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Peel acquitted in Alaska murder trial

Associated Press

JUNEAU, Alaska — John Kenneth Peel was acquitted Saturday on all charges in the killing of eight people aboard the fishing vessel Investor, which burned near Craig in September 1982.

It was Peel's second trial on eight counts of murder and one count of arson. The first ended in a hung jury in Ketchikan in 1986.

The 27-year-old Bellingham, Wash., man broke into tears and his family cheered when the seven-woman, five-man jury announced its decision Saturday afternoon in Juneau Superior Court.

PEEL

"It's terrible being an innocent man accused of a crime," Peel said afterward. "I just thank God it's over. Justice did work this time."

On the advice of his attorney, he did not answer any questions.

Peel, a boatbuilder who once worked as a crew member on the Investor, was accused of killing skipper Mark Coulthurst, his wife Irene, two Coulthurst children and four teen-age crew members. Peel was not arrested until two years after the crime.

Prosecutor Mary Anne Henry, who handled both trials, told jurors the state had bungled the Investor investigation, had no evidence of a motive and no physical evidence against Peel.

Nonetheless, she contended the prosecution could prove its case based on witnesses who said they saw Peel near the Investor around the time of the killings and in the fishing vessel's skiff after the larger boat was found burning in a cove near Craig.

Peel was working on another fishing boat docked in Craig.

The state spent $2 million on the investigation and on Peel's first trial, which took six months. It has been the longest and most expensive criminal case in Alaska history.

The state budgeted $700,000 for the three-month retrial. The defense rested its case the second time without calling any witnesses.

Jury deliberations began Wednesday evening. The jury foreworn said members of the panel had agreed not to talk to reporters.

Peel's relatives said they still puzzle over why he was arrested and prosecuted.

"The system was our salvation," said Jack Parram, Peel's brother-in-law. "I'm concerned about how we got there to begin with. ... Why?"

Peel's mother, Marilyn, said the verdict was a great relief. "It feels great because I have known from day one he was innocent," she said.

Peel has been in his parents' custody on a $1 million property bond since his arrest in September 1984.

They stayed with him in Juneau throughout the trial, with financial support from friends and family in Bellingham.

His mother said the family will return to Bellingham "as fast as we can get there."

Defense attorney Phillip Weidner said the family is considering a lawsuit to seek restitution for the "years of horror," but he declined to say who might be the target of such a suit.

Weidner contends if the first trial in Ketchikan had been handled correctly, Peel would have been acquitted there.

Ketchikan Superior Court Judge Thomas Schulz dismissed the deadlocked jury in the first case after six days of deliberations. Schulz was later disqualified. No reason was given, but prosecutors raised concerns about a friendship between Weidner and Schulz's former law clerk.

The case was reassigned to Juneau Judge Walter Carpeneti.

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Firefighters-

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en to handle the job physically, including whether they can carry victims or other firefighters out of a burning building.

"That's a legitimate concern," said Floren. "Any concern that you want the person next to you to be equally qualified is a legitimate concern."

But just as important is whether the person next to you on the fire line is disabled or dies from a heart attack, she said.

"The No. 1 killer of firefighters is not lack of upper body strength, it's heart attack," she said. "Biologically, women have more protection against that than men."

In Spokane, all firefighting candidates will have to pass the department's physical test, which consists of climbing, lifting and carrying equipment, and carrying a 99-pound dummy out of a basement while wearing dark lenses. The last test is designed to show an ability to work in unfamiliar environments and detect claustrophobia.

"I honestly believe the test could be a little stronger," said Joe Stapleton, the department's training chief. "It's set to the requirements of the job, but it is set on the easy side."

A lack of strength has not been the major barrier to women applicants in the past, he said. One woman came very close to having a high score on the physical test last year, but failed to find her way out of the basement with the dummy and was disqualified.

"Traditionally, it's been the written test that has ruled people out," he said.

The physical test has evolved over the years to encompass tasks related to the job.

"When I came on 16 years ago, it was an evening at Lewis and Clark (High School) gym," West said. The test involved situps, pushups and chinups.

The main change from the last test administered by the city in 1986 is the scoring. In the past, performances were rated, and the higher the score, the higher a candidate could place on a hiring list.

This time, the physical test will be graded pass-fail. If the tasks are done properly in the required time, a candidate passes.

The candidates who pass will be ranked according to their score on the written test.

For each opening, the department will choose from a list that includes the five-highest scoring applicants, plus the next two highest women scoring and the next two highest scoring minorities.

Tacoma, which now has 19 women on its firefighting force of 360, began such supplemental certification for recruits in 1980, said Jim Cason, secretary-treasurer of the Tacoma Fire Fighters Union.

"The first woman applicant was something like 240th" on the list, Cason said. "There was some mumbling and stuff — not necessarily against women, but against going down so far on the list."

West says the reaction in the Spokane department may be similar if women candidates have similar scores.

But departments in Seattle, Tacoma and Everett have found qualified women recruits, the firefighters in those departments said.

In Seattle, however, another sex-related issue — maternity leave — prompted a lawsuit that just recently was settled.

Seattle firefighters have a special relief association to provide additional disability payments for injured workers. The fund refused to pay those benefits for maternity leave.

A state court ruled the fund was wrong. But that doesn't mean pregnant firefighters will now get such payments.

"The relief association is going to disband the long-term disability benefit," Harvey said.

The Seattle department also recently changed its pregnancy policy to give firefighters duty away from fires from the start of their pregnancy. Inhaling toxic substances at fires can be dangerous to fetuses, from the earliest stages of pregnancy.

Pregnant firefighters in Seattle now are assigned light duty.

Keeping them busy isn't a problem, Harvey said. "There's lots of work to do. Inspection and training projects are lying dormant."

Ironically in Spokane, the maternity leave provisions were taken out of the firefighters contract about five years ago, because there were no women in the department.

West said a new maternity leave clause will have to be negotiated.

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