

HB 411

February 14, 1974

Honorable Jay Rabinowitz  
Chief Justice, Alaska Supreme Court  
941 4th Avenue  
Anchorage, Alaska 99501

Dear Chief Justice Rabinowitz:

Same to Gov. Egan

Enclosed please find testimony on House Bill 411, an act relating to the establishing of the Fifth Judicial District of the Superior Court, and attached flyer.

I respectfully request that you take this as a preliminary effort. These present actions do need to be considered preliminary because of several recognized mutual feelings that the proposed judicial boundary should be left flexible at this time. Also, the additional judge called for in House Bill 411 should be kept optional pending further evaluation of load and overload cases in the courts. The final boundary setting in the creation of the Fifth Judicial District will necessarily have to be cooperatively achieved involving the Egan Administration, the Superior Court, and those advocating improved law and order. The concept of home services of justice is long overdue, this feeling includes services in education, application of laws and related regulations by a "foreign" government. The fact that these foreign provisions have been disrupting to rural communities, families, and even people themselves cannot continue to be ignored.

Again, I respectfully request your assistance and cooperation in refining and implementing the concept of the Fifth Judicial District.

For your information, I am planning to make my letters to you part of the documents in support of House Bill 411.

Sincerely,

Phillip Guy

February 8, 1974

William A. Egan, Governor  
Pouch A  
Juneau, Alaska

Same to Chief Justice Rabinowitz

Dear Governor Egan:

First, I am a Yupik Eskimo from Kwethluk on the Alaska's Southwest, approximately 20 miles Northwest of Bethel on the Kuskokwim River area.

I am writing regarding HB 411, a proposed bill calling for the establishing of a fifth Judicial District of the Superior Court.

I am seeing at this time that we (the Alaskan Native without formal education of which there are many) are being propelled, plunged and made to conform to the Anglosaxon concept of government. We are being forced into this disconcerting situation at a time when the whole State is being confronted with rising crimes in the form of burglaries, murders, rape, alcohol and drug abuse and other civil improprieties in all areas. Further, I foresee during and after the implementation of the Alaska Native Claims Settlement Act tremendous amounts of court proceedings relating to real estate transactions, matters relating to money, property, and custody where the minor is concerned. The need for more of our people to seek and acquire formal education becomes apparent. In addition to the formal education needs, participation by the affected people is absolutely necessary in the exercise of the practice of the Anglosaxon government. In this respect, "the exercise and practice", of a "foreign" government has failed and even suppressed, although seemingly not intentionally, our conformance to a very complex concept.

The distant deliberator, the provider of guidance, implementor of the concept in areas of justice, education and others within the weatherized concept of government must be brought closer to the people. I further

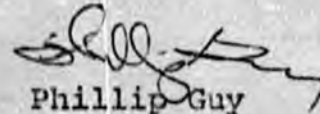
realize that the creating of a new predominantly rural Judicial District may create administrative problems for its Court, and I can understand how Court planners might, unfortunately, almost automatically react negatively to my proposal. I would hope you would turn this idea around and first think "why not, what are the many things and higher justices we can bring about?"

Then secondly, look at negative aspects, as of course you must, in considering any plan.

I feel with the expanding sphere of public law in the last 10 years we can now find good judges, interested in public service. I ask only your open mindedness and the benefits of your imagination.

Honorable Governor Egan, I respectfully solicit your support of HB 411 and request you and your designee to participate, provide testimony, at a hearing on February 15, 1974 in Room 104 of the Assembly Apartments. I regret that I did not write to inform you sooner.

