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ANCHORAGE
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 19, 1985

Present: Representative John Binkley, Chairman
Senator Edna DeVries
Senator Vic Fischer
Representative Katie Hurley
Representative John Sund
Laurie Otto, legal counsel

Rep.
Binkley: I'd like introduce the Joint Special Committee on Local Option Laws. Here today is Senator Edna DeVries from the Wasilla area. I'm Representative John Binkley. There's several other members on the committee who aren't here yet, and they'll probably be joining us as we get started on this process. This committee was enacted by the Legislature in this last session for two purposes. One is to go out and take testimony on the local option laws, to find out to what extent those local option laws which were enacted in 1980 are working, which ones are not working, what some of the problems associated with them are, and in general to gather testimony on the extent of the alcohol problem in Alaska. So if we could, in the testimony that we're gathering today, cover those two different areas. One, specifically on the local option laws and second, more general in nature, as to some of the problems that are related to alcohol and alcohol abuse. I think we'll go ahead and begin since our time is limited here today. I might introduce our legal counsel, Laurie Otto, who is with us also today.

Otto: I think that Tom Lonner and Steve Edwards are going to be testifying first. They have done, as you know, extensive research into the local option law and looked at exactly some of the questions that the committee is most interested in. They will be speaking first about the work that they have done this year and in the past, and then we will go down the list of people who have signed up. There is a

sign up sheet, so if anybody is not on the list yet, and want to sign up, feel free to do so. I think that would be the best way to proceed.

Tom
Lonner:

Mr. Chairman, Senator DeVries, it's a pleasure being here today. My name is Tom Lonner, I'm with the Center for Alcohol Addiction Studies, University of Alaska, Anchorage. My associate is Dr. Steven Edwards from the School of Justice, also at the University of Alaska, Anchorage. Approximately five years ago, not long after the passage of the State's local option law, I approached the Legislature with a one-page proposal, those were possible in those days, to study the implications of the implementation of the State's local option law. It seemed to me that it would be inappropriate for too much time to pass from the passage of the law to just wait four or five years and find out what actually had occurred. Through the good offices of Senator Ferguson, we received legislative funding for that study. It's resulted in this particular product, called "Village Alcohol Control and the Local Option Law" authored by myself and Associate Kenneth Duff and Fred Wemark from NANA region was one of our principal research associates at the time. The study was done in the NANA region, in the Y-K and also in the ?Kutchin? area of the State. That report got a fair amount of play because good sections of it dealt with the problems of enforcement, both the legal problems of enforcement, and the problems of the cost of enforcement of the local option law. I'm not sure what the fiscal note was that accompanied the local option law, but whatever it was, it was too small. The costs of enforcement were quite heavy, and I think in some ways were not paid and there have been serious gaps in the enforcement of the law.

Nonetheless, people found this particular study of some use. It was a qualitative study. We relied heavily on interviews with a wide variety of agency personnel, of local officials, and of residents in the State, to find out what actually had occurred in specific and regional hubs. We followed that study with another that was funded also by the Legislature, I believe, which was an attempt to quantify some of the concerns and some of the interests we had, to see what in fact had occurred. Was there less violence? Were there fewer suicides? Were there other changes in mental health, health, alcoholism and public safety issues, accidents and those sorts of things. And we found that by using the State's and the Federal government's Statewide data-collecting mechanisms, we were not able to answer those questions. The numbers that we're dealing with are so small, we couldn't go out and quantify the changes

that were used specifically for local option. The following year we had the opportunity at the University, through the School of Justice, the Justice Center, to respond to a request for proposals by the State Office on Alcoholism and Drug Abuse, which asked us to do a feasibility study on the effects of the local option law. That is, to do a preliminary study of changes up through 1985, and see what further studies needed to be accomplished. And that resulted in this report which is out essentially now, called "A Feasibility Study on the Effects of the Local Option Law on Local Communities", which Steve and I did together. Also relying somewhat heavily on the experiences of Dr. Steven Conn. I don't believe Steve is here yet, but he was hoping to have an opportunity to also speak to the committee on this subject. Steve being a specialist on bush justice matters and local adjudication.

What I'd like to do, I don't have a plan of attack. I over-write, as you can see, and Steve and I, when we get together, write even more. But we had a series of messages that we thought needed to be conveyed to you and I'll just try to relay those to you as best I can without reference to each specific documents. I know that Laurie has some items that she would like to highlight, and we'd be glad to respond to questions anytime.

Where I'd like to begin is sort of at the beginning. In the beginning, before the State, there were alcohol problems in the communities and villages that we're concerned about, the small communities and the regional hubs of the Territory at the time. The federal government was very actively involved in attempting to, from time to time, curtail the amount of alcohol that was available in the communities, or to curtail alcohol entirely. The revenue cutters, the federal commissioners and so on, put a great deal of emphasis on the banning of alcohol. And very strict control of alcohol. The local communities in the main desired to have those kinds of controls. They felt that those controls were very important and they looked forward to the visits of the commissioner and the revenue cutters and of other federal agents to really curtail the use of alcohol in the communities. In 1959, with Statehood, those controls were lost. Essentially under the new State constitution and the new State regime, the intent of the State was not to have these special controls in native Alaska in particular, nor to use the same kinds of mechanisms for control that had existed before. As a consequence, the communities were thrown on their own. And I believe Stephen Conn in his papers that I believe the committee has, has reflected very heavily on meetings that were held in

Bethel in 1960, if I remember correctly. Wherever the former federal commissioner and the new State officials got together with the local community members and officials and regional officials and they had a thorough discussion of how many of the controls had been lost, the State officials were very sympathetic with the community's needs and desires for alcohol control, and essentially were sympathetic with any mechanisms that those communities could use, as long as they didn't violate State law, or as long as the State did not become aware of those actions. Essentially they were encouraging somewhat less legitimate activity on the part of community members to do whatever they felt was necessary to control the problem. That kind of tepid support for the communities didn't work altogether very well and the problems of alcohol have simply increased in the State along with economic growth, the increase in disposable income, and the simple availability of alcohol as transportation costs declined and alcohol became more readily available. Skipping along, in the late 1970's or mid 1970's the Legislature became quite interested in this subject through a lot of different forces at work. I believe in 1976 a legislative package was prepared by the administration, I think stemming largely from the work of the State Office of Alcoholism and Drug Abuse. A whole series of potential pieces of legislation that could be accomplished at once, including excise taxes and other mechanisms which George McDowell and others here are more familiar with than I am. The local option law was one of those. The concept of local option went through two sets of hearings, one set conducted by Senator Mike Cletta, another one by Representative Russ Meekins. A number of villages were visited, not for very extensive periods of time in any one community, but a great deal of testimony was gathered. And the testimony bespoke the tremendous need that village Alaska and small community Alaska felt in regard to control of alcohol. They needed help. They desperately needed help. And they needed help principally not because of alcohol but because of what alcohol created. Which is an inordinate amount of death and injury to community members. These are small communities, essentially extended families. The people who were dying of alcohol or being quite disabled by alcohol were the younger generations, which meant that the future of the culture was seriously in doubt. So it was both a grave public health problem as well as a grave threat to the future of these communities as distinct cultures. All that was known to the legislature at the time, a great deal of work was done within the

administration and within the legislature to devise the local option law. Understanding that the local option law was not written by Native people. It was not written by villagers. Villagers provided a great deal of testimony, and then other people went out and wrote the law and gave it back to the communities. Which is the way legislation works. I learned a great deal about civics in watching this process on how laws were written. A good deal of that legislation that was proposed back in the late seventies failed. It was very complex legislation. A lot of powerful interest groups were struggling with one another, but the local option law passed. And it was immediately greeted Statewide with a great deal of interest. Communities, having heard that the local option law had passed, immediately went out and adopted one, even though there was a whole series of procedures they needed to go through in terms of electoral processes. A whole series of their actions were considered illegitimate and they had to go back and re-do them at a later date. The State Office on Alcoholism and Drug Abuse funded Carol Backe, who was Alaska Legal Services Attorney, to essentially go to those communities in the State that had expressed an interest in local option, and simply inform them about what the actual nature of that law was, its restrictions, limitations and so on. And she became the resident expert on this stage of implementation, visiting and providing advice to probably over one hundred communities in the State. She's now, by the way, the coordinator of the State's magistrate program and I suggest that sometime you talk to her about her experiences in implementation. That may have some utility here in terms of what people understand. The implementation period was a very cloudy area. People thought that they simply could vote dry. They thought they were voting for no alcohol in the community. They thought that by passing these laws they could do that. Because in the past they had done that. In the past communities had mis-used a particular portion of State statute which allowed small communities, or communities, to vote emergency ordinances. Emergency ordinances are usually used to abate nuisances for thirty, sixty, ninety days. A dock is rotting and you don't want anyone out on that, you pass an emergency ordinance, "no one shall step on this dock" and the community has solved its problem. Well, communities passed emergency ordinances in the past saying, "For the next ninety days there shall be no alcohol in this community. And from time to time they managed to accomplish that. Because they actually believed they had the power. When the local option law passed, the community discovered that in fact, while they may

have had that power in the past, now immediately they no longer had that power. The State's local option law superseded the power of communities, particularly those communities, unincorporated and incorporated, from passing emergency ordinances dealing with alcohol. It was no longer in their power to do so. The local option law was the procedure for controlling alcohol.

