governor know about the negligence of Whitewater Engineering? And if he did, why would this pardon be granted? Why is it that my dad's death means nothing, except to his devastated 5 children, his parents and his sister? Why did Whitewater get off so quickly after barely having a slap on the hand for their clear lack of regard for human life? Lack of regard for their employees? The small cloud that was over their head was there for a reason, because money and their business was put on a higher level than their employees lives. It just happened to be that it took my dad's life. Everyone else was at lunch, including my brother, Micah, thank God. Otherwise more families would be ruined. Why do I have to tell my brothers and sisters about this pardon (I had to tell my brother, Micah, who was in Cordova when it happened, worked with my dad and had just seen him 30 minutes before he died. He has just started getting on with his life; I had to tell him... How fair is that? Why do we once again have to have the small amount of peace or comfort pulled out from underneath us without anyone in the State of Alaska having a single thought of the family of a very important human being, Gary Stone.

The way I found out about this was not even humane. I almost did not even take the time to right this; I feel that the State of Alaska let us down by not giving us the time of day in not giving us a chance to be notified of the request of pardon. Why should I give that State of Alaska the time of day? Because, I do not want this to happen to other families. I want to know that we have a voice as victims. When my dad knew that he was in danger, he voiced his opinion that he wanted them (Whitewater) to pay when they found him under that snow. Imagine going to work with the feeling that you may never leave... This is why we have our justice system. So we can hold people accountable for their actions. Through the consequences that were placed on Whitewater, I would hope that their business practice would be different, employees would always come first. But now that they have been cleared, I fear

for the families and the employees of Whitewater Engineering. A few year of punishment will be forgotten quickly.

I would like to know what kind of relations the governor of Alaska had with Whitewater Engineering. What did he know? Did he even care about the victim's families? Has he had to live a lifetime without a parent due to the negligence of someone else? Why would the state of Alaska waste the money on a criminal case to pardon so quickly? Does my father's life or death matter to the state of Alaska? Why did we have no voice? Why couldn't we be notified properly? Why do we matter that little?

Thank you for listening. Please make it so other families are notified before it is too late.

The daughter of Gary Stone,

Jessica Ridinger

To Whom it May Concern,

So I have brought this letter down to the deadline to write and have spent numerous hours trying to write it, wondering where do I start? How do I convey the pain I have felt, endured, dealt with, and finally had put behind me? So I thought. How do you tell of a family so tight and close knit that you were the envy of all friends and for that matter anyone touched by a member of the family! A Father who had raised his kids strictly in the ways of wrong and right, but in an incredibly loving way. It left no option but for us to admire him and he became my hero. He always strived to love us and have a more meaningful relationship with us than his parents had with him.

After my parents divorced I always lived with my dad, he was my rock and in a way I was his. Although my siblings lived away they constantly sought my dad's counsel in their every day life, their walk with God, whatever it might have been.

You may ask what does this have to do with the pardon of Whitewater? I tell you it has everything to do with it! How can you understand the pain of a pardon like this without understanding the history of our family and what our dad meant to us. He had his weak points and faults as we all do. I'm not trying to make him into a legend, but we understood most of the faults and the ones we didn't we accepted anyway.

Myself I battled through several years of college battling depression and denial that I was depressed or even hurt by the loss of my dad. This continued for several years after college always trying to find some kind of stability wondering where I belonged and not having my confidant to lean on or go to for advice. So I wandered drifted from this place to that, sometimes living in my car, never telling my family what was going on cause they already worried about me so much as it was. Over the last year I have finally found myself, come to grips with the pains of my dad's death and for the first time in 7 years not allowed my past to dictate my future.

Last month, December of 2006 my sister Jessica called me and said that when I got off work she needed to talk to me, it was a Monday not much unlike tonight where I also worked late and she told me that when I got off work she wanted me to come over, she had something to talk to me about. When I arrived she told me that a reporter from the ADN had called and asked her if she knew that Whitewater had been pardoned? At that time my heart sank and I had the same feeling of numbness that I had April 15th 1999 as I called my siblings to tell them that our dad was trapped in an avalanche.

What do I think could have been done in the case of his pardon? For one I think a family should definitely be notified of a pardon before it is executed and given a forum in which they can give their opinion or feelings on the matter. Maybe something should be looked at in the way of establishing criteria that a person or company asking for the pardon should have to meet before being considered for a pardon. I know it's too late for my own family, my only hope is that we can help prevent another family from being blindsided like we were. Situations like these are ones that make a person wonder if there really is such a thing as justice or is it just temporary until a person elected to their position of authority decides on a whim that the punishment doesn't fit the crime. Did the Governor really look into this case and the facts of negligence?

Thank you for the ear and opportunity to voice my opinion, hopefully it won't be in vain.

Sincerely

Micah A Stone

## Sydney Morgan

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**From:** Rep. Ralph Samuels  
**Sent:** Wednesday, January 17, 2007 9:58 AM  
**To:** Jeff and Pam Schmitz  
**Cc:** Sydney Morgan  
**Subject:** RE: Pardon Legislation

Jeff,

Thanks for the support. I think the bill will pass pretty easily (famous last words!!)  
Hope all is well at home.

Ralph

-----Original Message-----

**From:** Jeff and Pam Schmitz [mailto:jschmitz@alaska.net]  
**Sent:** Tuesday, January 16, 2007 5:58 PM  
**To:** Rep. Ralph Samuels; Sen. John Cowdery  
**Cc:** Tim Benintendi  
**Subject:** Pardon Legislation

Ralph, John,

I completely support amending Alaska Law regarding the pardon process. I was completely appalled, disgusted and saddened by Murky's last minute pardon of the Whitewater Corporation. Will we never hear the end of that guys' stupid pet tricks? I can only sympathize with the family of the backhoe operator that died in that avalanche.

I was employed as a State Microwave Tech at the time of the Cordova incident. We were working at an SOA microwave site above Cordova's Eyak Lake at about the 2500 - 3000 foot top of the mountain. The avalanche conditions were severe in the area. We received a request from the State Troopers to use our helicopter to access the site of the avalanche that had, as we later learned, caused the death of the backhoe operator. The troopers had apparently spotted the backhoe embedded in the avalanche and were pretty sure the operator was trapped inside and likely had not survived but wanted to make the confirmation to both be able to pass that information on to the family as well as put the possibility of any slim hopes of survival to rest. They considered the area far too unstable avalanche wise to send a ground party in and planned to have the helicopter remain at flight ready takeoff status while they did a fast check for the operator. A recovery of the victim was not contemplated.