Respectfully submitted,

  
Phillip Guy

PG:cb

# HB 411

**PRIME SPONSOR:**

Phillip Guy                      District 17

**CO-SPONSORS:**

Richard L. Mcveigh .....	10
Willard L. Bowman .....	10
Edward G. Barber .....	7
Helen Beirne .....	10
Mike Bradner .....	17
Genie Chance .....	7
Chuck Degnan .....	20
Milo H. Fritz .....	9
Terry Gardiner.....	1
W. Glenn Hackney .....	17
John Hubner .....	17
Jacob Laktonen Jr. ....	13
Joseph E. McGill .....	14
J. Hugh Malone .....	11
Russ Meekins .....	7
Jo Ann Miller .....	7
Mike Miller .....	4
Edward F. Naughton .....	12
William K. Parker.....	7
Lawrence D. Peterson .....	16
A. M. Saylor .....	8
Kieth Speckling .....	5
I. Lavell Wilson .....	18



\*\*\*\*\* ESTABLISHING \*\*\*\*\*  
**THE FIFTH JUDICIAL DISTRICT  
FOR THE STATE OF ALASKA**

---

*The prime sponsor expresses appreciation  
for support of HB 411.*

The Bethel and Kuskokwim area needs to become the State of Alaska's Fifth Judicial District. This Fifth Judicial District would include election districts 14, 15, 16, and 17, creating a boundry unifying more agencies and services of the government. This area contains the greatest concentration of Native population in the State of Alaska, with approximately 13,500 Native Alaskans and 3,000 white residents living in more than 50 villages surrounding Bethel.

*Map showing Alaska's new judicial district.*



Presently, the Kuskokwim area is served by a Superior Court Judge stationed in Anchorage, who "circuit rides" to Bethel once a month. This judge is elected from a district which includes Fairbanks, physically

located 500 miles away, representative of a completely different way of life. We need justice administered by a resident whose family lives among us and is responsive to the local needs of the people. We need a more equal distribution of public protection, and administration of justice to end the breakdown of services and facilities to the rural areas, that have resulted in the term "bush justice". In the first eight months of 1973, 594 state criminal cases alone were filed in Bethel, and this only begins the list of services administered by the court. Presently, the only legal representative of eligible low-income people is Alaska Legal Services, which handles only civil cases, not criminal cases.

The establishment of a Fifth Judicial District will also promote the development of additional court system personnel in the recording and administrative section, plus promote establishment of related services which are badly needed in this area. With the passage and implementation of the Alaska Native Claims Settlement Act, and continued development of the village and municipal corporations, litigation will sharply increase. Under the Act, the Bethel area has 13,500 new property owners and corporate stock holders.

TESTIMONY ON HB 411  
AN ACT ESTABLISHING  
THE FIFTH JUDICIAL DISTRICT  
OF THE  
SUPERIOR COURT  
BY  
PHILLIP GUY



REPRESENTATIVE PHILLIP GUY

Alaska State Legislature

POUCH V

JUNEAU, ALASKA 99801

HB 411

COMMITTEES:  
LOCAL GOVERNMENT  
RESOURCES

DISTRICT 15

- AKIACHAK
- AKIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- E EK
- KIPNUK
- KONGIGANAK
- KWETHLUK
- KWILLINGOK
- MEKORYUK
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- OSCARVILLE
- TOKSOOK BAY
- TULUKSAK
- TULUTULIAK
- TUNUNAK
- CAPE ROMANZOF
- HOOPER BAY

2nd Vice-  
PRESIDENT  
A.V.C.P., INC.  
KUSKOKWIM - YUKON

- AKIACHAK
- AKIAK
- ALAKANUK
- ANDREAFSKY
- ANIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- CHEVAK
- CROOKED CREEK
- E EK
- EMMONAK
- GEORGETOWN (K)
- GOODNEWS BAY
- HAMILTON
- HOLITNA
- HOOPER BAY
- KASIGLOOK
- KIPNUK
- KONGIGANAK
- KOTLIK
- KWETHLUK
- KWIGILLINGOK
- LIME VILLAGE
- LOWER KALSKAG
- FORTUNA LEDGE  
(MARSHALL)
- MEKORYUK
- MOUNTAIN VILLAGE
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUNAFITCHUK
- OHOGAMIUT
- OSCARVILLE
- PILOT STATION
- PITKAS POINT
- PLATINUM
- RUSSION MISSION (K)
- RUSSION MISSION (Y)
- RED DEVIL
- SCAMMON BAY
- SHELDON'S POINT
- SLEETMUTE
- ST. MARY'S
- STONY RIVER
- TOKSOOK BAY
- TULUKSAK
- TULUTULIAK
- TUNUNAK
- UPPER KALBKAG