Another change that took place is that communities, up to that point, had not passed legislation governing themselves. Essentially what they had done is they had elected councils and the councils made the decisions for the community. This State law required the communities no longer to turn to their representatives to pass a law, but that the entire community vote on the passage of actions this complicated and this profound. I think that's tended to erode somewhat the centralized authority of the city council or the village council or traditional council, whatever the governing body was. And that has eroded some of the authority. Communities have tremendous expectations for this. Particularly and only option number four. For all practical purposes, at least in village Alaska, there is only one option, and that is option number four, which is banning the sale and importation of alcohol. By which they meant "dry". And they talk about it in terms of dry and wet. They thought that the law was going to be self-executing. Simply by passing the law it would happen. That didn't occur. The elections were fraught with a variety of complications, both procedural and political within each community. Those communities that had exercised the most consistent and continuous traditional authority for long periods of time felt they had little need of the law. Many of them didn't even address the law. Particularly some from your own area. They just felt, we have control over this anyway. We'll just use our traditional authority. We don't have to worry about the authority of the State, which is external to us, as the federal law was external. Other communities couldn't get themselves organized to hold local option law elections. They were so disabled by alcohol or internal strife that there was no way they could get themselves together to do that. Those communities are scattered around the State and I'm sure you're familiar with many of them. They're troubled places. The communities that seem to be taking advantage of the local option law were those that wanted to become better, or were in the process of becoming better for some reason or other. They began to take action on their own behalf. Not only because of the local option law, but in other efforts in conjunction with the local option law. I remember

at the same time the local option law was coming into place, VPSOs were beginning to appear throughout the State in large numbers. So self-policing and new law-making powers were occurring at roughly the same time. And communities were beginning to feel their own internal strength. Many of them thought that with a self-executing law and with village public safety officers, their problems with alcohol would finally be contained.

Unfortunately, VPSOs found themselves crippled by this particular problem in many instances. If they had any personal problems, those personal problems were likely to be around alcohol. If their families, who they had to police, had any problems, it was likely to be around alcohol problems that they had difficulty in dealing with. The law itself was complicated. The evidentiary standards of the State were complex. Troopers were not in a position to give a tremendous amount of support. District attorneys didn't know exactly what they were going to do under the local option, and the courts were undecided as to how they were going to handle their first cases that came through. The local option enforcement was never the number one priority of the Alaska State Troopers, nor should it have been, I assume. But they were spread far too thin to offer much support. As a consequence enforcement looked very weak to everyone, and in fact I think it's proved to be consistently the case. I'm not sure whether enforcement has eroded over time, but I don't think it has improved. District attorneys are requiring, because of bad experiences they have had with the courts, have been requiring better evidentiary base. They pass that down to the Troopers, who are requiring VPSOs to provide a better evidentiary base. It's very difficult for them to build a case. In essence the local option law criminalized what had been a social problem, a social, medical, health problem. By the time it got through the courts, the courts were sending people not to jail, but into treatment. So they were medicalizing the problem that had just become criminalized. You don't have a lot of people serving time in jail for violations of local option. There are people who serve time for bootlegging and other offenses, but those are not prohibited under the local option. Those laws were already on the books. So enforcement has been seen as a major problem and I think the communities felt that somehow the State didn't do right by them. They passed a law saying the State was going to be the principal threat, and the State followed through not very often. The people who learned most about the law were not the people who spent the time putting together local

option law elections, but people who were arrested for violations of local option. They learned about the law in a hurry. And they learned about all the other laws that surround the local option law: all about due process and the handling of evidence, and so on. They became real students of how to avoid the implications of the local option law. And quite often the story is, people being arrested, going to the hub, the witnesses going to the hub, and the perpetrator, or the offender, or the accused getting back even faster than the witnesses did from the hub communities when they stood trial, if they stood trial at all. So there were a series of problems with local option, but also a series of successes. And that's the part that we have a difficult time understanding as social scientists, though we have spent a lot of time trying to figure out what actually occurred. Communities became very attached to their local option law. There were some communities like Selawik and others which had major political conflicts and had rescinded the law, re-enacted it, rescinded it and re-enacted it. But in most communities the local option laws that they adopted in 1980, 1981, 1982 are still in place. Communities are proud of those local options. They intend for them to be enforced somehow. They feel that their communities are better off, and they can provide us with information as to how their communities are better off. A decline in certain forms of violence. A decline in public drunkenness. A decline in the number of bottles one sees outside of homes and residences. A whole series of events that they perceive as having incurred because of their local option law. So they, while unhappy with the lack of enforcement, still find that behaviors are changed. And it was behaviors they were interested in. They weren't as concerned about alcohol as they were about those deadly behaviors. When they saw those deadly and destructive behaviors declining, they felt that their local option law was working for them.

Steven
Edwards:

Injuries too. You might mention injuries have declined. Public Health aides made a big note, at least in this latter study, that injuries were down from the time of before. In fact we have one caveat of one village where we said "How do you know it's declined?" She said "I know it's declined. I'm using less gauze." And we said "How much gauze?" because we have to ask that question.

Lonner:

The problem that the community's encountered that I guess is of greatest concern to you is the question of, the community's concerned that no matter what

they do there's still alcohol in the community. Not only from home brew, which this State law does not affect. But also somehow people are still getting commercial alcohol, retail alcohol, in. We haven't found very many instances of wholesale bootlegging going on. But there is a tremendous amount of bootlegging going on. Bootlegging in the sense that people go into town and they buy bottles for themselves and for their friends. They're essentially marketing for their friends and they come back to their home communities, pass that invisible five-mile perimeter around the community, and have the alcohol inside, and they clearly are in the process of bootlegging. The problem is that once the alcohol is inside the community, there isn't very much that anybody can do about it. The ban is on the sale and importation of alcohol. Once it's successfully imported, it's very difficult to establish a chain back outside, to use possession of alcohol as prima facie evidence that the alcohol was illegally imported. They have no really good handle for that. Cases are not made on that process. And so communities have turned more and more to the notion that perhaps what is needed is a ban on the possession of alcohol. It's a lot easier for law enforcement personnel, VPSOs, State Troopers and everyone else, to establish a long chain of events and a short chain of events that's necessary for a conviction, if the substance is actually banned, no matter where it is, within that five mile perimeter of the community. There are two processes then that occur. And it's been the most serious matter I think confronting this committee. Number one, my firm belief is, as a student of Alaska Native communities, and community life, that if villages ask for something they ask for it with a great deal of seriousness.

Rep.

Binkley:

I'd like to recognize Representative Hurley, who's just joined us, for the record.

Lonner:

The serious matter for communities is that, communities would like to see alcohol not present at all. A ban on possession helps them a great deal. If the ban on possession is seriously enforced by external law enforcement agents, which include Troopers, Village Public Safety Officers, who work both for the State as well as working for the local community. And by district attorneys and by courts and so on. If it's heavily enforced it will probably work and the absence of alcohol will mean a great deal to them in their community life. You know and I know that a ban on possession will be violated tremendously. Serious enforcement will mean a lot of

people in jail. It will mean a lot of people with criminal records. Since the people who will most likely be arrested will be young people and particularly young men, they will not be able to get into the National Guard, they will have more difficulty attaining employment with a criminal record. And the communities are really concerned. They don't want to damage their people at the same time they're saving them, the very same people. They need something else. Thus far the State law has operated in the form that the law and the power and the authority of the law resided outside the community. Communities would prefer that power and authority reside within the community, so that they can handle what is going on. They can control people's behaviors, and control the amount of alcohol without necessarily having this extraordinary penalty of jail time and a criminal record. That's the hazard that I see at least. Steve and I have talked about it at some length. We've written about it only briefly in our report. But we're very concerned about the process of creating such a hazardous road. I think one thing that would happen, if in fact you put in a fifth option, and that was a ban on possession, and it had severe criminal penalties, and the State also indicated that it was going to seriously enforce that, I think that very communities would actually be able to adopt such an option. And if they did they would have to rescind it as soon as one of their council members in particular,, or two of their council members, or one of their deacons was caught, arrested, tried and jailed on those grounds. It seems to me that the communities that are powerful enough to organize themselves to ban the possession of alcohol entirely are those communities that don't need such a ban because they have the internal where-withal, using their own processes, whether those processes are what they consider to be tribal government or whether it's just the way they organize themselves to deal with problems over a long period of time. They already have the ability to do that in communities like Arctic Village for one, which has its own set of special controls. I think that's where we are now with these.

There's a whole series of issues dealing with control mechanisms and things the communities desired. Communities desired a whole lot of things when the hearings were held originally. And they still do. Some communities would like to be able to turn alcohol off and on, through an emergency ordinance or through simply the power of the council. When the fishing fleet was in, turn it off. When it was good festival time, turn it on. When strangers were gone, turn the alcohol back on when it was less

of a problem and things were more normal. When there was less money, you could turn the spigot back off. Other communities wanted to be able to control the amount of alcohol that any one person could buy, limited to, you can import a fifth of distilled spirits or a case of beer at a time and no more. Or you could possess only that amount. And they have whole ranges of options that they thought suited them. Now obviously the State can't write such a complex law that would allow seventy-five different options essentially. Or one hundred and fifty, one for each community that would like to have such an option. Nonetheless they asked for a great deal more latitude than they received here in the first four options. If you can in fact provide them with additional controls that do two things. One is increase their ability to control alcohol, and two, not cause any further potential damage to their residents through the penalty process or through the adjudication process. I think both of us would be really supportive of such legislation.