We readily agreed. Our location at the top of the mountain was stable, we had adequate weather, shelter and were glad to be able to help even though the outcome was already likely known and not good. A few hours later our pilot returned and the worst was confirmed. The operator had not survived and was trapped underneath the remains of the backhoe. The report of the condition of the backhoe was totally sobering, the key item I recall being mentioned was the main rams that operated the boom were twisted like pretzels. The search party had to leave the body of the operator in place as conditions were as had been feared, too unstable to remain. And this was after one massive, deadly avalanche had come down.

Again, I support fixing this flaw that took someone like Murky to expose. We would hope that we never again have someone like that in the Governors office again but let's go ahead and fix it.

Best of Regards,

Jeff Schimtz  
Anchorage

## **Daily News letters**

Published: January 24, 2007

Last Modified: January 24, 2007 at 03:30 AM

### **It would be a mistake to restrict governor's ability to grant pardons**

The Jan. 17 editorial "For justice, for victims: Lawmakers should move quickly to prevent irresponsible pardons" is wrong.

Since the term "governor" was created, the scope of duties for this position have included governing. It is an inherent and intrinsic part of the job description. Granting pardons is one part of governing, the responsibility of which lies with the highest office in each state.

The editorial writers may not have agreed with a decision by former Gov. Frank Murkowski to pardon a company in a case involving the negligent death of a worker, but the way to go forward is not to limit future governors. A governor by definition has wide powers of governorship. Let's not limit the powers of the office because we don't like a decision made by one of its occupants. We need to realize the people we elect to office have wide and far-reaching governmental powers. If we don't feel we can trust them with these powers, then perhaps we should consider that before we go to the polls -- or fail to vote at all.

---- Peter Caffall-Davis

Hyder

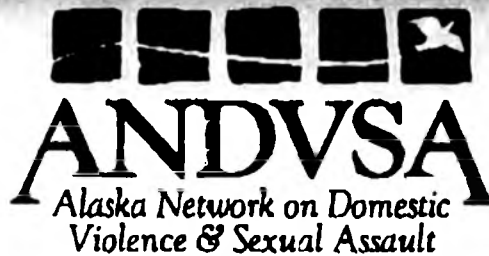
### **Whitewater pardon hard to stomach**

Thank you to Rep. Ralph Samuels for proposing the victims' bill governing pardons. The former governor's gross abuse of authority in the Whitewater Engineering Corp. case was really the frosting on a corrupt cake and so hard for many Alaskans to stomach, in part because it can't be changed ("Last-minute pardon leads to victims bill," Jan. 16).

---- Lysa Maher

Anchorage

**Juneau Office**  
130 Seward St #209  
Juneau, Alaska 99801  
Phone: (907) 586-3650  
Fax: (907) 463-4493  
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**Sitka Office**  
PO Box 6631  
Sitka, Alaska 99835  
Phone: (907) 747-7545  
Fax: (907) 747-7547

January 25, 2007

The Honorable Ralph Samuels  
State House of Representatives  
Alaska State Capitol  
Juneau, AK 99801-1182

Dear Representative Samuels:

The Alaska Network on Domestic Violence & Sexual Assault is a statewide coalition of member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing House Bill 69, "An Act to notify crime victims of executive clemency", and offer our support.

What occurred in the Whitewater case should not have happened. In the spirit of increased accountability and improving governmental process and citizen access, this bill is a breath of fresh air in its direction to be accountable to Alaskan victims and the families of those victims.

Thank you for your leadership in addressing this issue.

Please let me know if I can offer additional support for this legislation.

Sincerely,

Peggy Brown  
Executive Director

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**Member Programs**

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC  
Homer SFHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC  
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

## Sydney Morgan

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**From:** Rep. Ralph Samuels  
**Sent:** Tuesday, January 16, 2007 8:01 AM  
**To:** Sydney Morgan  
**Subject:** FW: Thank You !!!

-----Original Message-----

**From:** Lysa Maher [mailto:lysamarie@gci.net]  
**Sent:** Tuesday, January 16, 2007 7:16 AM  
**To:** Rep. Ralph Samuels  
**Subject:** Thank You !!!

For proposing The victims Bill !! The former Gov's gross abuse of authority in the  
Whitewater case was really the frosting on a corrupt cake, & so hard for many Alaskans to  
stomach, in part because it can't be changed . I can't help but to continue to ponder if  
Frank (flippin  
fired) Murkowski were to have taken a test to determine his level of brain loss due to  
dementia, ect, could his judgements be rendered null and void, like his consideration and  
compassion for the common people of th State ?  
Thank You again  
Lysa Maher

**Sydney Morgan**

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**From:** Rep. Ralph Samuels  
**Sent:** Tuesday, January 16, 2007 3:29 PM  
**To:** Sydney Morgan  
**Subject:** FW: re proposed victims bill

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**From:** Mercedes Angerman [mailto:[mercedes@aptalaska.net](mailto:mercedes@aptalaska.net)]  
**Sent:** Tuesday, January 16, 2007 3:19 PM  
**To:** Rep. Ralph Samuels  
**Subject:** re proposed victims bill

We want you to know we are in full support of your proposed bill regarding pardons. Something has to be done as the pardoning of Whitewater was totally out of line and should never have happened.

Our son was also killed while working for Whitewater just a few short weeks after Gary Stone. We were horrified when we heard of the Murkowski pardon.

At least this bill will keep this sort of thing from happening in the future.

Fred Angerman  
Mercedes Angerman  
PO Box 1  
Wrangell, AK 99929  
907-874-3872

# **CORPORATE CRIME REPORTER**

**On the Way Out the Door, Murkowski Pardons a Corporate Criminal**  
*21 Corporate Crime Reporter 5, January 25, 2007*

More than 5,000 Americans are killed every year on the job.

A good chunk of those deaths could result in criminal prosecutions and convictions.

But for the most part, they don't.

They don't because local prosecutors don't have the training or the resources or the political will to bring such prosecutions.

Every year, there are only a handful of such criminal prosecutions nationwide. For reckless homicide. Or for negligent homicide. Or for criminal law violations of state worker safety laws.

When such prosecutions are brought, and when guilty verdicts are secured, it brings a measure of peace and justice to the families of the deceased.

Even more rare than a successful criminal prosecution of a corporation for the death of a worker is the pardon of such a corporate criminal.

In fact, in more than 20 years reporting on corporate crime, we have never heard of a corporate criminal being pardoned.

Until last month.

Leave it to Frank Murkowski, the outgoing governor of the state of Alaska.

In July 2000, the state of Alaska charged the Bellingham, Washington-based Whitewater Engineering with negligent homicide and the company's CEO, Thom Fischer, with manslaughter - for the April 1999 death of a worker - Gary Stone.

In a plea deal, the charges against Fischer were dropped, the company pled no contest - the equivalent of a guilty plea - and was fined \$150,000.