The aim of HB 411 is to bring justice closer to home, to stop transporting defendants and stop the confusion of record keeping between the Bethel area, Nome, Fairbanks, and Anchorage. The Yukon Kuskokwim does not want to remain a service district to Anchorage, but wants to create and maintain its own unified court system. With all of Alaska's history and tradition, the state, being equal in size to many other states combined, any wonder, in the process of development, new districts with greater powers of self-determination emerge. The effort by the Alaska Court System to alleviate the Yukon Kuskokwim judicial problems by making Bethel a service district to the Third Judicial District, centered in Anchorage, must be considered a temporary move toward establishing Bethel's own unified court system within its own district.

The area south of St. Michaels, which is presently located in the Second Judicial District, already looks to Bethel for judicial services, rather than Nome, because of geographic proximity. From a cultural and linguistic standpoint, these villages are part of Bethel, rather than related to Nome and the land of the Inupiak. Why retain Yukon Kuskokwim as an administrative exten-

sion of Fairbanks, or Anchorage when the de-facto recognition makes Bethel the center. The Fifth Judicial District will formalize a system that is already accepted.

The importance of confirmation election of a judge must not be underestimated. An elected judge must consider local cultural needs, as the local people, through an election, approve or disapprove the appointment of this judicial officer. This process stops law from becoming "de-humanized." Presently, a judge in Bethel is confirmed by local officials included in the Fairbanks election district. Judges do not campaign to be elected. A judicial council consisting of three lay members, three attorneys, and one judge, that represents the court system, receives applications, and recommends nomination of two or more applicants to the Governor. The sole function of this council is to evaluate applications. From the nominated applicants, the Governor appoints a judge. This appointment lasts for three years. The appointed judge then faces a confirmation election. The public does not choose a judge in a contested election, but the public does have the opportunity to confirm or reject the appointment.

Studies have been and are being made on the problems of "bush justice." These studies aimed towards dispute and conflict resolution should have been made ten years ago. We are moving forward, not backward. With the passage of Alaska Native Land Claims Settlement Act, changes are occurring too fast to set up arbitration boards to interpret law, case by case, between the traditional village councils and the system of the court. The Native villages must

accept the western concept by virtue and nature of the Alaska Native Land Claims Settlement Act; the land recording activity will be a major process of the court. Land becoming a commodity, a viable marketable item, will create a need for dispute resolution of traditional rights versus those granted by the Alaska Native Land Claims Settlement Act, into the realm of Anglo-Saxon law. Developing economic and commercial activity will require instrument recording for secured loans, conditional sales contracts, chattel mortgages, and corporate charters recorded as businesses are established. Individual lease activity, oil, and industry-related mineral leases will greatly increase court and legal activity in the Fifth Judicial District. These records must be available for use to the people concerned.

The Federal State Land Use Planning Commission, in its projections, predicts a four-fold increase in land record filing alone.

The enrollment has formalized family relationships, which means inheritance estates, birth, death, and adoption will become court-related activity of the district. No more will a son, father or grandson be able to assume property ownership of a deceased relative or friend. This will all become legal activity within the decedent's estate. For judicial purposes in managing economic and social affairs, establishing a Fifth Judicial District will enable the 50 villages in the Bethel area to better serve and respond to the needs and purposes of its inhabitants.