Steve
Edwards:

I think there's another point here. One of the things that struck me about our looking into this whole issue is that the amount of home brew that now is starting to surface. It's one thing to put commercial controls out there and to create an orderly community through this legislative process. But there aren't controls to deal with the home brew. And the toxicity of that, it has the same debilitating effects to the community, but the toxic effects to that individual or individuals over a long period of time seems to me to be far greater than what maybe a legislation for total possession would do for that particular community. Certainly betwixt by the problem here, of what to do with it. You certainly want to give people some latitude, as Tom was talking about, to turn things on and off. At the same time I think to move away from the toxic levels of home brew or that process that goes on. Not to push them in that direction. More strident enforcement is I guess one of the fears that Tom and I both have talked about at great length. The more you start screwing down on people through the legal process, and put, I think, the representative of law enforcement, the VPSO or the Trooper in that position. Where villagers, and there will be significant individuals that will call for that kind of activity, it seems to do nothing more than to just heighten and exacerbate an already complex situation. And we certainly don't have any answers as to how to address that. That's just sort of our gut feeling of going through this process of how to deal with it, at the same time having a feel for the community to take

care of its order issues. And I don't think we've come to resolution, at least among ourselves, about that.

Lonner: If the communities had the power, the authority, to exercise control directly over the behaviors that they found most dangerous, which in many cases were drunken behaviors: drunken driving, assault, violence and so on, very difficult issues for small communities, they probably would not need a local option law. We're using the local option law as a vehicle to alter behaviors that are only partially related to alcohol. They really are concerned with the issues of violence, injury, homicide, suicide, assault and so on. And with the removal of drunk in public kinds of legislation and so on, they simply don't have any other tools. So they're using any tools the State provides for them to control those behaviors that they find most dangerous.

Rep.
Binkley: One thing you mentioned, Tom, is that if we were to institute a fifth option that dealt with possession, if that were a criminal offense, that you didn't think that communities would embrace that. If it were simply a civil offense, and we talked about this somewhat on the committee, and that would be something along the lines of an ordinance that the local community could enact, that would deal with possession in the sense that it would simply be a process of a fine for possessing alcohol and a forfeiture of the alcohol. Do you think then communities might embrace that?

Lonner: I think they would embrace it a great deal. I think a couple of things operate here. One is that, whether we like it or not, in a municipality the size of Anchorage, or a village as small as the smallest village in Alaska, law enforcement is a kind of a selective process. We don't look at everyone in exactly the same way. Communities would like to have some mechanism for controlling the behavior of those people who engage in the most obnoxious behaviors, obnoxious in this case meaning dangerous. If they had a mechanism to do that without losing the person to the community, without having to exile them through a jail process, unless they chose to exile them. Giving those kinds of mechanisms, giving them serious fines. Serious fines in the community can be two weeks or three weeks or four weeks worth of work, day in and day out for the village council, chopping wood for the village council house. That reasserts to the individual and to the community itself that it has controls over its own internal operations. If it has to rely on external agencies, it tells those

communities they are not in control. And frankly, telling communities they are not in control is what we've all been about here in the last few decades and I think it's been very damaging to communities. Telling them that they are in control and showing them how they are in control, and the State is sort of a distant back-up in case people don't believe, that might be very very effective in solving not just those immediate alcohol and behavior problems, but some other long-range serious morale problems in modern villages.

Edwards:

It's also an issue of response. If you have to wait to take a person to the hub center to adjudicate them, whatever you have, that communicates certain messages to violators. It's that education process that Tom talked about earlier. That's a wonderful opportunity for people to get the free trip in and back and so forth and to understand all these things that go on. And to some degree people become folk heroes through that whole effort. But at the local level where the response was fairly quick and swift and you know you're not going to go anywhere, it's a different message that is communicated to those that are there. And I think that is important. I think your criteria are quite correct. By removing the criminal aspect of it by creating some kind of fine or a penalty, having the adjudication and fining as a local event, locally enforced, combination of peer pressure plus the formal structures of magistrate system or whatever else you anticipate as being the entity that does this I think that you really do begin to alter people's attitudes about what the community will and will not live with. And each community will be somewhat different. I think the problem will occur in those communities where a resident, either a native or non-native, denies the authority of the community to impose the fine. I don't know how you deal with that issue because we have a mixture of governmental forms of villages. We have village traditional councils, we have incorporated communities in others. And in some cases it is those people who are most marginal to the authority of the community anyway will be the first ones to violate that prohibition and will be the first ones to say I dare you to impose this fine. Of course they're doing this in the criminal justice system anyway. And finding out that they can beat that system relatively readily. The question is, what can you provide to those communities to assure them that all people that live within that five-mile perimeter obey the ban on sales, importation and possession. And really obey it, no matter who they are. And I don't know what mechanisms we can

recommend, but I think that's the only serious obstacle that I see is a uniform application of that particular ban to everyone who lives within the boundaries of that community.

Senator
Fischer:

Tom, you mentioned and you keep talking about the role of the community itself. We had testimony to that effect in a couple of villages also and it is a very attractive approach of course. To what extent has your study shown that this kind of community enforcement, community discipline has been applied to this issue of importation and sale?

Lonner:

The only clear example that I know that has a long-term effect, a long-term consequence, and does not derive from the local option laws, are the communities within the Native Village of Unatai? Inc. That tribal government corporation has a ban on alcohol. My own experiences in Arctic Village in early 1981, I remember arriving there, having been forewarned that there was a trespass license to arrive on those lands. We arrived on those lands, were greeted by somebody, had to fill out a license, had to pay ten dollars, had to promise not to hunt, fish or build and not import alcohol. They examined our baggage and then we were free to go. They did it themselves. They simply asserted their authority to do that and by consistently asserting that authority they proved to themselves over time that they could do it and no one that I know of has successfully challenged their right or their ability to pull off that kind of community control.

Senator
Fischer:

Are they completely dry?

Lonner:

No. No community is completely dry. I'm not exactly sure that they ever intended to be completely dry. What they wanted to do was to control behaviors. Trying to sever the relationship between alcohol and dangerous behaviors is the critical ingredient there as opposed to just the amount of alcohol that was available. They go through an ebb and flow of problems as any other communities do, as we do here in Anchorage. The intent is to begin to alter the other behaviors. People privatize their behaviors. We found, oddly enough, and we found it in different regions, there's no indication of any serious decline in the amount of alcohol that is sold for purchase in any one region. But we found that the behaviors become less public behaviors. People are drinking in their own homes. They're not sharing alcohol as readily. They're not having large parties. They are essentially becoming more circumspect in their

behaviors. That's exactly what the community would want them to do. It's the random gunfire, it's the violence with large parties with unlimited amounts of alcohol, that have created most of the hazards. So what the communities are finding is altered behaviors without necessarily a very great decline in the amount of alcohol that's actually consumed.

Senator
Fischer:

Just a follow-up. To what extent, if any, are there examples of communities that have adopted the option of prohibiting the importation of liquor, and the sale of course. To what extent is there community involvement in community disciplining in those situations?

Lonner:

There are communities, and I hesitate to name them here because we didn't name them in our reports. But there are communities throughout the State where the communities have in fact taken additional steps to those that are provided for them under the law to enforce their own law. One community I know of, which is a highway community, has actually thrown up a roadblock. They put two posts in the ground and a chain across and when people come they simply stop them and they ask them to open up. And they violate constitutional provisions by their asserting that in fact they can control this problem. Almost every community that we've dealt with has indicated to us that their communities are better off. They have indicators that their communities are better off. Their children are coming to school awake, dressed, and having had a hot meal. Which you can't do if you're babysitting drunken parents all night. We've had indications of reduced numbers of accidental drownings, and an export of certain behaviors to the hubs. By definition in a system, as the villagers get better and export some of their problem behaviors, they export them to the hubs, large regional hubs and communities like Anchorage and Fairbanks, which are probably better set up to handle those kinds of problems. So they find, by definition, that they are better off. Perhaps the most winning of all of the indicators that we've found is the fact that this isn't the only vehicle that the communities now use to prevent problems on alcoholism and drug abuse. We find that local option, while it's still maybe the centerpiece, or in the foreground of their actions to deal with alcohol, have turned to a variety of other means, some of them supported by the State in terms of elders' conferences, students' conferences, large community meetings dealing with alcohol, finding natural helpers and engaging in a lot of internal processing and a lot of different

strategies in a lot of different layers of the community, all operating in some form or another to control the alcohol problem. So we think that the local option law has potentiated that particular process and so in the whole armamentarium of tools that the communities use, this has just become one of many.

Senator
Fischer:

We've had some testimony from people in communities, including from VPSOs, that VPSOs have problems enforcing the existing law, because of their relationship to other members of the community.

Lonner:

It's intolerable for them. For many of them it is the only, I think our guess would be and also from talking to Troopers, is that the alcohol problems that some candidate VPSOs have or actual VPSOs have, or that their families have, is probably that factor which accounts for more of the turnover among VPSOs than any other single factor. Fred Wemark might give you a comment from the experience in NANA region. But it actually cripples their ability to function. If they are very tough on enforcement, they may lose the support of the council or of significant families. If they're very weak on enforcement they lose the support of their Troopers. And if they selectively enforce, then they're very political, and they run the risk of finally, at some point, alienating the wrong person. And therefore their jobs are at risk.

Senator
Fischer:

What does that tell us?