The company never paid the fine, but it was forced to pay Stone's family \$17,000 in compensation.

The corporate plea was only the second time in Alaska history that a company had been convicted for the death of a worker.

On December 24, 2006, Alaska Governor Frank Murkowski, in one of his last official acts and just days before leaving office, pardoned Whitewater Engineering – without telling the family members of the victim.

They learned of the pardon from a newspaper reporter.

"This is a huge slap on the face," said Stone's daughter, Julia Ridinger who burst into tears when told about the pardon last month by a reporter from the *Anchorage Daily News*.

The death of Stone was "a tragic accident caused by a snow avalanche in Alaska's harsh climate," Murkowski said when he issued the pardon.

According to press reports, Stone was working on a \$15 million hydroelectric project in a valley outside Cordova. He was on a backhoe with an avalanche buried him.

State worker health officials reported at the time that workers had complained about the danger and an avalanche expert hired by the company had warned the company there was a high probability of a serious snow slide on the site.

The press, public and legislators in Alaska are not happy with Murkowski's pardon of this corporate criminal.

After the pardon, Fischer told reporters that the pardon "removed the cloud that we work under."

The cloud, as it turns out, is more than just guilt.

It probably means that the company won't have to pay close to a quarter of a million dollars in accumulated fines and interest.

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**For justice, for victims****Lawmakers should move quickly to prevent irresponsible pardons**

*(Published: January 17, 2007)*

Gov. Frank Murkowski succeeded at changing a lot of state laws, but he may soon be remembered for one more new law. Legislators and the public are so upset at the former governor's last-minute pardon of a company convicted in a worker's death -- a company that stiffed the state on a quarter-million-dollar fine and interest in the criminal case -- that lawmakers are likely to pass a bill blocking future governors from such a thoughtless and careless action ever again.



*(Peter Dunlap-Shohl)*

Passage of this bill can't come fast enough to reassure the public -- and the victim's family -- that the state of Alaska has learned from the irresponsible action of the former governor.

House Majority Leader Ralph Samuels' bill would require governors to submit pardon applications to the state Parole Board for review. The existing law makes that optional for governors. The former governor did not bother to ask the Parole Board for its opinion on the pardon that he issued just a few days before leaving office. Nor did Gov. Murkowski or his staff bother to ask whether Whitewater Engineering Corp. of Bellingham, Wash. had ever paid its fine to the state in the case. It hadn't paid a dime.

The company pleaded no contest in 2001 to criminally negligent homicide in the 1999 death of a backhoe operator on a Cordova hydroelectric power project job site. Gary Stone, 46, a father of five, was killed in an avalanche. State job safety officials had warned the company about avalanche dangers at the job site; prosecutors alleged the company did little to protect its workers.

The legislation also would require the state to notify victims of any pardon application in their case. It would require 60 days notice to victims, giving them time to tell the governor what they think of the pardon request.

No one from the Murkowski administration ever bothered to notify the family of the request for clemency or that the governor had pardoned Mr. Stone's former employer for the crime.

Rep. Samuels, an Anchorage Republican, is also thinking of amending his bill to ensure that a pardon would not wipe out any fines owed to the state or restitution owed to victims. Gov. Murkowski's pardon of Whitewater Engineering waived the company's debt to the state. The company had paid restitution to the victim's family.

The legislation would not interfere with a governor's constitutional prerogative to issue a pardon, but would shine a much brighter light on the process.

It's good that Rep. Samuels and his colleagues see the need for this legislation, which already has picked up bipartisan support. But it's sad that there is a need for this legislation.

**BOTTOM LINE:** It's too late to fix what's been done, but Alaska can do better next time.

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### **Unfinished business**

Bob Durst didn't rate any media attention when he died 11 days ago. And that was probably how he would have wanted it. He wasn't one to boast about his contributions to Anchorage and Alaska over the past 30 years.

I knew him only through Anchorage West Little League, which he helped found a decade and a half ago. He was that rare parent who stays on long after his kids have moved through the program, helping run things for the future generations of players.

Besides being the institutional history of our league, besides being an astute adviser on organizational and political matters, besides being a lifetime student of the game of baseball and how to teach it, he gladly helped with the sweaty physical work that a man of his age and stature might have easily skipped.

Bob was a busy architect with millions of dollars of projects on his resume and one of the biggest houses in the neighborhood. He was low-key about his professional work, though. I had forgotten that he designed the science wing of our neighborhood high school, West High, to great acclaim. Not until he died did I realize how far his work reached, from a church on Lake Otis Parkway in Anchorage to a school in Buckland to a substance-abuse treatment center in Barrow. He designed buildings that complemented the beauty of Alaska and brought some of that natural splendor inside.

Bob was passionate about smart city planning and cast a sharp eye on many a municipal project at Turnagain Community Council meetings. After he died, I heard from Simonian Little League about how much he helped with its new complex on the lower Hillside.

Bob was a staunch believer in getting kids to play baseball, whatever it took. The game was about the kids, not a way for coaches or parents to satisfy their egos through the exploits of children.

I sometimes tire of the burdens of running a Little League, but Bob seemed to have limitless energy for helping his community. Given Bob's enthusiasm for grunt work at the Little League fields, I had no idea he had a weak heart, which gave out on him after shoveling snow. He was only 56.

To steal a thought from Abraham Lincoln, the world won't long remember what I or others say about Bob. It is for those of us he left behind to carry on his unfinished work and do what we can to build a better community.

-- Matt Zencey

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**Last-minute pardon leads to victims bill****SAMUELS: State legislator seeks clemency changes after a firm is cleared in homicide.**By MEGAN HOLLAND  
Anchorage Daily News*(Published: January 16, 2007)*

A lawmaker whose brother was murdered nearly 20 years ago is proposing legislation to tighten restrictions on the governor when granting pardons to convicted criminals.

Rep. Ralph Samuels, R-Anchorage, the incoming House majority leader, has filed legislation to be considered in the session that begins today calling for more people, including victims of the crime involved, to be notified of any clemency action.

"It's about setting policy and moving forward. What do we want a governor to do? And what do we want the rights of a victim to be?" Samuels said in a telephone interview last week.

The proposed bill would prevent last-minute pardons by a sitting governor by making applicants go through the official channels of the state parole board and require governors to notify victims of the crime 60 days before the pardon goes through.

The bill comes on the heels of former Gov. Frank Murkowski's pardon just days before he left office of Whitewater Engineering Corp. The action let Whitewater, a construction and engineering firm based in Bellingham, Wash., off the hook for a criminally negligent homicide conviction stemming from the avalanche death of an employee.

