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Summary: Alaska as a state has never had a death penalty. However, in Alaska's territorial days, eight men were executed under civil authority between 1900 and 1957. Other persons in Alaska were executed extrajudicially in the late 19th century under so-called "miner's laws." There is currently no easily available information on executions that may have taken place under military authority in Alaska

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This page provides a brief history of the death penalty in Alaska through its abolition by the Territorial Legislature in 1957, two years before Alaska statehood.

Web note: This article was originally written for the Justice Center website *Focus on the Death Penalty*. The article was revised in July 2013 to reflect removal of certain links when *Focus on the Death Penalty* was discontinued.

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A History of the Death Penalty in Alaska

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Alaska as a state has never had a death penalty. However, in Alaska's territorial days, eight men were executed under civil authority between 1900 and 1957. Because these executions were conducted by federal officials, the condemned men are generally classified in historical statistics as federal, rather than Alaska, prisoners. See, for example, the Death Penalty Information Center's list of [federal](#)

[executions 1927 to present](#); this list includes the last three men included in the table to the right. However, Constantine Beaver, executed in 1929, is not included in the DPIC list.

Other persons in Alaska were executed extrajudicially in the late 19th century under so-called "miner's laws." There is currently no easily available information on executions that may have taken place under military authority in Alaska.

Executions under "miner's law"

Alaska became a U.S. territory in 1867 as the result of the Treaty of Cession, in which the U.S. purchased Alaska from Russia, which had formerly claimed it. Early in Alaska's territorial history, the federal government made few provisions for government or law enforcement in the territory, relying chiefly on military governors from the U.S. Army and, later, the U.S. Navy. The Organic Act of 1884 authorized the appointment of Alaska's first territorial governor, established a territorial court in Sitka, and provided for a U.S. marshal, U.S. attorney, and four unpaid, roving court commissioners headquartered at Juneau, Wrangell, and Unalaska. In a territory of nearly 600,000 square miles — two-and-a-half times the size of Texas — this effectively left most of Alaska without an operative judicial process. By reference, the Organic Act adopted the "Laws of Oregon, such as are applicable" for the governing of Alaska. However, the Oregon Code stipulated that only taxpayers could serve as jurors. Because no system of taxation was in place in the territory, "legal" jury trials technically were not possible until Congress enacted the Code of Criminal Procedure for Alaska in 1899

The Organic Act of 1884 also extended federal mining law to Alaska, thereby providing for the organization of mining districts and the election of local recording officers. Absent other government institutions in many areas of Alaska, miner's institutions were often the only form of government in some places, and paved the way for unofficial, ad-hoc miner's courts to administer justice on an as-needed basis. K.S. Kynell (1991) writes, "Miners were not vigilantes. They organized into prosecuting bodies only within their own camps, and usually discriminated between such concepts as motive and result. Based on rough analogies to the common law, the miners's code limited its punishments to three: hanging for murder, banishment for assault and stealing, and a fine for all other offenses" (p. 36)

A Cassiar miner was executed by a miner's court in the Southeast Alaska town of Wrangell in January 1879 for the murder of another man in a dispute over a woman, and two Auke Indians were executed by a miner's court in Juneau in July 1883 for the murders of a local storekeeper and a miner, both white (Williams 1991, p. 10). A miner's meeting carried out an execution for murder on the Valdez trail during the Klondike gold rush of 1898 "and left the body hanging because most of the participants were anxious to continue their march to the Klondike" (p. 11)

Records before 1900 are poor, but it is believed that a total of seven persons were hanged in territorial Alaska from 1869 to 1900. Of these, four were Alaska Native and one was white; the race of the others is unknown (Harris 1993).

First executions under judicial authority

Spurred by the rapid growth of Alaska's population due to the Klondike Gold Rush, Congress in 1899 enacted the Code of Criminal Procedure for the Territory of Alaska, which made legal jury trials possible, provided for additional territorial judges, marshals, and district attorneys, and defined new crimes. The first two men executed in Alaska in the twentieth century were gold rush participants, but for the first time the courts that convicted them were authorized by law. Miner's courts had become a thing of the past.

Fred Hardy, a white man, was convicted in 1901 of murdering and robbing three men on Unimak Island. He was hanged in the gold rush town of Nome in 1902 (Lerman 1994)

Homer Bird, also white, shot and killed his partner in front of several witnesses. He was hanged in Sitka in 1903 (Lerman 1994).