Lonner:

The way a VPSO can survive is if he has the unanimous and wholesale and visible support of the council. If the VPSO has to enter a situation in which alcohol is the main component by himself because he's been delegated public safety powers. And he's by himself, he'll never survive in that community. If (end of tape)...the unanimous consent of the community. Understanding that the only way that those communities actually govern themselves is by the consent of the governed. If somebody refuses to respond there isn't very much the VPSO or the community can do other than exiling that person or isolating them within that community. It's a serious social control problem. But the VPSOs are extraordinarily high risk. If you think about the VPSOs, think about them at the bottom of an inverted pyramid. They've got all this weight of expectations, from the council, from their families, from the Troopers, from the corporations that hire them, everyone coming down on this single person saying "You are now responsible for the two hundred

souls in this community in terms of fire safety, water safety and public safety and law enforcement. Impossible without much more support than they're getting right now. I think there have been various proposals before both houses of the Legislature dealing with either cutting back on VPSOs or increasing support for VPSOs. My suggestion would always be to increase the support to VPSOs. I think they're important elements. It's a long wash-out system for this experimental program to work, but I think that if you had a local option law and no local enforcement officer, you'd cripple the law. If you had the public safety officer and no law, you cripple his ability to handle public safety problems. You need both of those in combination with a strong law itself.

Otto: I have a series of questions.

Lonner: May I answer them yes or no, Laurie?

Otto: You can answer them in short answers, yes. What benefit do you think there is to the communities by having a local option law as opposed to just saying the State is no longer going to limit the communities in what options they can have, the communities can pass whatever laws they want to regulate alcohol. In other words, have the State get out of the business of creating alcohol regulation and have it go back to the communities. The significance of that of course is that it would be violations only of city ordinances, not of State law.

Lonner: I think that the State has two things it can do. One is, the State can support whatever programs or changes are occurring in communities as they try and grapple with the alcohol problem. I think that's the function of the State office. Try and move with the communities, enhance whatever communities are doing for themselves. In terms of law, what the State has to be is a viable external threat, very sparingly used. There has to be a last resort for the villages when they find out that their authority is being challenged. That threat is very distant, but from time to time it has to be there. And so throwing communities on their own devices, actually creating a void where there now is at least an implied threat, would create serious hazards for those communities. You'd essentially be going backward to where we were in 1959 when the State told the communities they had no control. I think they'd essentially be saying the same thing. There is no control other than whatever you feel like developing for yourself. I don't think that's responsible

government.

Edwards: Laurie, one other thing. It seems to me that local option as a law, over the period of time it's been enacted, is working in many communities.

Otto: That was going to be my next question.

Edwards: Now, it's working, even though it may not be working to the perfect point everyone thought it might work. It still is an education process that is taking place over this long period of time. The question then becomes, how much do you want to disrupt that education process? Some go through incremental adjustments to make this work better. And I guess if you were thinking in the whole absolute position of letting the State get out, meaning it in absolute, I'm not so sure that that would throw things into a tailspin. Because I think the communities that we studied know it very well. And they've made adjustments. They've made it work for them. And now if you throw something at them that's orthogonal to what they've done, you're going to go back into a re-education process, you may be starting over at square one.

Lonner: One of the keys of that, if I may just finish that thought, is that many of the communities, having adopted a local option, still go ahead and adopt their own ordinances, which they think either alter the terms of the local option, or extend the terms of the local option, or do something else. Enhance it, right, make it better than what you provided for them. And so in fact they are using the State law as the basis upon which they try to build their own authority to make modifications to the terms of that local option, even though they have no legal basis for doing so. So they use that law in its implied power very very heavily.

Otto: So you would say then, in your opinion, both of you, that the communities are better off today than they were five years ago?

Lonner: I'm not sure they're better off. They're better off than they would have been if they had no local option. Some of those communities are still worse off than they were five years ago, because their problems have multiplied. The problems would have been even worse, without at least having the potential of the local option.

Otto: And then to carry it further, do you think that they would be better off still, or the disruption would be

slowed even further if an additional option of allowing them to ban possession, punishable by a civil fine, do you think that would improve?

Lonner: Yes. I think they would be better off and I think that they community would be well advised in that process that any time a community says it wants a particular tool to stop that problem, the committee can seriously consider whether that tool is in fact an appropriate tool for the State government to be granting to them. Because when communities say "We want to handle it, give us the mechanism", give them the handle if you possibly can.

Edwards: Some are working in that direction already within that slight adjustment. So it's not that quantum leap they have to go to and say "total banning". That mechanism is in place, and it's being called for.

Otto: You said earlier that you think a serious fine would be sufficient to deal with the problem. How about a fine in the area of one to two hundred dollars with a uniform bail schedule set by the Supreme Court where everybody has to pay the same amount?

Lonner: I would go back and ask the communities when you ask that question. To university professors, two hundred dollars is not a large amount of money. In the communities it could be quite serious, particularly families. I would think that providing a range of options for adjudication as opposed to a strict penalty might be better. You know, communities devise interesting techniques for punishing their members. It can be two weeks worth of work, it can be money. If someone has no money, let's say you have a person who's primarily a subsistence-dependent person. They work forty hours a week in subsistence. They don't have any wages but they're fully employed. What can you do to get them to remember that the community has certain authority over them? I'm not sure. I would ask that question directly in villages where you're visiting.

Edwards: My response to that: Two hundred dollars would be a lot of money in some of those communities. I guess I endorse what Tom says. It would be a question to propose to the community. "What's acceptable? What's acceptable in the penalty end?"

Otto: Do you think home brew should be included?

Lonner: I'm not sure that you can. You're the attorney, I'm not.

Otto: Ignoring the legal issues, do you think home brew should be included?

Lonner: Yes, I think home brew should be included.

Otto: And you touched on it briefly, and this is my final question, do you think that the State should re-think its approach to dealing with people who have drinking problems and recriminalize drunk in public. In other words deal with the behavior.

Lonner: Yes.

Otto: You think it should be recriminalized.

Lonner: Yes. I think that it's one of the few tools. And not only recriminalized, I think there are benefits to be gained by that. Having drunk tanks is a public safety feature. There are all kinds of legal questions and Constitutional questions involved with that, but the notion of controlling people's behavior and intervening before they become serious and life-threatening is the role of public safety in general. Now the combined schools that we deal with are essentially schools of social health and social justice and we think that social health is paramount in this regard. People need to have their lives and their property and their health maintained. Whatever tools we have available to do that would be worthwhile.

Edwards: If I could take the committee's time for just a bit on this. Having come from Boston a couple years ago and worked a lot in the inner-city areas, when decriminalization of public drunkenness hit, in my view and this is my view, it removed from police a mechanism to create social order in certain communities. Even though you may have arrested someone, there was that threat that they could be taken in, either for safety reasons or for social control reasons. It seems to me that when they lost that you started to pull the police away from what I term a professional model, you pulled them further into this model, to where they don't deal with those issues that can be debilitating to communities. If you see people that are drunk and disorderly in inner cities, that can be frightening to some people. So there has to be a mechanism to deal with it. We've lost that mechanism for police, at least in the inner cities, and I think if you extend it into the rural communities, it's helpful for them as well. Because it may be just an interim mechanism, but it's an important mechanism. If you think of how police

operated twenty, thirty years ago when they had that, there was social order that was controlled in certain communities. And it was done in a fair way and it was done in a responsible way and people understood that. It's like, certain police officers that I knew enforced a rule that said, "If you're going to drink out of your bottle in open public, it has to be in a bag." And they would follow that and it would be in a bag, it wouldn't be opened up. Or, I've walked with a number of patrol officers that don't allow people to lay down on a public bench. "If you're going to drink, you're going to be here, drink it out of your bottle and be upright, or I'm going to take you in." And those were the rules of the game. Those were important. Because it established to that community a social norm. And I think it's important. And we've taken that away. Police no longer have that mechanism to deal with it. It's somebody else that's here in Anchorage, somebody else comes around and sort of sweeps the streets.

Rep.
Hurley:

I'm sorry I missed the beginning of the testimony, but in many of the villages where we've been already, one of the concerns that I've picked up on is that, it seemed to me, that the VPSOs do not have really sufficient training, and they're being set up almost because they don't have enough training to handle the job. And I feel that I don't know if it's our responsibility, but I certainly would be interested in your comment on that.

Lonner:

The VPSOs get six weeks training. I would love to see more training for all police. They simply don't get it. I think that Lieutenant Godfrey would like to see more training for Troopers, and I think probably the Troopers would like to see more training for Troopers and VPSOs. It's a complicated job. For being a VPSO, and I'm very privileged to be able to see some of these individuals operate, it's one of the toughest jobs that I've ever seen done in policing. One individual in a small community. And I couldn't help but endorse further that to see them give more training to them.

Rep.
Hurley:

They're so dedicated and I had the feeling that they were really left sort of hanging there without somebody giving them additional training once they've had that initial, and they get out there and see what some of the problems are. Especially getting the search warrants and all the kinds of things that the higher ups expect them to be doing, and then they lose a case because they don't have.

Lonner:

They're involved in a situation of matrix management.

They have more than one boss. They have two, three, four bosses at a time. Trying to respond to all of that at the same time they have a wide range of tasks to perform and then they're working in their home communities with all the other complex familial and other politics, it puts them in a very difficult position. I think our concern is that they not become casualties also to the process. Somehow they have to be supported so they both help solve the problem and don't become casualties in turn.

Rep.

Hurley:

My other question is, do you think that there should be more Troopers closer by to give them assistance?

Lonner:

I think the closer the Trooper is to community life, the better off they are. The Troopers are viewed as extraordinarily powerful people by the villagers. And by the VPSOs. The closer the Trooper appears, the more safe the community feels.

Rep.

Binkley:

Any further questions? Tom and Steve, thank you very much.

Otto:

The next person is Cindy Scales, from the Alaska Council.

