

Racial split in Alaska justice?

Sentences differ in Hartman, Smith murder trials

Is there equal justice under the law? Does race play a factor in the length of sentences or denial of probation for criminals in Alaska?

A critical component in my deciding to examine this issue was the fact that Alaska Native males make up only 8 percent of the population of Alaska, yet they occupy 37 percent of the post judgment jail cells. That may be reason enough to look at racial disparity.

As far as I am aware, little research has been done on this issue since a state sentencing study in October of 1979. That study, conducted by the Alaska Judicial Council, confirmed a pattern of sentencing disparities in cases involving black and Native defendants. As a result, the Legislature created new review committees.

It seems that the state believed disparities in the court system vanished by 1980. But has Alaska's judicial system progressed to the point that a defendant's race does not play any obvious role in his sentencing for a criminal offense?

To satisfy my own curiosity, I examined two criminal cases having similarities in the types of crimes committed, but different ethnic make-up in the defendants. I chose to review the Hartman and Smith murder cases because they were locally based, recent, and played out extensively in the media.

In the Hartman case, four young Native men were arrested as suspects in the beating death of John Hartman, a 15 year-old white male.

Gary Moore



Hartman was found lying in the street at Ninth and Barnette in the early morning of Oct. 9, 1997. In February of this year, all four defendants were found guilty of the murder, despite steadfastly maintaining their innocence. Family members of the boys have stated that all four refused offers for greatly reduced sentences if any them confessed and turned state's evidence against the others. The sentences for the four Native men in the Hartman case ranged from 33-79 years each.

In the Smith case, three young white males were arrested as suspects in the beating death of 32-year-old Maurice Lee Smith, a Fairbanks taxicab driver.

Smith had disappeared on Aug. 1, 1998. His skeletal remains were found by a hiker the following spring and a state medical examiner determined that Smith was beaten to death. In this case, two of the defendants eventually accepted plea agreements and turned state's evidence against a third member of the group involved in the killing of Smith. These three white defendants received sentences ranging from 15-20 years, with the average sentence per defendant being a little over 16 years.

Although my analysis touches only on the final outcome of these tragic and complex cases, it does raise some troubling questions. Given that the two cases have uncanny similarities, except

for the race of the defendants; why then the vast differences in the sentences handed down by the presiding judges in each case?

In the Hartman case, the Native defendants never wavered from their declarations of innocence; yet, they were sent to prison for an average of a half-century each.

In the Smith case, two of the white defendants confessed and turned state's evidence against the third defendant, who claimed innocence throughout his trial, yet all three received sentences of no longer than 20 years.

What was the significant difference amongst the facts in these two cases that warrant each of the Native defendants receiving average sentences of 30 years longer than the white defendants?

In the Smith case, it may be argued that the two defendants, who confessed, were rewarded for their admissions of guilt and for testifying against the third member of their group, who chose a trial by jury. If so, then why didn't the third defendant receive a harsher sentence once a jury found him guilty?

In my brief analysis, I believe that there are many other concerns in these two cases and others, but they are too lengthy to address in this article. Suffice to say, I can only conclude there may be ample reason to look deeper into Alaska's judicial system for cases of possible racial disparity.

Our law enforcement agencies and the courts share a common goal of administering equal justice under the law. A comprehensive study is needed to determine if that principle is being upheld in Alaska.

Gary Moore, a marketing consultant, owns and operates Northern Explorer Tours, and works as a tribal administrator for an Interior Native village.