The context of executions in territorial Alaska: Race and money

Each of the eight men executed under civil authority between 1900 and 1957 were convicted of murder. Of these, only two of the eight men hanged during this period were white. Three of the executed men were Native, two were African American, and one was a foreigner of unknown race from Montenegro (a small European nation on the Balkan Peninsula) (Lerman 1996). In contrast, most murders committed in territorial Alaska were committed by white men

At least one convicted murderer, a white man named **Edwin Krause**, was sentenced to death but was not executed. Krause escaped from the federal jail in Juneau two days before his scheduled hanging in 1917 and was killed by a homesteader several days later (Williams 1991, p. 10)

Other white murderers escaped the noose in other ways. For example, in 1904 **Vuco Perovich** murdered a fisherman near Fairbanks in 1904 by splitting his head and chest with an axe, then attempted to cover his crime by setting his victim's body and cabin on fire. He was convicted of murder and sentenced to hang, but with the financial backing of his friends he was able to afford legal appeals. President William Taft commuted his death sentence to life imprisonment; President Calvin Coolidge granted him a pardon. Perovich left prison to become successful as a Rochester, New York, businessman (Lerman 1994)

William Dempsey, also white, murdered a woman in 1919 and evaded arrest for that crime by murdering a U.S. marshal. He was convicted and sentenced to hang for both murders, but his family could afford an attorney who succeeded in petitioning President Woodrow Wilson for clemency. President Wilson commuted Dempsey's sentence to life imprisonment (Lerman 1994)

In contrast, of those Alaskans actually executed, four had sought clemency from four presidents — Wilson, Hoover, Roosevelt, and Truman — but all failed (Lerman 1994)

Of 183 persons determined to be responsible for the 178 homicides in Alaska from 1935 to 1958, 138 were white (over 75%), 2 were black, 10 were Eskimo, 22 were Indian, 7 were Filipino, and 1 was "Other" (Kynell 1991, p. 200. Note that 17 of the 178 homicides examined in this study were "accidental or negligent" homicides, not usually classed as murders in standard crime reports such as the FBI's Uniform Crime Reports). By contrast, the three executions which took place during the same period were all of nonwhites — one Native and two blacks. Ten life sentences were imposed upon convicted murderers from 1935 to 1958; the average sentence length for non-capital, non-life sentences was 10.7 years (Kynell 1991, p. 121).

Three Fairbanks executions

Three men were executed in Fairbanks in the 1920s

Mailo Segura, an immigrant from the Balkan nation of Montenegro, was convicted in 1918 of shooting and killing his employer in Flat, a gold rush town on the Iditarod trail. Segura claimed that his employer had refused to pay him for two years' work he had already done as a wood chopper. Segura was represented by a court-appointed lawyer who moved for a change of venue for his client's trial because of racial prejudice against Segura — who though of European heritage was referred to in trial documents as a "bohunk" and a "black fellow" — as well as the prominence of the victim. The change of

venue motion was denied and Segura was convicted. He was executed by hanging in Fairbanks in 1921. Authorities constructed a makeshift scaffold by constructing a wooden platform between windows on the second floor of the courthouse and the second floor of a bank building across the street. According to published accounts of his execution, Segura was so terrified that he had to be tied to a board to restrain him until the trapdoor could be opened for him to be dropped to his death (Lerman 1994)

"John Doe" Hamilton was a Native from the village of Shageluk who spoke no English. He was convicted of the 1920 shooting death of his cousin. According to newspaper reports, Hamilton told authorities his cousin's wife complained of being beaten by her husband. Hamilton shot his cousin and hid his body, and the murdered man's wife moved in with Hamilton. At Hamilton's sentencing, his court-appointed attorney told the court, "The man is guilty, and there is absolutely no reason which his counsel knows why sentence should not be pronounced." Hamilton expressed shame for his crime and requested that he be hanged in Alaska. He was hanged in Fairbanks in 1921. His body dropped too far during the execution, and the force of his fall caused him to be decapitated (Lerman 1994)

Constantine Beaver, an Alaska Native who spoke no English, was convicted in 1929 of the shooting death of a friend during a drunken brawl. His attorney, Thomas Drayton, was appointed only a week before his trial. Drayton filed a motion to delay the trial by a month, but the motion was denied. Because neither Beaver nor witnesses to the killing spoke English, an interpreter was used. The jury was instructed that if they found Beaver guilty, they could return a sentence either of life imprisonment or they could return a ballot that was silent regarding the sentence. The jury returned a guilty verdict which was "silent" as to the penalty, and the judge sentenced Beaver to death. A week later, three jurors filed sworn statements protesting the sentence and stating they would have voted for life imprisonment had they known the "silent" ballot would result in a death penalty, but the statements were rejected because they were submitted three days past the deadline set for motions in the case. Beaver sought to have his sentence commuted to life imprisonment, but President Herbert Hoover denied his appeal for clemency. Beaver was hanged in 1929, reportedly taking nine minutes to die (Lerman 1994).