Cindy

Scales:

I'm Cindy Scales. I'm with the Alaska Council on Prevention of Alcohol and Drug Abuse. Today you're going to hear the facts about alcohol abuse and alcoholism in Alaska. But I want to talk about the children. And if I'm nervous it's because they're closest to my heart and what I feel. They have a problem. In Alaska at least one out of every four children in our classrooms have at least one alcoholic parent. The exact figures on the extent of this problem are in this hand-out I'll provide you all with. Including facts that in up to ninety percent of child abuse cases, alcohol is a significant factor. In my job as a prevention trainer, I travel to many rural areas. In fact over half of my working time is spent in villages. In some of those villages, I would guess that fifty to sixty percent of the children there are living with at least one alcoholic parent. Some would put that figure higher. They are the forgotten children. They spend their childhood under a cloud of chronic stress. This stress is comparable to the stress children in Beirut and Ireland live with. Children of alcoholics suffer the same as children of wars. Every day they start out for school hungry, afraid, lonely and tired. They're hungry because, while there may be food in the house, there's no one to fix it for them. They're afraid of what's going to happen while

they're gone, and they're afraid of what's going to happen when they come home. They're lonely because they have no one to talk to. This is a secret, what's going on in their homes. And they're tired because they've stayed up all night and watched mom and dad fight, taken care of little brothers and sisters and whatever it has taken them to get through the night. And that is how they start every school day. What will become of these children? Without help these children will become teenage pregnancy statistics, runaways, high school dropouts, some will amass criminal records or end up in poverty. Some will function with severe emotional disabilities and still be compulsive high achievers. Many will end up divorced. They will suffer anxiety and eating disorders, they will attempt to complete suicide, they are tomorrow's drunk drivers, child abusers and alcoholics.

How can we stop this? Right now ninety-five out of one hundred children of alcoholics will receive no professional help. They deserve that help. And it should include the following, which are also in my recommendations: A safe place in the community for children to go when home life is unbearable; Support groups in schools so transportation is not a problem for them; Special programs on alcohol and drug education and life skills for these children; and all adults caring for the COAs, be they physicians, police officers, nurses, preschool workers, teachers or neighbors, must be taught to identify and help these children of alcoholics. These children will not come to us for help. For you see they live by three simple rules. They don't trust you or me, they don't feel, and they don't talk, ever. These rules remain intact, even after the child is an adult. And that's what makes the end of my testimony so difficult for me. Two summers ago I sat down and wrote the story of what it was like to grow up with two alcoholic parents who died. It's a book and it will be published in February. It's been nominated for a Pulitzer Prize. And I called it Potato Chips for Breakfast because that's what I had to feed my little brother when he was a baby and I was only seven and my parents spent all their time drinking. Thank you. Any questions.

Rep.
Binkley:

Susan Susan, I have a quick question dealing with some of your experiences out in the communities. Do you think that, as far as a restriction on the access to alcohol in some of those rural communities, that that helps in the amount of alcohol that's consumed and, in turn, some of the impacts it causes on the children?

Scales: I will not comment on that question. I prefer to

have my supervisor, Carolyn Peter, speak to an official position on that. I would question, if you are going to put a fine, where will that revenue go?

Rep.

Binkley: Well, I guess that's one aspect that we haven't really dealt with. What would your suggestion be?

Scales: The children.

Rep.

Binkley: It could be, I guess, if it were a local ordinance that the community adopted, then those funds would at least stay within that community and maybe that community could decide then where the funds would go within that community.

Otto: Right. And one of the things that we've been talking about is leaving the options that exist as they are, violations of State law, which would provide the ultimate threat that Tom Lonner was talking about, and then allow communities to adopt different ordinances, a fifth option which would be banning possession, which would be a violation of municipal law, and it goes back to the municipal government.

Rep.

Binkley: Any other questions? Cindy, thank you very much. I look forward to reading your book. Carolyn.

Carolyn
Peter:

I'm Carolyn Peter, the Program Director at the Alaska Council on Prevention of Alcohol and Drug use. In response to the question you've just asked, I believe that the heart of that problem lies in the communities and the solutions also lie within those communities. I would really like to see a system set up, if it's not already, that would allow those communities to come up with some solutions. It's like working with young people. We often develop programs to throw at them. And some of them have their own solutions. And I think we need to spend more time listening to those solutions.

Rep.

Binkley: That's one thing we're attempting to do in our travels to all the villages, is to get input from the communities.

Peter:

I was asked to just give a brief thing on the "Here's Looking at You" program. Because it was one of the first prevention efforts funded in the State. And what happened was, there was an Alaska Statute, A.S. 47.37, that was amended in 1979 that stated that alcohol and other drug education material be developed for school age youth, kindergarten through

twelfth, and training be done. And that did happen. Hundreds of teachers have been trained. Thousands of youth have received the curriculum. Some of the problems that lie with that are the high turnover of teachers, tracking trained teachers, the way people move around the State, and I'm talking about the people within those communities too. So just finally this year, even though we've been working on it for a number of years, the Department of Education has agreed to work with us in somehow getting that on a computer of some sort, so that we can find out early in the year where the trained teachers are. It was a little bit frightening when we started out because we would hear "Here's Looking at You" used as kind of the end all, that this would take care of our alcohol abuse problems. And I just want to state that a school-based education is a tiny portion of what needs to happen, a very small part of what has to happen. We believe that the other problem that lies with the delivery is that, it was stated that these materials would be as developing teachers trained, and that goes on the assumption that once that happens, then it will be implemented. And yet there has been no directive that these will be taught. And we have a problem within the schools of Alaska that the whole area of health education is kind of the step-child in that it doesn't get, it's "we do that if we have time, we do that if we money", but it's not a high priority. And we've seen that starting to change through the years and we hope that that will be a change. But it becomes a real question in education, who's going to teach it, if there isn't a health curriculum within the school. And that varies from community to community and school district to school district also. The curriculum has continued to change. When it was first started it was an alcohol education curriculum, a three-week curriculum. And then it changed to a combined alcohol and other drug curriculum. And the third revision will be coming out in the fall. And that's taking those eight risk factors that they know to play an important part in a student's use or non-use and building lessons and skills around those, which deals heavily with things like children of alcoholics like Cindy was discussing. We believe that a school-based program in a community is one thing that needs to happen. But also communities need to look at community standards, at moderation measures within their own communities, support groups for both youth and adults, and intervention programs--employee assistance programs and student assistance programs. Public information campaigns, maybe at a state-wide level are important. Alternative programs for young people, and then the whole business of passing

legislation, which I know that you're all hit with from time to time and what we're discussing right now. We do believe that the caps for these programs are too low with the magnitude of problem. That we're just passing it from year to year. And we're trying to think of better ways we can interface so that a lot of different groups aren't out doing the same sort of thing but maximizing these efforts. There is a State prevention plan that's being developed, but I hope that there would be, in long range planning, funding to support this plan that would be available through the State Office of Alcohol and Drug Abuse. I'd be happy to answer any questions.

Senator
Fischer:

I have a question sort of off to the side. To what extent are churches and is religious outreach an element in dealing with problems of alcohol abuse?

Peter:

I can only speak to the programs that we're involved in. When we go in to do a training we examine what the community resources are within that given village or city, wherever it is. And the churches are always listed as a resource there. I think it varies from church to church. I was recently meeting with a church group state-wide who said they wanted to do more in this area, or at least to interface better with what was being done.

Lawner:

It varies by nature of the church itself, not just who the person is--deacon, minister, but also what the philosophy or approach of that church might be. There's big differences between Moravians, Catholics and so on, just in terms of their attitudes toward alcohol and the degree to which they exercise control over their members.

Rep.
Binkley:

I see Joan Hamilton in the back. Looks like she's got a response to that. Joan, you want to comment on that?

Joan
Hamilton:

I was just going to answer your question about churches' involvement in alcohol and drugs. In the interior, the Episcopal church is starting education type sessions in villages where they gather participants from other villages to enter into a community and they just mainly do education of alcohol and drugs and how you can recognize the signs and symptoms and what you can do about them, and also creating village support groups.

Rep.
Binkley:

Doug Modig, from RuralCAP.

the survival of the village. In this society each family is on their own and is responsible to maintain their own household. In a time not too long past it was a village project to get fuel for the village, as an example. In the case of wood or other fuel for heat or light there seems to no longer be a need for this human resource once you buy electricity and oil. As a result people tend to overlook the state of being. Or the being state of change. This goes even further in relationship to subsistence and economics. Laws regarding taking of fish and game, limited take base, not only use in the village but on the overall needs of the State. In relation to the issue of subsistence I do not wish to engage in debate as to the relative merits of this issue. But I do want to point out that in relation to villages, it is a factor that effects the well-being of their community. In the absence of a stable subsistence economy villages are faced with the choice of breaking the law to maintain their lifestyle or resorting to welfare and food stamps. Unfortunately welfare and food stamps in villages come at the price of the cultural heritage. A stabilizing force, but even more it comes at the price of personal pride in contribution. As an example, in several of the villages I've been to, there are persons who are identified by their ability to hunt and/or fish. With the passing of ANCSA and other fish and game laws they were limited to their take, but even more importantly, they were limited to their contribution to the community. On a personal note concerning this kind of experience, when I used to longshore for a living and there was no work, I cannot remember a time when I felt more helpless, angry and frustrated. My final response was to get into another line of work. But in the villages there is no work. And when one cannot work in their own villages they begin to experience a slow but sure loss of pride and identity proceeded by feelings of hopelessness, anger and frustration. This then leads to feelings of meaninglessness, which in some resulted in alcoholism and/or suicide. The introduction of technology to Native villages is both a gift and a limitation. There was a time in the early 1930's that available technology made life easier for a community. As an example, cutting wood with an ax and saw lessened the time needed to prepare for winter or build new homes. This freed up enough time to create perfect balance in the community. Unfortunately advancing technology can also create an excess leisure time, which created idle time. That problem exists today in our society as a whole. An inordinate amount of time is spent watching television or other pursuits not necessarily productive. That same impact was felt with the