Company owner Thom Fischer had hired lawyer Bruce Weyhrauch, who was also a sitting Republican legislator from Juneau, to appeal directly to the governor for clemency and bypass the parole board. Fischer also called the governor's office and told Murkowski's staff that he was an acquaintance of Murkowski's and needed to talk to him regarding a pardon, according to e-mail correspondence among the governor's staff at the time.

The family of backhoe operator Gary Stone, a 46-year-old father of five, killed in the 1999 avalanche at Whitewater's hydroelectric project near Cordova, was not notified of the pardon until weeks after it was irrevocably granted. Their father died in what prosecutors later said were extremely dangerous working conditions created by multiple state safety requirement violations.

The pardon cleared the company of the conviction and wiped from the books its \$150,000 unpaid court fine, the Department of Law said Friday.

Samuels, when reached this week, said he is considering adding a component to the bill that would say any fines owed to the state or restitution owed to the victims would still be owed even after a pardon.



"(Governors) ought to have respect for the victims," said Rep. Ralph Samuels, R-Anchorage. ( )

Article 3, Section 21 of the Alaska Constitution gives the governor sole authority to grant executive clemency, but under rules and regulations prescribed by law. There have been no challenges to the governor's pardoning powers until now.

Former attorney general John Havelock, who is an Alaska Constitution expert, says he doesn't see any constitutional issues with the bill -- because the constitution specifies executive clemency is "subject to procedure prescribed by law."

Murkowski, who has been traveling much of the time since he left office in early December, has still not publicly given his reasons for granting the Whitewater pardon, other than a statement contained in a brief letter to Fischer declaring his company was being pardoned. In the letter, he said criminal penalties were excessive and that the death was "a tragic accident."

Murkowski's former chief of staff, Jim Clark, has said the former governor is currently on a cruise to Brazil and is not available.

Samuels said what happened with Whitewater highlighted problems with the current system. "I don't like pardons at the last waning hours of an administration. I would rather have people make their case," Samuels said.

And governors, he thinks, should ask victims their opinion. "They ought to have respect for the victims."

"With the 60 days notice, if someone is really upset, the governor will have to pass the red face test," Saumels said.

Stone's children have said if they knew Whitewater was being considered for a pardon, they would have opposed it. Several of them have already written letters to be shared with legislators in support of the proposed bill, according to the state Office of Victims' Rights, which worked with Samuels in drafting the legislation.

Samuels, who represents a section of South Anchorage in the state House, has long been a champion of victims' rights in the Legislature. He first entered politics because of the murder of his older brother, Duane, in 1989. Duane was a 29-year-old engineer who was shot three times by a 16-year-old who wanted his car.

Samuels sees this bill as an extension of existing victims' rights, which include the right to be informed about all court proceedings and the right to know when a prisoner's time in custody ends.

Samuels said the bill is a priority for him in the legislative session starting this week.

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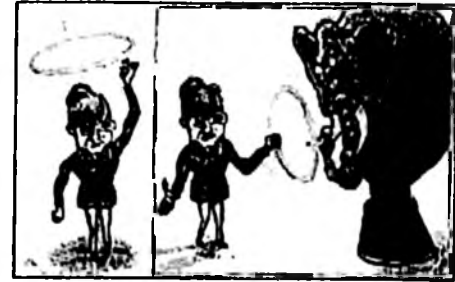
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**Pardon erases debt****Murkowski's decision saves company from court-ordered fine***(Published: January 10, 2007)*

Gov. Frank Murkowski's Nov. 30 pardon of Whitewater Engineering Corp. for the criminally negligent death of an employee appears to have saved the company almost a quarter-million dollars in an unpaid court fine and interest.

Wiping out the fine did a lot more than simply "remove the cloud that we work under," as company president Thom Fischer said a few weeks after the governor signed the order. It was a last-minute financial gift from a lame-duck governor, issued just four days before he left office.



*(Peter Dunlap-Shohl)*

The Bellingham, Wash., company never mentioned the unpaid fine in its pardon request, nor did the governor raise the issue in granting the unconditional pardon.

The lawyer hired by the company to file its pardon request never mentioned the debt in his letter accompanying the petition for clemency. That lawyer was a sitting legislator, Republican Rep. Bruce Weyhrauch of Juneau.

Nor was the debt mentioned by another well-connected advocate of the pardon. Robin Taylor, a former state judge, former legislator and now a deputy commissioner at the Alaska Department of Transportation, e-mailed the governor with this misdirected plea for the pardon: "If ever compassion and common sense should prevail, this is such a case." Gov. Murkowski appointed Mr. Taylor to the department in 2003.

The administration's compassion did not extend to the family of backhoe operator Gary Stone, a 46-year-old father of five, killed in 1999 in an avalanche at a Cordova hydroelectric project. The governor never bothered to consult the family about the pardon and didn't even notify them of his decision. Nor did he consult the state Parole Board for advice, as recommended in state law, or review any of the legal issues with his attorney general.

In typical Frank Murkowski fashion, he simply made a decision, limited to the facts he thought he knew.

"The imposition of criminal penalties in this case seems to be excessive punishment," the governor said in his pardon letter, calling the death "a tragic accident."

That's not what the evidence showed. Mr. Fischer was warned repeatedly of avalanche danger in the area, and the company had no avalanche safety training or rescue plan in place, according to prosecutors. The company pleaded no contest to criminally negligent homicide after prosecutors agreed to drop a manslaughter charge against Mr. Fischer.

A state Superior Court judge ordered the company to make payments to Mr. Stone's family --

which it did -- and to pay a \$150,000 fine to the state -- which it did not. The court system four years later turned over the unpaid fine to the attorney general's office for collection. The attorney general's office reported no payments on the debt as of Tuesday, and Mr. Fischer did not return a phone call or e-mail about the unpaid fine.

With interest, the \$150,000 fine was close to \$250,000 when the governor pardoned the company, wiping out the debt.

The company, meanwhile, has been busy, actively supporting one of the governor's pet projects -- a road and power line punching through the mountains of the Southeast Alaska border with British Columbia, near Wrangell.

While stiffing the state for the court fine, Whitewater and its president were working state officials in support of \$3.2 million in legislative funding for further study of the governor's proposed Bradford Canal transmission line intertie into British Columbia. Lawmakers approved the budget request this past year, giving the money to the Alaska Energy Authority. Mr. Fischer participated in an intertie planning meeting between state and municipal utility officials -- hoping for a financial stake in the project for his company -- as recently as two weeks before the governor signed the pardon.

The entire episode is shameful. It's too bad there is no provision in state law to revoke a pardon and require Whitewater to complete its sentence in the case.

**BOTTOM LINE:** The Whitewater pardon was an injustice worth a quarter-million dollars to a criminally negligent corporation.

