

Alaska State Legislature

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September 14, 2021

The Honorable Michael J. Dunleavy
Governor of Alaska
550 West 7th Avenue, Suite 1700
Anchorage, AK 99501

Dear Governor Dunleavy,

The actions taken these past several weeks by the White House represent an assault on the rights of Alaskans that is unprecedented in both its scope and its utter contempt for our constitutional form of government. To cite but one example, the current campaign to discourage Alaskans from exercising their right not to participate in the government's new vaccination program reflects an assault not only upon those rights, but also an abandonment of long-established medical ethics.

Not only are Alaskans now to be shamed and scapegoated by the president for exercising their right to decline a vaccine, but some Alaskans are now to be sanctioned even for failing to successfully discourage others from exercising those same legal rights. As part of this campaign, many Alaskans are now under threat of losing their livelihood, and some families have already been forced to leave our state. I am now seeing queries from families who have found jobs and are in the process of moving to Alaska, but are wavering in that conviction due to our failure to safeguard these rights. The response of our state government to these federal mandates is now a prominent factor in both the quality of individuals and families we attract to our state, and the quality of individuals and families who choose to remain here. **I urge you to immediately call the Alaska Legislature into special session for the purpose of allowing the legislature to promptly address these assaults on the rights of Alaskans.** This crisis cannot wait for legislators to return to the capital next January. For the sake of those who are now being threatened with the loss of their livelihoods and their ability to continue to live here in Alaska, we must address these concerns immediately.

As Governor of Alaska, you are the one person constitutionally responsible for the [faithful execution](#) of our state laws. For more than four decades, our laws have made it a crime, under [AS 11.76.110](#), to interfere with an Alaskan's constitutional rights. Under current state law, it is a crime to "oppress, threaten, or intimidate another person because that person has exercised or enjoyed a right, privilege, or immunity in fact granted by the constitution or laws of this state." Please direct Attorney General Taylor to promptly investigate any allegations of such crimes and, if appropriate, to prosecute them in accordance with state law.

As governor, you are [commander-in-chief](#) of the armed forces of the state. I have been contacted by members of both our Army and Air National Guard with grave concerns over the guidance they have received concerning implementation of the vaccine program with respect to our guard personnel. As governor, you are responsible for the morale, safety and well-being of the guard personnel under your command. Please make it unmistakably clear that no member of your command will be sanctioned, oppressed, threatened or intimidated for failure to receive a COVID-19 vaccine. As members of our state armed forces, their welfare is in your hands.

I have received extremely troubling reports that some Alaskan doctors are today being prevented from prescribing [certain life-saving drugs](#) for their patients due to federal interference and threats received by pharmacists in Alaska. This is leading some Alaskans to look out of state for the medicines they need. Doctors in Alaska should be able to prescribe the very best medications and therapies for their patients, not have to consider whether the medicine they are about to prescribe is on a “politically correct” list. Equally troubling are reports that Alaskans in some communities are now being told that if they cannot prove they were vaccinated they may be denied treatment in their local emergency room in their time of need. No Alaskan should have to live in fear that they may be denied potentially life-saving treatment in an emergency room for exercising their right to decline a vaccine that doesn’t currently make sense for them. Such invidious discrimination is a clear violation of law and may constitute a crime under [AS 11.76.110](#). It is also a predictable consequence of the scapegoating we are witnessing coming from the White House, always at the expense of unvaccinated Alaskans. Please protect the ability of our doctors to continue to prescribe medicines and other treatments, our patients to receive them, and our pharmacists to not be punished for facilitating that process. Please add any pertinent requests for legislation to the call of the fourth special session.

You have been, and continue to be, a strong proponent of COVID-19 vaccination. That is not a position we have shared. The overt censorship of criticism that has too often characterized discussions surrounding the federal government’s vaccination program does not ease my concerns over vaccine safety; it heightens them. For my own part, I have not held back in sharing my concern that the state’s marketing of the vaccines has been designed, not to inform Alaskans about the risks and benefits of vaccination, but simply to extol the virtues of being vaccinated, leaving Alaskans poorly informed as to their individual risk profiles. This, especially when combined with the censorship of information from other sources, leads me to question whether many Alaskans are actually informed when deciding whether or not to receive the vaccine. Informed consent requires first that a patient be informed.

Can there be any doubt that one reason so many Alaskans remain unvaccinated today is the inconsistency of the messaging from both official and unofficial sources with regard to this pandemic? The state has a crucial role in providing positive, as well as negative, information about the vaccine program. One aspect of the government response to COVID that has been particularly troubling has been the propensity to encourage Alaskans to let the government do their thinking for them as it relates to COVID vaccines and other government-approved countermeasures. We are today creating the conditions for early adopters to have a disproportionate level of influence in our communities, in healthcare, in academia, and in our military going forward. That move is coming at the expense of the more cautious amongst us, who are now increasingly being told by employers, as in the case of many of Alaska’s hospitals, that they don’t need to come back to work. If our state is to be successful in the future, we will continue to need diverse communities that include a healthy mix of both early and late adopters; early adopters to safeguard innovation, and late adopters to ensure that the level of risk within our society remains manageable.

Toward that end, there is something that you can do today that would be of great benefit to all Alaskans. Since the vaccines first arrived in Alaska, it has been very difficult for members of the public to obtain accurate information on adverse reactions to the vaccines here in Alaska. Reports on the number of vaccine deaths and other injuries experienced by Alaskans vary wildly. Unfortunately, our State Health and Social Services Department has to date done little to remedy this. The state provides a variety of statistics on the number of Alaskans who have died of COVID-19, but how many Alaskans have died as a consequence of receiving a COVID-19 vaccine? The state has not made this information available to the public. This need for accurate information has even led one group of volunteers to begin collecting the data themselves at [akvaxevents.com](#). Please direct Commissioner Crum to assemble the resources necessary to collect and make this information available to the public. This could be an important tool in improving vaccination rates, as individuals will be better able to weigh both the risks and benefits of receiving a vaccination in the short-term.

The battle to protect the rights of the individual citizen holds no guarantee of reelection for those of us who stand on the front lines of that fight against all-comers. No guarantee. Who knows—perhaps it was for a time like this that you became governor?

Sincerely,



David Eastman
State Representative