introduction of guns and motors, each having a relative value, but at the same time exacting a toll in cultural value. In the instance of education, education in our cultural path was a vehicle whereby knowledge was passed along to younger generations. This was mostly through story teaching. The emphasis however was on training for survival in the villages. This created an inter-dependency in the community, which also gave identity. In today's villages, the community and the school are separated in most instances. There is very little effort to engage the community in the educational process, a process which played an important part in building the Native society. I must acknowledge at this point that there are some communities that do engage the community in the educational process. But by and large there is a definite separation of school and community. Prior to the Hawk decision there were students who were separated from home for as many as four years and sometimes more. Those students missed a critical part of village life and caused them to change and experience an inability to relate to their family and friends. In many cases those students did not readjust to village life and moved into cities or returned to their villages and never quite fit in. The problem gets more and more complicated and much more confusing, giving rise to frustration, anger and, tragically, loss of hope and direction. The main contributing factor is alcohol. Alcohol has been defined as cunning, baffling and powerful. The drug alcohol has worked itself so much into our structure that there are some villages that cannot boast a single sober individual. Alcohol has been cited as a contributing factor to our family disintegration. Suicide, child abuse, neglect, sexual abuse, spouse abuse, more academic cheating, drop-outs and a high representation of Native people in prison due to alcohol related instances. In an attempt to address alcohol in our villages, several programs and agencies have come to our villages to assist. The problem of alcohol still persists and is getting worse. What is being proposed today is the fifth option to the local option law. The fifth option does what the fourth option attempted to do--control alcohol. Those who are recovering from alcoholism know that alcohol defies any attempts at control. There are three reasons for this. The first is the addictive nature of the drug. If you've ever tried to stop smoking or have attempted to get a loved one to stop, you have an idea of the addictive nature of drugs. Alcohol dependency, for many, defies treatment. Second and even more significant is that it creates another dependency. This dependency is no different than the need to depend on

teachers to educate our young. To keep our youth in school, to stop child abuse and neglect, to stop our people from going to prison, to increase employment opportunities in our villages, to improve our economy, we measure in terms of cost whose prices are self-determination. I recognize that each village needs to vote in order to pass the fifth option. But in some ways it is still another way to depend on someone outside themselves. Because to enforce local option, that is reporting and arresting friends and relatives. Which then means calling State Troopers instead of depending on themselves to remedy the problem. The third reason is the nature of power. There are essentially two kinds of power. The first is defined as the power of position. They are the governing people or forces in our life. They may be the president, governor, police, teachers, parents, older brother or sister, the laws of the land. By themselves they do not control our society. When they do control it is when people are influenced by those persons or forces. When one wields influence power it makes no difference what position of power they may have. In the recovery process of alcoholism, it is not because a person was told by drugs that they have to stop drinking. It is because they are influenced by persons or voices within themselves. An axiom I heard one time said that you cannot make change, but you can influence change. This has proved true when working with youth in Alaska and in the lower forty-eight. At this point I would like to acknowledge that earlier this year the Village Participation Conference passed a resolution which supported the proposed fifth option as presented by Representative Binkley. I wholly support the notion of community self-determination. In the instance of local option I have, however, the following considerations. And concerning considerations they are both negative and positive. Based on reports from the Rural Providers Conference, which was a gathering of substance abuse workers from around the State sponsored by RuralCAP, which was held in Tyonek in May this last year. The findings reported were: by itself local option is very difficult to enforce because of laws regarding search and seizure, rules of evidence, the time it takes to get a search warrant. Local option seems to be making criminals out of people who are not criminals. There seems to be an increase in the number of bootleggers. Because of the risk bringing in alcohol, marijuana usage is growing because it's easier to conceal. Offenders of local option learn to use their rights to thwart attempts to correct action. It limits self-determination. Local option elections help people to get together on an issue, help some

communities develop alternatives. People's drinking isn't so obvious. There are less calls for drinking-related accidents. People seem to be spending their money on things other than alcohol. There seems to be more self-referrals for treatment. So the news isn't all bad. Because of the changes in our cultural path, what used to work no longer works. Problem-solving in our Native villages used to be pretty much straightforward. Unfortunately things are much more complicated and complex these days. And so the question I usually ask at this point is what do we do. What do we do? Doing something is a reasonable place to start. But deeper than doing something is being something. What influences people in communities is not what you do but the intent behind what you do. The differences between these two concepts is illustrated by the phrase of taking care of someone and caring for someone. When I worked with couples a common problem they experienced was that they did all of the right things, but they did not experience the satisfaction of knowing they were cared for by their spouse. By being able to see the distinction between taking care and caring, they were able to see the states of being as a factor which determined the quality of their relationship. Where this relates to villages is in the amount of activity one sees during a crisis in the village. Usually the authority is brought in, whether it be a social worker or the police, to fix the problem. And that's the problem. Villagers do not see themselves as having the position to fix the problem and they depend on others to solve their problem. I might make an exception for the NANA region. Later this week I will be speaking to the RuralCAP Board of Directors concerning the new approach, which is entitled Committed Responsibility. As it means to remind villages of the strength and relevancy of the traditional values which are powerful enough to confront the array of problems caused by forced cultururation. In this testimony I've attempted to give you an overview of the problems I've observed in my experience. I hope these comments have been helpful. Thank you for your consideration.

Rep. Sund: Doug, I'm sorry I missed some of your presentation here, but I think some of your points that I caught here at the last are excellent. I guess what you're saying is that this certainly isn't all of the solution but this may be one small part. It may be one small positive step in part of the alcohol approach.

Modig: This meaning the fifth option?

Rep. Sund: Yes, or some other option or some change in the local options to better tailor it to local village needs.

Modig: In my statement I made the comment that I support the notion of self-determination. That if villages choose this way of doing things, then I would respect that choice. At the same time I know that change comes from states of being, not from what you do. For instance if you drive a car, it doesn't mean you know how to drive. The difference is the intent behind it. If you drive responsibly for instance, that is a being state. That is not necessarily what you do, because anyone can do anything. The quality is determined by intent. So then if your intent then is to control alcohol, those that have attempted to work with alcohol, those that are recovering from alcohol, know that alcohol is not controlled, as a matter of fact. It is out of control, which creates the problem in the first place. So I have to hedge on you to say that I support the notion of self-determination, where if the village wants to attempt to control alcohol in the villages, they ?? Okay?

Senator
Fischer:

I think that's a very good statement and you laid your thoughts out very well. Let me just sort of check out what I fully understood. What I think you were saying or what I heard was that if the fifth option means bringing in external authority, it still isn't going to solve the basic problem. And what you're looking for is an internal village solution that's based on, I think you referred to the traditional values, traditional methods of the villages. Am I correct?

Modig: That is correct. And I am somewhat remiss in not introducing that part. But needless to say this concept can go on forever, to define those things. And that is one of the things that I will be introducing to my Board this coming week. But I want to clarify that states of being is part of our cultural heritage and that those things have given us survival for thousands of years. And one of the things that they say in alcohol is that if there's nothing wrong with it don't fix it. And I don't think that we as Native people need fixing. And I think that we can recapture that same sense. The approach, needless to say, needs to be different. Because again, they come from being states, not doing states. (end of tape)

Senator
Fischer:

...people to deal with the alcohol problems themselves. That would fit more into your scheme of things than if it were just one more deal where you

call the State Troopers or rely on the external powers, is that correct, or am I putting words in your mouth?

Modig: Well, one of the things that we're taught in this society is to respect the Constitution. And the Constitution guards our individual rights as citizens. And that the local option law and the fifth option, as it is proposed, and as I understand it, I could be wrong, it runs contrary to the rights of an individual. And in that sense, that if villages are attempting to find control within the realm of those things, then it just baffles me on one point, because it would be the same thing as, regardless of the relative merits of the use of alcohol in the villages, that the confusion that I experience comes from, and I guess it comes from some of the feedback that I've heard about who's to limit the rights of the individual. So you say that the fifth option will remedy the program. And what I'm seeing, from an entirely different point of view, is that it creates another problem. Another point has to do with the local hire laws, that in the local hire laws, laws were made to make jobs available to people in Alaska. The State Supreme Court, if I'm not mistaken, said that that's not Constitutional. So then we're back to the same dilemma that we were before. Maybe, and I'm open to that possibility, maybe you know something that I don't.

Otto: Doug, do you think that the problems in Alaska as a result of alcohol abuse are serious?

Modig: Definitely.

Otto: Do you think that they are so serious that an attempt to control them should outweigh the rights of individuals to be able to drink? Do you personally?

Modig: I think that, in a real tricky way, I mean to state it in that way is real tricky because what I see is the difference between rights and responsibilities. Yes, I believe in responsibilities but I do not believe that we need abridge the rights of the individual. Real clear on that. Because what I also know is that alcohol is a very serious problem in Alaska. And it is serious not only for Alaskans, it is also serious in the rest of the lower forty-eight. And that it never worked there. And I've worked in alcohol programs in the lower forty-eight. And I know the seriousness of the problem. I also know that Alaska is my home. But in an attempt to control alcohol, alcohol defies control.