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## **Fallen**

### **13th Alaskan killed in Iraq**

Before he was cut down in a Baghdad firefight last Thursday, Staff Sgt. Charles D. Allen of Wasilla was a fortunate man, even on a second tour of duty in Iraq. He had a wife, a son, a family that cared. He had a mission he believed in and the mettle to carry it out. He was a combat medic with the 296th Brigade Support Battalion, 3rd Brigade, 2nd Infantry Division.

The 28-year-old Colony High graduate was remembered as a fit and outgoing man who cared about his troops.

Once again, Alaska has occasion to offer its condolences and prayers to a soldier's family and friends. They go now to Kerensa Allen and 7-year-old Orion.

Staff Sgt. Allen died doing what he wanted to do, where he wanted to be, in the field with his mates. That's both consolation and a deepening of the loss, for the war in Iraq continues to claim some of the nation's best people.

President Bush is due to speak to Americans today about his new strategy for the war in Iraq. He's expected to order a temporary increase in the number of U.S. troops -- what's been called a surge.

What Alaskans have seen in recent months is a surge in casualties of Alaskans and our adopted soldiers in the Stryker Brigade and 4th Airborne Brigade Combat Team of the 25th Infantry Division out of Fort Richardson. Alaskans want to know what the president has in mind, where he intends to

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Jan 24, 10:15 PM EST

## Lawmakers want victims to hear about felon pardons

By STEVE QUINN  
Associated Press Writer

JUNEAU, Alaska (AP) — Jessica Ridinger stood ready to serve rice pilaf, tilapia and garlic bread to her family, on a December evening when the phone rang.

The caller, a reporter from a daily newspaper, said the company found criminally responsible for her father's death eight years ago received a pardon from former Gov. Frank Murkowski. Advertisement

This was the first notice she received, leaving her stunned and no longer interested in dinner.

"Everything stopped for the night," she said. "I was in shock and totally in the dark."

Now, just a few weeks later, state lawmakers want to make sure victims and their families no longer receive such surprises.

Bills in the House and the Senate have been the subject of such discussion in various committees throughout the week.

While the bills still are being tweaked, lawmakers are hoping for a change that says the governor may not act on a pardon application for 180 days after receipt.

This gives the parole board time to contact a victim or family members like Ridinger, and gives the board time to investigate each case.

Ridinger, whose father Gary Stone died in an avalanche while working for Whitewater Engineering Corp., said she hopes the bills eventually receive the approval of Gov. Sarah Palin, who succeeded Murkowski.

"To not be blindsided would have been really nice," Ridinger said. "If we would have been told this is something being considered and this might happen, then at least we would have had a chance to digest what might happen."

Rep. Ralph Samuels, R-Anchorage, a longtime victim's advocate, and Senate President Lyda Green, R-Wasilla, are sponsoring separate bills.

Their bills are quietly progressing in the shadows of more high-profile issues such as ethics reform, budget and construction of a natural gas pipeline.

While hardly controversial, the bill is gaining attention of victim's rights organizations outside the state, as well.

Samuels says he's not trying to strip any governor of a constitutional right to hand down a pardon, also known as executive clemency.

The effort is about "access to the system" for victims such as Gary Stone's five surviving children, and "holding people accountable," he said.

"Just notify the victim," he said. "If you can make that phone call, and pass the red-face test, pardon away. If you can't, you don't get a pardon."

Green's Chief of Staff Portia Babcock testified to the Senate's State Affairs committee about the constitutional backing of the bill.

She said a change calling for notification is consistent with the constitutional rights of the crime victims and does not infringe on the governor's right to grant clemency.

Babcock said the case of the Stone family being kept in the dark illustrates how the state's current statutes are "behind the times."

Meg Garvin, program director for Lewis & Clark College School of Law's National Crime Victim Law Institute in Portland, Ore., agrees. Garvin says at least 35 states have a law that calls for some form of notification.

"If a defendant has the opportunity to make a case, the victim or the family should have an opportunity to say why that person should not have clemency," Garvin said.

That's the thrust of the Stone family's argument.

Once they got word of Murkowski's pardon, Gary Stone's children sought help from the state's Office of Victim's Rights and Samuels.

Stone died April 15, 1999, while working on a job site just outside of Cordova. His son,

Micah Stone, was off the site collecting supplies for work crews when he heard the avalanche.

It was he who called his sister, Jessica, who was not home and forced to hear news on a voice mail message.

Last month, it was Jessica's turn to spread the news among her four siblings, this time of the last-minute pardon the company received from Murkowski, issued as he was leaving office.

Murkowski is traveling, and a call to a former aide was not returned. However, at the time, the Anchorage Daily News reported the pardon was issued because Murkowski said the criminal charges against the company "seem to be excessive punishment."

"The only bit of accountability for extreme negligence was wiped away," said Micah Stone, now living in Lewiston, Idaho.

"The biggest thing is that another family doesn't have something like this happen to them as well," he said. "If something were to pass, it would help us to know that our loss wasn't in vain."

Stone says he learned his family's plea fell into the right hand when Samuels began pushing for the change.

Samuels has been a victim's advocate since Oct. 5, 1999, when he found his brother, Duane, murdered in Duane's home.

"I'll never not have the passion for criminal justice issues," Samuels said. "It doesn't matter whether I'm in the Legislature or not."

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**Pardons bill glides through****HOUSE: Legislators voted 30-0 to require advance victim notification.**

By ANNE SUTTON  
The Associated Press

*(Published: January 31, 2007)*

JUNEAU -- The Alaska House unanimously passed its first bill Tuesday, a bipartisan measure that requires that a victim or the victim's family be notified before the governor issues a pardon to the perpetrator of a crime.

The legislation was born after public outcry over former Gov. Frank Murkowski's pardon of a company convicted of criminal negligence in the 1999 avalanche death of one of its workers.

Murkowski's action came in the last hours of his administration. The victim's family learned of the pardon only after being contacted by a newspaper reporter.

Sponsor Rep. Ralph Samuels, R-Anchorage, said the bill does not take away from a governor's constitutional right to grant clemency.

"But if the executive cannot pass the red-face test by being able to make that phone call and tell a woman who has been raped or the family of a person who has been murdered, if they cannot make that phone call, then the pardon should not be issued," Samuels said.

The measure requires that the Alaska Parole Board contact the victim, the Department of Law and the Alaska Office of Victims' Rights. It also requires the governor to wait at least 180 days to approve a pardon from the time the notice is made.

Currently, state officials are required to inform victims of criminal proceedings. Victims also have the right to attend criminal proceedings and be heard at sentencing, bail or parole hearings.

Minority Leader Beth Kerttula, D-Juneau, said the legislation is a good common-sense step to further the rights of victims.