Three Juneau executions

Alaska attorney and historian Averil Lerman has conducted extensive research on the history of the death penalty in Alaska. Her 1998 article, "[Capital Punishment in Territorial Alaska: The Last Three Executions](#)," details the trials and executions of the three men executed in Juneau in territorial days — Nelson Charles, Austin Nelson, and Eugene LaMoore. The article was based on documentary evidence and interviews with over 50 people involved in some way in the cases

Nelson Charles was a 37-year-old Native fisherman and World War I veteran, married with a daughter. Newspaper accounts indicate that Charles was probably not an Alaska Native, but a Native American from the Puget Sound area. He was arrested and convicted for the September 4, 1938 murder of his mother-in-law, Cecilia Johnson, in Ketchikan. Both Charles and Johnson had been drinking heavily at the time of the murder. The Alaska Native Brotherhood petitioned President Franklin Roosevelt for a commutation of Charles' sentence to life imprisonment, but Roosevelt did not respond. Charles was hanged in Juneau on November 10, 1939 (Lerman 1994, 1998. For a full account of Charles' trial and hanging, see [Lerman 1996](#); see also [Gaffney 1995](#), which provides an eyewitness account of Charles' execution.)

Austin Nelson and **Eugene LaMoore**, both black, were separately convicted and executed for the same crime, the December 1946 murder of a 52-year-old (white) Juneau storekeeper named Jim Ellen. Ellen's store had also been robbed. Ellen had immigrated to the U.S. from Greece as a boy in

1909. He was a World War I veteran who held memberships in the American Legion and the Juneau Elks Lodge (Lerman 1998). Austin Nelson, a 24-year-old who did odd jobs around Juneau, was arrested for the murder after a check written by him to Jim Ellen was found on the store counter following the robbery/murder. He was represented at trial by Henry Roden and Joseph A. McLean. Nelson was convicted on circumstantial evidence, including that of a witness who reported seeing him in the victim's store on the night of the murder. No one witnessed the actual murder, nor was a murder weapon found, not even the straight-edged razor witnesses testified that Nelson had once owned. Nelson lacked money to pay for an appeal and there was no provision for a public attorney in post-conviction proceedings, His execution was set for July 1, 1947 (Lerman 1998)

Eugene LaMoore, a 42-year-old fisherman with a Tlingit wife and two children, was originally an alibi witness at Nelson's trial. He testified that he had spent much of the evening with Nelson on the night of the murder, including along the avenue where the victim's store was located. LaMoore's credibility with the jury was apparently eroded when he initially denied a felony robbery conviction of twenty years before. Although LaMoore returned to the stand the following day to correct his testimony, he was arrested by U.S. Marshal William Mahoney on a charge of perjury and held on a bond of \$10,000 — a high bond in 1947 — which LaMoore could not pay. He was held in a cell in the federal jail, shackled in leg irons and, later, in a ball and chain. He was repeatedly questioned by the local FBI agent and other local law enforcement authorities about the murder of Jim Ellen. Shortly before Nelson's scheduled execution, Nelson was brought to visit LaMoore in his cell. According to later testimony by LaMoore, Nelson pled with LaMoore to help save his life (Lerman 1998).

On July 1, 1947, the date of Nelson's scheduled execution, LaMoore signed a typed confession stating that he had participated in a robbery of Jim Ellen's store with Austin Nelson and that Nelson had killed Ellen during the robbery. LaMoore was charged with first degree murder. Nelson's execution was delayed because he was now considered a material witness against LaMoore (Lerman 1998).

LaMoore was represented at trial by Henry Roden and Joseph A. McLean, the same court-appointed attorneys who had represented Nelson. The only significant evidence offered at trial to suggest LaMoore's involvement in the murder was the typed confession he had signed while in jail. At trial, LaMoore retracted the confession, stating it had been made on the advice of a prominent Juneau attorney, Herbert W. Faulkner, who had been persuaded by Deputy Marshal Walter Hellan to come and talk with him (LaMoore had had no lawyer at the time). LaMoore testified that Faulkner agreed to advise him, though Faulkner denied having done anything except typing up what LaMoore wanted to say in the confession. LaMoore also stated that the confession had been prompted by a desire — especially after Nelson's visit to his cell — to delay Nelson's execution. Despite his retraction and the lack of other significant evidence, LaMoore was convicted by the jury and sentenced to death (Lerman 1998).

Nelson, who had been kept alive during LaMoore's trial but was never called to testify, was executed on March 1, 1948, a month after LaMoore's trial ended. LaMoore was executed on April 14, 1950 after an unsuccessful appeal (Lerman 1998). He reportedly took 13 minutes to die (Lerman 1994). His was the last execution to be held in Alaska.

Abolition of the death penalty in Alaska

After prolonged debate, the Alaska Territorial Legislature abolished capital punishment in 1957 in a briefly worded measure stating, "The death penalty is and shall hereafter be abolished as punishment in Alaska for the commission of any crime" (Lerman 1994). The abolition measure was sponsored by

Warren Taylor and Vic Fischer. According to Vic Fischer, one factor motivating abolition was apparent racial bias in the application of the death penalty (Lerman 1994). A number of attempts have been made to reintroduce capital punishment to Alaska since 1957, but all so far have failed.



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