- Otto: Let me try to ask it a different way. The Legislature has prohibited cocaine. The Legislature has prohibited heroin. The courts have upheld those prohibitions because they say the problems caused are so serious that it warrants interfering with individual rights, taking the step, which would result in interfering with individual rights, to try to create a solution to this bigger problem. And what I'm asking you is if you think alcohol presents such a threat to the public health, safety and welfare that a community would be justified in invading individual rights by prohibiting the possession of alcohol. What do you think?
- Modig: I think you're failing to acknowledge the nature of alcohol itself. First of all you have alcohol the drug. And that if you were to deprive the person of the alcohol that the problem would go away, you could put people in jail and that would cure them. But what we do know, and we used to do that in this society, is to put people in jail for being on alcohol. And that didn't cure it. See, alcoholism affects. It isn't the drink. It's the drunk.
- Otto: We're not communicating because I'm not asking you, is there a cure for alcoholism. Is there a cure for people who have drinking problems? Is there something that these people on this committee or the Legislature as a body or the Governor or anybody can do to cure alcoholism as a disease? Because I agree with you, I don't think that that is realistic. But what I'm asking you, if you see something that's a dangerous situation, at some point you've got to try to limit the threat that it poses, right? And I'm asking you, in your opinion, from what you've observed and from what you've seen, if you think alcohol poses such a threat, that the Legislature would be acting reasonably if it decided that it should give villages or communities the alternative of banning possession of alcohol. To try to deal with, not the underlying cause, but the symptoms.
- Modig: What I see is that villages can do that already. If villages can ban it. They certainly can. And there are some that have.
- Otto: Well, we have a disagreement in that I don't think it can be done legally within the framework of the State Constitution.
- Modig: That's right. It can't be done. And yet, if a village were to...

Otto: It can't be done right now because the Legislature has not acted. If the Legislature gave the villages the authority, what the court would do is ask the same question that I'm asking you. The court would say, is the threat posed by alcohol so serious that the Legislature is acting reasonably by allowing villages to ban possession? And if that question is answered yes, that's a reasonable response because the threat is so great it's Constitutional. So I'm asking you the question that the court would ask. Do you think the threat posed by alcohol is so great that the Legislature would be acting reasonably if it allowed villages to ban possession of alcohol?

Modig: Okay. I think that alcohol is a serious enough threat to be banned. At the same time I know that those that are addicted to alcohol, that is not going to stop, that is not going to solve the problem. That is not going to.

Otto: But will it help?

Modig: In some instances it has. Like local option four has helped. But that's like settling for hamburger instead of steak.

Otto: Well, it's not the end of the line.

Modig: I certainly hope not.

Binkley: You know it's a tremendous problem, Doug, the alcohol problem in Alaska, and not only in Alaska but in the whole United States. And we're just trying to do as much as we can as quickly as we can, and this is just one area we're trying to focus in right now on, seeing what little we can do in this particular area, and we've still got a long ways to go in a multitude of different areas regarding alcohol. So you're absolutely right. It's not going to be the final step either. Any other questions?

Otto: I'd only like Doug to put on the record what specifically you do for RuralCAP, what your job is, what contact you have with the villages.

Modig: My title is Program Coordinator for the Alcohol Department at RuralCAP. And my particular tasks at this point are publishing of a newsletter that goes out to the alcohol workers in the State. We have a mailing list of two hundred and some, which are people that are involved in the alcohol programs.

Otto: The Va-Ecs?

Modig: Not necessarily. Some of them are Ve-Ecs. They also include VPSOs, they include program directors, we're not limited. They're people that are interested in alcohol. The other thing that I do is facilitate a monthly teleconference networking with other alcohol workers in the State. I am also a trainer for the Elder/Youth Project in the State. And I work currently with two villages. I'm called from time to time to go to other programs to provide training in community development.

Rep.
Hurley: From your experience, do you feel that elders have a lot of influence on the young people if they speak to them about alcohol? Do you think that that method of teaching works.

Modig: I think so, if you don't limit the definition of elder. That the definition...

Rep.
Hurley: So it should be peers maybe?

Modig: Could be. It is those that have more experience and those that are older. It depends on how you use language. For instance there are words to define old man, old woman. There are also words to define older person. And when I speak of elders I'm talking about a person who is older in terms of age and in terms of experience. And that's what I mean by elder.

Rep.
Binkley: Doug, thank you very much. Appreciate it. Claudia?

Claudia
Bruner: My name is Claudia Bruner and I'm a Public Information Specialist with the Alaska Council on Prevention of Alcohol and Drug Abuse. And if I appear nervous that's because I am. I haven't done this before. My responsibilities at the Council are to develop public information materials as they pertain to substance abuse and to assist communities who are interested in community organization, community development types of activities as they relate to substance abuse. In talking to Laurie she asked me to address the broad question of what is the problem with alcohol. I probably will be repeating some things that you have heard, but I'm going to read this through. Of our current health and social issues you have as many different and competing perspectives as the issue of alcoholism and alcohol abuse and how we deal with them. We know the impairment of human potential due to alcoholism and alcohol abuse constitutes a serious health, social and economic problem in Alaska. The scope of this

problem can be measured in several dimensions. Pain and suffering to the impaired individual and his or her family, in social behavior, low productivity and lost work time, and direct expenditure for prevention, treatment and rehabilitation. Alcohol abuse and alcoholism affect our way of life in Alaska. Most immediate problems directly associated and impacted by alcohol include suicide, family violence and violent crimes such as rape, murder, etc. Although it is difficult to express some of these dimensions in quantitative terms, others may be expressed in terms of measurable economic costs to Alaska. While not totally precise, the current state of art in this area is sufficiently well advanced that some fairly reliable estimates have been developed. An independent study conducted by the California research foundation found that economic costs of alcohol abuse to the State of Alaska for 1983-84, which is the most recent information available, was one hundred and ninety five point five million dollars (\$195.5 million) This figure is based on information from the Alaska Department of Commerce which was used in establishing a gross state product and from that information a design to develop extrapolative approximations was implemented. A more thorough explanation of that figure and the actual document can be obtained through the Council. From that brief overview the Alaska Council makes some recommendations with regard to the health, social and economic costs of alcohol abuse.

Number one, that communities in the State of Alaska continue to have the right to decide whether they will be wet or dry in relationship to alcohol use. In order to make informed decisions about the local option law, we believe that information, education, training is necessary, and implications about the law should be provided to communities requesting it, particularly as new options are created. Number two, that enforcement of the local option law be given priority. If enforcement of the local option law is not carried out, then bootlegging will continue, adding to the continuing problems of alcohol abuse. Number three, to identify currently existing substance abuse prevention resources at the local, regional and state levels and to develop coordination so that these services can be carried out to their fullest. Number four, to continue funding prevention and related services through the State Office on Alcoholism and Drug Abuse at a higher level. We are beginning to see some positive results through school based and community based prevention programs, for example "Here's Looking at You", village alcohol boards, Youth/Elder project that Doug spoke about. These programs are not quick-fix

solutions and, since they are not, require adequate funding over a number of years. And fifth, to develop parity between excise tax on liquor, wine and beer. Currently the excise tax is much higher for liquor than for beer or wine. However, as information from the State Office on Alcoholism and Drug Abuse indicates, Alaskans drink more beer and wine than liquor. Increasing the excise tax on these beverages would create more tax revenue, and while I understand that that money can not be designated for programs, hopefully that money could be used to fund alcohol abuse prevention, treatment and rehabilitation programs. These are just a few of the recommendations that the Council feels need to be considered by the State Legislature.

Rep.
Binkley: Thank you Claudia.

Senator
Fischer: Claudia, could we have a written copy of your statements?

Bruner: I'll give you the one without the notes on it.

Rep.
Binkley: Gary, glad to see you here. Gary's from Togiak. We saw him there and we ran out of time at our Togiak hearing.

Gary
Carlos: My name is Gary Carlos and I don't have a speech made up. I'm probably going to be a little lost at times. Bear with me. I was glad I was able to be here today. I got to hear a very interesting dissertation from Tom Lonner. I was extremely pleased, a lot of the things that have been said elsewhere were actually being said by him. I hope it's real important that all the members here do view his testimony. I don't agree completely with everything he says. I'm sure he's generalizing. The bulk of what he said I think will fit. One of the things that he did say was that the local option is working and that it does seem to have worked to better a lot of the situations. I think here this goes back to the main crux of the whole problem. You've got to take locally each of these villages, each of the problems and deal with them locally. As far as Togiak is concerned, the local option has not helped. This is only my opinion again. It has given some people an awareness of what legalities can do. Like they were saying, the first person to learn that is the bootlegger. There's flagrant bootlegging going on there. There's deaths going on there and I think

the deaths are the main concern. The bootleggers are not so much a concern. But the deaths that result from liquor. When you see somebody that has it in their hand, you can't take it away from them legally. Like she was saying that the local option has taken that power away from the local people and put it into the State's hand. And when they call the State, they have bona fide cases of purchase, watching them get on the plane, land, and confiscate a bag full of bottles calls for a search warrant. Taking the control out of the local people's hands. You have to call to the local hub, as he said, for a search warrant. And they deny it. So here's two gallons of 190 proof. And they have to, by law, give it back to them. They won't do it, but that's what the system has developed. The State local option law has done that. So what are they going to do? Well, people are disillusioned with the local option law in Togiak. They were hoping that it could be done away with and let the people there do what they want. They did not have the problem before. They were taking care of it on their own. I shouldn't say they did not have the problem. They didn't have the problem in that their hands were so tied before. When the State law came in, they took that away from them, they have to call Dillingham every time they want to do something now. Awareness is what has changed things. Awareness that you could be violating somebody's constitutional law. The testimony was given that when the local option law came up, local villages gave testimony. Then they went ahead, lawyers wrote it and then gave it back to the Legislature and back to the people in the villages. And this is what we ended up with. In some instances it may be working and it may be working very well. They should keep it. In some instances where it's not working and it's worse, then they should also have the local option to do what they want. And they really don't know. Another statement that he made is that there is no evidence of the bootlegging going on. There's been, and I could get affidavits to that, people have actually seen them purchase. But the way State law is set up, they can't do anything unless you have marked money, and you have to go through a whole set up verifiante, you got to get the bottle, you know. The State has made it so difficult that you can't do anything. So what the people in Togiak, the VPSO there is frustrated beyond no end. What he's afraid of and what the people there are afraid of is that the local testimony's going to come in again, you're going to go take your idea to the lawyers again, and then the lawyers are going to come back to the Legislature and they're going to give you a law that's going to take us another three or four years

to develop and find out that we're right back where we started from, and that people are going to continue to die, people's hands are going to continue to be strapped, and that they will be worse off, because there's been more deaths. And Togiak has, annually, deaths going on. The fact that I think Tom mentioned about turning it on, turning it off, as they wish. Making that a local option. Togiak has a situation where during the fishing season a lot of people come in. There's more money. There's more opportunity for that type of alcohol related activities--bootlegging, drinking, that type of thing. And in relating with the water, if they could turn it off to an extent that might be more extravagant, or it might work. I can't say. I've lived in Togiak over five years. I'm not originally from Togiak and I can only tell you my opinion and what I've seen going on there. And I can see problems that were created by the State, and the fear that problems that are going to be continued to be created by the State.