"It's one that I wish we had thought of earlier," Kerttula said. "And it's great to see that this very heavily bipartisan-supported bill is the first one of this session."

Fourteen representatives, Republicans and Democrats alike, joined as co-sponsors of the bill.

The measure passed the House by a vote of 30-0. Nine representatives -- including House Speaker John Harris, R-Valdez -- were absent because poor weather has prevented their planes from landing in Juneau since Monday.

The bill now goes to the Senate, where a similar bill is in committee.

The measures are House Bill 69 and Senate Bill 55.

**§ 8. Grand Jury** - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

**§ 9. Jeopardy and Self-Incrimination** - No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

**§ 10. Treason** - Treason against the State consists only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**§ 11. Rights of Accused** - In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have

compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**§ 12. Criminal Administration** - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation. [Amended 1994]

**§ 13. Habeas Corpus** - The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

**§ 14. Searches and Seizures** - The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**§ 15. Prohibited State Action** - No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

**§ 16. Civil Suits; Trial by Jury** - In civil cases where the amount in controversy exceeds two hundred fifty

dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

**§ 17. Imprisonment for Debt** - There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**§ 18. Eminent Domain** - Private property shall not be taken or damaged for public use without just compensation.

**§ 19. Right to Keep and Bear Arms** - A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State. [Amended 1994]

**§ 20. Quartering Soldiers** - No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

**§ 21. Construction** - The enumeration of rights in this constitution shall not impair or deny others retained by the people.

**§ 22. Right of Privacy** - The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. [Amended 1972]

**§ 23. Resident Preference** - This constitution does not prohibit the State from granting preferences, on the basis of Alaska residence, to residents of the State over nonresidents to the extent permitted by the Constitution of the United States. [Amended 1988]

**§ 24. Rights of Crime Victims** - Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to timely disposition of the case following the arrest of the accused; the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication. [Amended 1994]

**§ 25. Marriage** - To be valid or recognized in this State, a marriage may exist only between one man and one woman. [Amended 1998]

§ 17. **Convening Legislature** - Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

§ 18. **Messages to Legislature** - The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

§ 19. **Military Authority** - The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

§ 20. **Martial Law** - The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

§ 21. **Executive Clemency** - Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

§ 22. **Executive Branch** - All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

§ 23. **Reorganization** - The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

§ 24. **Supervision** - Each principal department shall be under the supervision of the governor.

§ 25. **Department Heads** - The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as

otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

*Editor's Note. Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.*

§ 26. **Boards and Commissions** - When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the leg-

islature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

§ 27. **Recess Appointments** - The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

Sec. ~~33.20.080~~. Board of parole to investigate applications for executive clemency.

(a) The governor may refer applications for executive clemency to the board of parole. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. When the report or investigation is submitted, the board shall also transmit to the governor the comments it has received under (b) of this section.

(b) If requested by the victim of a crime against a person, a crime involving domestic violence, or arson in the first degree, the board shall send notice of an application for executive clemency submitted by the state prisoner who was convicted of that crime. The victim may comment in writing to the board on the application for executive clemency.

(c) If the victim desires notice under (b) of this section, the victim shall maintain a current, valid mailing address on file with the board. The board shall send the notice required under this section to the victim's last known address. The victim's address may not be disclosed to the applicant for executive clemency or the applicant's attorney.

(d) In this section,

(1) "crime against a person" has the meaning given in AS 33.30.901;

(2) "crime involving domestic violence" has the meaning given in AS 18.66.990.

(3) "victim" has the meaning given in AS 12.55.185.

#### Chapter 33.25. WESTERN INTERSTATE CORRECTIONS COMPACT

*[Renumbered as AS 33.36.060 - 33.36.100].*

#### Chapter 33.30. PRISON FACILITIES AND PRISONERS

### Article 01. ESTABLISHMENT, CONTROL, AND MANAGEMENT

*Sec. 33.30.010. Commissioner to control and manage state prison facilities. [Repealed, Sec. 12 ch 88 SLA 1986].*

Repealed or Renumbered

Sec. 33.30.011. Duties of commissioner.

The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; each correctional facility operated by the state shall be established, maintained, operated, and controlled in a manner that is consistent with AS 33.30.015;

NOTES TO DECISIONS

Forfeiture of good time authorized. — The Department of Corrections has the authority to forfeit good time for a prisoner's misbehavior engaged in before resentencing on the same offense. *Briggs v. Donnelly*, 828 P.2d 1207 (Alaska Ct. App. 1992).

Stated in *Hill v. State*, 22 P.3d 24 (Alaska Ct. App. 2001).

Cited in *Hill v. State*, 22 P.3d 24 (Alaska Ct. App. 2001).

Collateral references. — 72 C.J.S., Prisons, §§ 48, 144-146, 148, 154.

Withdrawal, forfeiture, modification, or denial of good-time allowance to prisoner. 95 ALR2d 1265

**Sec. 33.20.060. Restoration of forfeited good time.** The commissioner of corrections may restore all or a portion of a prisoner's forfeited good time, under regulations adopted by the commissioner, if the prisoner demonstrates progress in faithfully observing the rules of the correctional facility in which the prisoner is confined. The amount of forfeited good time restored by the commissioner shall be related to the severity of the offense or rule violation committed by the prisoner and the length of time of good conduct that followed the offense or rule violation. (§ 6 ch 107 SLA 1960; am § ch 11 SLA 1986)

NOTES TO DECISIONS

Stated in *Hill v. State*, 22 P.3d 24 (Alaska Ct. App. 2001).

Cited in *Bear v. State*, 439 P.2d 432 (Alaska 1968)

Collateral references. — 72 C.J.S., Prisons, § 21. Right to credit for time served under erroneous or

void sentence or invalid judgment of conviction necessitating new trial. 35 ALR2d 1283.

**Article 2. Power of Governor to Grant Pardons, Commutations and Reprieves.**

**Section 70.** Governor may grant pardons, commutations and reprieves

**Section 80.** Board of parole to investigate applications for executive clemency

**Sec. 33.20.070. Governor may grant pardons, commutations and reprieves.** The governor may grant pardons, commutations of sentence, and reprieves, and remit fines and forfeitures in whole or part for offenses against the laws of the State of Alaska or the Territory of Alaska. (§ 1 ch 16 SLA 1961)

Cross references. — For the constitutional provision on this subject, see Alaska Const., art III, § 21.

NOTES TO DECISIONS

There is no authority which would sanction the expansion of the superior court's jurisdiction to pass sentence into a realm of review and modification which is statutorily vested in either the

supreme court or the executive branch of government. *Davenport v. State*, 543 P.2d 1204 (Alaska 1975); *Szeratics v. State*, 572 P.2d 63 (Alaska 1977). Cited in *Bear v. State*, 439 P.2d 432 (Alaska 1968)

Collateral references. — Pardon as affecting impeachment by proof of conviction of crime. 30 ALR2d 893.