The district also needs the development of just and enforceable municipal ordinances which are compatible and understood throughout the region, which will continue to promote unification, on the road to self-determination. Functioning on an established judicial district, a comprehensive

program can be developed for criminal and civil justice. Law enforcement for the region and villages in developing procedures and facilities to qualify and secure funds from the U.S. Department of Justice, is imperative to the development of the region. De-toxification centers, community based counseling, and probation services, medical evacuation facilities, a search and rescue group, are only a few related activities of a new judicial district. Organizing a regional police force is imperative to replace the scattered, isolated, and presently non-existent police force. This can become a reality in planning for law enforcement activity. Presently, law enforcement in many villages, is on a voluntary basis. Consideration can be made to re-define the role of the Alaskan State Troopers within the region to begin development of district enforcement capability. Federal and State funds can be sought to train Native people to become more capable agents and administrators of law enforcement and related services. A future borough status should be considered for development of regional land-use plans to establish zoning strategies in determining and representing land related issues.

The Fifth Judicial District would help create area-wide power, instrumental in receiving a better break in the Federal Revenue Sharing Program. The Yukon Kuskokwim areas absolutely need to become the State of Alaska's Fifth Judicial District.

# TELEGRAM

**NCA ALASKA COMMUNICATIONS, INC.**

**PHONE: 586-6440**

**JUNEAU, ALASKA 99801**

**18008 POM NOME ALASKA 02-13 330P BDT**

**PMS REP PHILLIP GUY**

**JUNEAU**

**BT**

**WE SUPPORT AND URGE PASSAGE OF HB 411 ALSO HB 232**

**NORTHWESTERN ALASKA CHAMBER OF COMMERCE.**

**1974 FEB 13 PM 6 42**

**KENAI PENINSULA BAR ASSOCIATION**

P. O. BOX 397

KENAI, ALASKA 99611

TELEPHONE 283-7564

8 February 1974

Representative Clem Tillion  
Chairman, Judiciary Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska

Re: House Bill 411 -- establishing a Fifth Judicial District

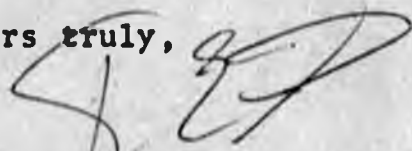
Dear Chairman Tillion:

It is my understanding that the House of Representatives is considering Legislation proposing the establishment of a Fifth Judicial District which would generally include the Kuskokwim-Yukon Valley to Barrow including all of the Seward Peninsula and Bristol Bay.

This Association is sensitive to the need for judicial services for all of Alaska's people. It is our observation that designation of a judicial district implements the philosophy of bringing judicial services to the people where they live. This makes the system serve the people more closely rather than the reverse situation.

From my general experience, I would urge the passage of House Bill 411 in its present form, or as it might be changed to best meet the needs and desires of those anxious to secure passage of this legislation.

Yours truly,

  
JAMES E. FISHER  
President

cc: Representative Phillip Guy  
cc: Kenai Peninsula Legislative Delegation:

Representative Hugh Malone  
Representative Keith W. Specking  
Senator Jalmar M. Kerttula  
Senator W.I. "Bob" Palmer



Superior Court

State of Alaska

SECOND JUDICIAL DISTRICT

FEDERAL BUILDING

NOME, ALASKA

99762

WILLIAM H. SANDERS, PRESIDING JUDGE

February 7, 1974

Rep. Phillip Guy  
House of Representatives  
Pouch V  
Juneau, Alaska 99801

Re: House Bill No. 411

Dear Rep. Guy:

I wish to thank you for the opportunity of expressing my opinion regarding House Bill No. 411. After speaking with you on the telephone I checked and reviewed House Bill 411, 232, 231 and Senate Bill 148.

I find that House Bill 232 has passed the House and is now in the Senate Judiciary Committee.

From our standpoint in the north and west, I would approve House Bill 411 and House Bill 232. Would suggest that you include the changes the House passed in House Bill 232 into House Bill 411.

The opinions expressed in this letter are my own and do not represent the opinion of the Alaska Court System or the Supreme Court.

Sincerely yours,

William H. Sanders

WHS:dw

P.S.: The people of this area would in all probability object to any amendments to House Bill 411 except as to those changes already passed the House in House Bill 232.

cc: The Honorable Jay A. Rabinowitz  
Arthur H. Snowden, II