Habitual criminal statute, pardon as affecting consideration of earlier conviction in applying. 31 ALR2d 1186.

Procedure to be followed where jury requests infor-

mation as to possibility of pardon or parole from sentence imposed. 35 ALR2d 769.

Offenses and convictions covered by pardon. ALR2d 1261.

Prejudicial effect of statement or instruction of court as to possibility of parole or pardon. 12 ALR 832.

Prejudicial effect of possibility of pardon. Pardon as possibility thereof. 33 ALR3d 466. Power of state

**Sec. 33.20.060. Clemency.**

of parole. The investigation

When the governor the

(b) If require violence, or executive cl

victim may

(c) If the current, valid

required under not be disclo

(d) In this

(1) "crime" (2) "crime" (3) "victim"

ch 59 SLA 198

Revisor's note as (d)(3). Reference (d)(2) was renumbered

Effect of amendment effective July 1, 1998

**Chapter**

**Chapter**

**Article**

- 1. Establishment, Cont
- 2. Commitments, Progra
- 3. General Provisions

Cross references. — program in effect from July 30, 1998, see ch. 110, SLA Special Acts.

**Governor Wally Hickel - Served 12/3/1990 - 12/5/1994**

1	Grand Larceny	3 years	Pardon
2	Assault w/ deadly weapon	5 years & probation	Pardon
3	Assault II	3 yrs. with 3 suspended	Pardon
4	Extortion, receiving a bribe	4 yrs with 3 suspended	Pardon
5	Robbery, Larceny stolen vehicle	4 years	Pardon

**Governor Tony Knowles - Served 12/5/1994 - 12/8/2002**

1. Through Gov. Office	Manalaughter	5 yrs	Pardon (NOV. 1997)
2	ASSAULT IV		Pardon (DEC. 2001)

JAMES WILLIS

Jimmie V. West + Denied previously done last minute

**Governor Frank Murkowski - Serves 12/8/2002 to Present**

- 1. — MICS III — PARDON — RUTHER F. T. ECHIVERRI (JUNE 2005)
- 2. — NEGLIGENT HOMICIDE — PARDON (NOV. 2006) — (THOM FISCHER, PRESIDENT) WHITENWATER ENGINEERING
- 3. — ASSAULT II — PARDON (OCT. 2006) — RICHARD "PAT" PATTERSON
- 4. — DWI — PARDON (OCT. 2006) — THOMAS E. KELLY
- 5. — THEFT III — PARDON (NOV. 2006) — RYAN ANGELO SARGENTO
- 6. — THEFT II } — PARDON (NOV. 2006) — WILSON DOUGLAS THORPE
- RESISTING ARREST
- ISSUING A BAD CHECK

<b>EXECUTIVE CLEMENCY - GRANTED</b> <i>(indicated by Governor)</i>			
<b>Governor - Term of the Governor</b> <i>(Clemency statistics.xls)</i>			
<b>Gov. William Egan * Served 1/3/1959 - 12/5/1966</b>			
	<b>OFFENSE</b>	<b>SENTENCE</b>	<b>DECISION</b>
1	Bribery of a law officer	5 years	Pardon
2	Kidnaping	6 mons	Pardon
3	Manslaughter	2 years	Pardon
4	Theft	4 years	Pardon
5	Statutory Rape	Life sentence	Commutation of Sentence to 30 years
6	Forgery	15 years	Commutated to Time Served
7	Assault w/intent to rape	3 years	Pardon
8	Murder I	Life sentence	Pardon
9	Murder I	Life sentence	Commutation of Sentence to 15 years
10	Forgery	6 years	Pardon
11	Felony	1 1/2 years	Pardon
12	Embezzlement	6 years	Pardon
13	Arson & Burglary	10 years	Pardon
14	Manslaughter	6 years	Pardon

15	No data - just says Anchorage	20 years	Pardon
16	Drunk & disorderly	6 mons	Pardon
17	Statutory Rape	3 years	Pardon
18	Assault & Battery & giving liquor to a minor	120 days	Commutated to 112 days
19	Burglary & Larceny	10 years	Commutation to 5 years
20	Statutory Rape	Life sentence	Commutation to 30 years
21	Rape	Life sentence	Commutation
22	Murder II	Life sentence	Commutation to 30 years
22	Murder II	25 years	Commutation to 20 years
24	Giving Liquor to a minor & reckless Driving	270 days	Commutated to Time Served
25	Through Governors office		Pardon
26	Through Governors office		Pardon
27	Through Governors office		Pardon
28	Through Governors office		Pardon
29	Cutting with intent to wound	9 years	Commutated to Time Served
30	Contributing to the delinquency of a minor	\$500.00 fine	Pardon
31	Burglary not in a dwelling X 2	18 mons	Pardon
32	Manslaughter	10 years	Commutated to Time Served
33	Murder II	15 years	Pardon

34. Through the Gov office	Fishing in a closed area		Pardon
35. Through Gov office	Fishing in a closed area		Pardon
36. Through Gov Office	Fishing in a closed area		Pardon
37. Through Gov Office	Assault & Battery		Pardon
38	Statutory Rape	9 years	Commutated to Time Served
39	Manslaughter	15 years	Commutated to Time Served
December 24 1962	Christmas Clemency's		9 Pardons not in yearly counts
40. Through Gov Office	Simple Assault		Pardon
41	Joyriding	\$800 Fine & 365 days	Pardon
42. Through Gov Office	Fishing in a closed area		Pardon
43 Through Gov. Office	Fishing in a closed area		Pardon
44 Through Gov. Office	Fishing in a closed area		Pardon
45 Through Gov Office	Fishing in a closed area		Pardon
46 Through Gov Office	Fishing in a closed area		Pardon
47	Minor in Possession of Alcohol	180 days	Pardon
48	Delinquent Minor		Pardon
49	Murder I	40 years	Commutated to 20 years
50	Disorderly Conduct	\$300.00 fine & 180 days	Pardon
51	Legal Fishing	\$3000.00 fine	Fine remitted

December 24, 1963	Christmas Clemency's		3 pardons not in yearly counts
52	Drunkenness	6 mons	Pardon
53	Illegal Fishing	19 1/2 mons	Pardon
54	Negligent driving	Suspended Sentence	Pardon
55	Issuing checks w/out funds	1 year	Pardon
56	Forgery	\$1000.00 restitution/1 year	Pardon
57	Assault & Assault & Battery	90 days	Pardon
58	Child neglect	300 days	Pardon
59 Through Gov. Office	Assault & Battery	6 mons	Pardon
60	Manslaughter	12 years	Commute to Time Served
61	Murder I	Life sentence	Commute to 36 years
62	Murder II	Life sentence	Commutated to 20 years
63	Child neglect	365 days	Commutated to Time Served
64	Child neglect	365 days w/185 suspended	Commutated to Time Served
65	Possession of Alcohol by minor	2 days	Pardon
66	Assault & Battery	6 mons	Commutated to Time Served
67	Murder I	Life sentence	Commutated to 30 years
68	Murder II	Life sentence	Commutated to 30 years
69	Rape	Life sentence	Commutated to 30 years

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70	Murder I	19 years	Commut to 16 years
71	Assault w/intent to kill. Assault w/deadly weapon	21 years & 1 day	Pardon
	Larceny. Possession w/deadly weapon to and from court room.		
72	Murder I	Life sentence	Commut to 30 years
73	Murder II	25 years	Pardon
December 24 1966	Christmas Clemency's		1 pardon not in yearly count
74	Murder I	Life sentence	Pardon
75	Burglary & Assault w/dangerous weapon	5 years	Pardon
76	Issuing checks w/out funds	210 days	Pardon
77	Shoplifting	6 mons suspended	Pardon
78	Rape	30 years	Commut to 24 years 6 mons
79	Petty larceny	\$100.00 fine	Pardon
80	Involuntary Manslaughter	6 years	Commut to Time Served
81	Drunk in Public	90 days	Commut to Time Served -
82	Assault & Battery	210 days/ \$100.00 fine	Commut to Time Served & full remission of fine
83	Attempted Robbery	18 mons probation	Pardon
<b>Governor Wally Hickel - Served 12/5/1966 -1/19/1969</b>			
1	Murder II	Life sentence/ paroled	Pardon

December 22 1968	Christmas Clemency's		11 commutation to time served, not in yearly counts
2	Grand Larceny	3 years	Commutation of Sentence
3	Manslaughter	9 years	Commutate to Time Served
4	Forgery	1 - 20 years	Commutate to 5 years
5	Issuing checks w/out funds	15 years	Commutate to 10 years
6	Disorderly Conduct	3 mons	Commutate to Time Served
7	Forgery	6 mons w/ 3 yrs probation	Pardon
8	Assault w/ deadly weapon	3 years probation	Pardon
9	Possession of narcotics	2 years	Commutate to Time Served
10	Arson	3 years	Pardon
11	Child neglect	347 days	Time served

**Governor Keith Miller** • Served 1/19/1968 - 12/5/1970

1	Passing Forged checks	5 years	commuted to time served
2	Burglary in a dwelling	3 yrs suspended w/2 yrs probation	Pardon
3	Petty larceny	\$50.00 fine, \$25.00 suspended	Pardon
4	cc of crime	30 days suspended, \$50.00 fine	Pardon

**Governor William Egan** • Served 12/5/1970 - 12/2/1974

1	Murder II	15 years	Pardon
2	Murder I	Life Sentence	Commutation to 36 years

3	Manslaughter	20 years	Commute to Time Served
4	Larceny in a building	7 years	Commute to Time Served
5	Burglary not in a dwelling	2 yrs suspended	Pardon
6	Furnishing liquor to a minor	180 days	Pardon
7	Burglary	1 year & 1 day	Pardon
8	Robbery	1 - 15 years	Commutated to 10 years
9	Assault with a deadly weapon/ dueling	5 years	Pardon
10	Contributing to the delinquency of a minor	4 years	Pardon
11	Murder I	Life Sentence	Pardon
12	Assault w/ a deadly weapon	5 years w/ 4 suspended	Pardon
13	Removal of merchandise	10 days	Pardon

**Governor Jay Hammond • Served 12/2/1974 - 12/6/1982**

1	Petty larceny	6 mons suspended & \$100.00 fine	Pardon
2	Larceny in a building & burglary not in a dwelling	7 yrs	Pardon
3	Arson II	4yrs & \$500.00 fine	Pardon
4	Possession of hallucinogenic drugs & stimulants	30 days 1 year probation	Pardon
5	Forgery, probation violation	2 years	Pardon
6	Burglary not in a dwelling IV counts	3 years concurrent	Pardon
7	Attempted Rape	18 mons	Pardon

8	Murder I	30 - Life	Pardon
9	Murder II, Assault w/intent to kill & rob,	Life + 12 years	commutation to time served
	armed robbery		
10	Larceny from a person	90 days, 2 yrs probation	Pardon
11	Forgery	5 years w/2 suspended	Pardon
12	Arson	8 years	Pardon
13	Theft II 2 counts & issuing bad checks	4 years jail, 4 yrs probation	Commutation

**Governor Bill Sheffield** - Served 12/6/1982 - 12/1/1986

1	Misconduct involving a weapon	1 yr	Commutation
2	Embezzlement by Bailee	6 months	Pardon
3	Grand Larceny	2 yrs probation	Pardon
4	Assault I	6 yrs	Conditional Commutation
6	Fraudulent use of credit card	3 years	Conditional Commutation
6	Murder I	Life	Commutation time served
7	Murder I	Life	Conditional Commutation
8	Driving while license revoked	10 days, license revoked 1 yr	Limited driver license
9	Driving while license revoked	50 days jail, \$1000.00 fine,	Granted remission of fine & restored
		drivers license revoked 1 yr	Drivers license
10	DWI : Refusal	90 days w/70 suspended, \$500 fine	

		Drivers license suspended 1 yr	Conditional Commutation of Jail Sentence
11	Driving while license suspended	10 days, license revoked 1 yr	Limited driver license
12	Driving while license suspended	30 days, 500 fine	Commutation of 4 days sentence
13	Driving with suspended operators		
	license	30 days, 500 fine	
		Drivers license suspended 1 yr	commute jail term to 10 days only

**Governor Steve Cowper** • Served 12/1/1986 - 12/3/1990

1	Assault IV, Misconduct involving weapon III	120 days	commuted
2	Violation of securities act, revocation of bond	2 years	Pardon
3	Possession of Marijuana while driving.	150 fine	Pardon
4	Sexual Assault	6 years	Commutate to Parole Eligibility
5	Sexual Assault I	8 years	Commutation
6	Misconduct involving controlled substance I	5 years	Commutation
7	Disorderly Conduct	\$25.00 fine	Pardon
8	Attempted burglary	3 years SIS, 3 yrs probation.	
10	DWI	Drivers license revoked 10 yrs	Conditional Commutation of Jail Sentence
11	Assault I	3 1/2 years	Granted eligibility of Parole
12	DWI	Drivers license revoked 10 yrs	Grant limited conditional pardon
13	Murder I	20 years	Conditional commutation, grant parole eligibility