Rep.
Binkley:

Gary, do you have any suggestions as to what we might do?

Carlos:

I think they've been, actually, in listening to what people have been saying here, they want to have the local option themselves. To do the way they feel fit, for their particular circumstances. For their particular village, for their particular situation. And each situation is different. I think the problem of the Legislature going in to a rural community, each community has a different problem. Let them decide what is best for them. If you want to give the people an option, give them an option of total banning. And also give them another option of being able to control the way they want. If one's going to work in one community, fine, let's have it, let them use it, what's best for them. But if another community wants to do it a different way, as long as it is within certain guidelines that are acceptable. And when I say acceptable, I'm not saying I know by who. I'm just saying maybe it would be acceptable to the Legislature.

Rep.
Binkley:

That's of course one guideline that we've always got to work within, is the framework of the Constitution.

Carlos:

Okay, it may be acceptable by the Constitution. I'm real critical and I think that this is a lot of the feeling I've heard from the people in Togiak, is that we're going to end up with the same problems we always have. You take too much away from somebody and you're going to end up with the opposite.

Prohibition didn't work in the United States. You take everything away from them when they're going to go to something else. The elders have mentioned in the village that if you take it totally away from them, they'll go to something that's easier to get. It's not unconstitutional to have marijuana, so they go to that. Which is better? The people want to do it themselves. And in a way I'm a bystander, but then I live there and I see the people dying and I know what's going on.

Rep.

Binkley: Any questions?

Rep.

Hurley: Do you think then that we should not have a local option law on the books at all?

Carlos: I don't think that would be the answer because in some communities it's working. And if in some communities it's working, yes you should have it. Somebody mentioned that some of the communities are making their local ordinances around the local option law. Well, they won't work in the courts, the courts would throw it out. Why don't you give the people the authority to make the ordinances around the local option or the prohibition thing that you're doing so that they can tailor them to fit their communities? And if you can do that with the Legislature's backing and justify it as a need, yes there's a need, there's a definite need.

Rep.

Hurley: Can we do that under the law?

Carlos: She was the one that stated that they can't make ordinances on liquor due to the fact that this local option is in place now.

Otto: You can make a provision that says nothing in the local option law should be read to preclude communities from taking different approaches or from passing their own ordinances. But there are still a lot of constitutional and other provisions that limit the ability of villages to do what they'd like to do. We can't ban drunk in public in this State. We can't have laws that don't say we're banning drunk in public, let's phrase it in terms of you can't be drunk on the highway. You can't do that because you're disguising.

Carlos: That's beyond me. I'm not an attorney and I think that's for your committee to decide that. But the fact that she stated that the communities can't make an ordinance takes the power and the ability of the local enforcement away from the local people. And

if you could reinstate that and allow them to tailor these things, if they passed whatever it is that you're going to propose, and have maybe a section five A, B, or C. If A doesn't work, go to B or C. So that if A is too strict or they want to change the wording to a certain way to fit their needs, maybe that would be the answer, I don't know.

Senator
Fischer:

Just a comment. Laurie, you mentioned that possibly writing into law, if there be such a law, that this does not preclude a community from passing its own ordinance. How about, however, giving the community specific authority to pass certain ordinances, to specify what they can do so that we don't run into the question of have they gone beyond general law authorization in this particular field.

Otto:

Certainly. You can add, that's really what we're doing with the local option law. We're saying, these are...

Senator
Fischer:

This would be a step further. This would be the community is hereby authorized to pass additional ordinances providing for local enforcement, providing for such and such, providing for whatever, maybe a list of things the community can do in addition to the official options or to supplement or complement the options.

Otto:

You mean as municipal ordinances, not violations of State law?

Senator
Fischer:

Right. Of course they can't violate State law unless they have sovereignty.

Otto:

Yes. The point I was making is that there are a number of limitations that exist because the State's approach to dealing with alcoholics, the uniform alcoholism treatment act, that's not the exact name, but because in that act it says as a statement of legislative purpose and policy, we do not want to criminalize a disease, we do not want to throw people in jail for being alcoholics. And we are going to instead put them in treatment programs. The Supreme Court has interpreted that as prohibiting a whole range of legislative, municipal approaches to deal with alcohol abuse. If that's answering your question with too long of an answer.

Carlos:

Long answer. All I wanted was a yes.

Otto: It's a "yes, but", I'm sorry.

Rep.

Binkley: Tom, go ahead.

Lonner: I'd like to make a point about what Doug and Gary have said previously. I think they've walked around the issue that I think is really quite central, in that the current local option law is really a law that addresses a community right, the community's right to protect itself from alcohol and related behaviors. And against that, the very same Constitution, the very same set of statutes, raise the rights of the individual. In terms of search and seizure, probable cause, and all the rest of those things. We have created a system of tension right within the statutes, that I think lies at the heart of the problem about why the local option law doesn't work as people had hoped that it would work.

Otto: And due process. And if I can throw in something too. That is something that I would at some point like your response on, though not now, is it seems like one of the better ways to deal with the whole issue is by council action as opposed to individual magistrate action, where you have the more traditional decision-making body involved, yet that doesn't square with our constitutional due process requirements of having a legislative body that's separate from a judicial body that's separate from an executive body. And I think that's another problem that has to be considered when trying to find a solution to the problem.

Carlos: But this is exactly what I was suggesting. To act sort of in the traditional manner, traditional council manner. Authorize them to do it, subject to constitutional constraints. However, this does not authorize them to violate the Constitution.

Otto: And our Constitution sets up a system of government where there are different branches that act independently of each other as a system of checks and balances, at whatever level. And so even if you have a legislative body passing a law prohibiting an act, passing an ordinance in a community, you've got to give the person a right to a fair hearing.

Carlos: Right. But you can also issue traffic tickets that have some kind of an automatic feature to them where, unless the person insists on going to a higher level, it can be handled at the local community level.

Otto: Right. But that goes to the question that I asked

either Steve or Tom, do you think a fine of one to two hundred dollars with a uniform schedule set by the Supreme Court, which is how those work. The Supreme Court says, for a speeding ticket, twenty-five dollars, you can forfeit it, you can pay it, but you have a right to contest it. If you want to contest it, you go before the magistrate. It's not something that can be applied on an individual basis. It's not something where somebody gets cited and there's discretion to give them a twenty-five dollar fine or a two hundred dollar fine depending on whether or not they have a bad attitude.

Lonner: Except repeated violations do provide the basis. And then there's this whole area of community service in lieu of fines. Which seems to be a very appropriate community action. Anyway, I don't want to get involved in discussion here. It just seems to me that this is one way that communities can be empowered to act in addition to the broader laws.

Otto: Yes.

Rep.

Binkley: Okay, Gary, thank you very much.

Carlos: In your discussion here brought up a couple more points. She brought up due process and she says "our Constitution" or "the Constitution" and I think there lies a lot of the problems in the villages. You don't think according to the Constitution as you have here. The due process that you are required to go by may not be the due process that may go on in the village. And the due process in the village might be a lot more appropriate to the problems in the village than you're trying to impose upon them. And in so doing you're creating the problem, and I don't mean you, I mean the Legislature, by putting in a law that makes it so tough for them to follow a system, a law that's not theirs, that it's almost impossible to deal with. You were saying put up a fine of one hundred dollars, a uniform code. Who cares out there? They will do what they feel is necessary to take care of the problem if they could. People are just now starting to become aware of ordinances, how they work, what they're for. If you go to some of the villages, look at the ordinances that they have. You will realize that they don't care about the State Constitution and the due process, they're concerned with the problem, in taking care of it their own way. And you should let them. You should do it somehow.

Rep.

Binkley: Thank you Gary.

Fred
Wemark:

Good afternnon. My name is Fred Wemark. I'm from Kotzebue, Alaska. I didn't think I'd be down here to testify today. I got back from a ten-day vacation late Friday. Late Saturday I think it was you gave me a call and let me know you would be coming around to Kotzebue on Thursday. As luck would have it I found myself here in Anchorage today and I can testify today. As I said before my name is Fred Wemark. I've worked with Tom Lonner on the report that he talked to you about earlier. And I've also worked with the Village Public Safety Officer for a little over two years in NANA region, both running a program and as an administrator. In talking about local option within the region, the people do feel that there is a need for a local option and whether it works or not depends on who you talk to. I'd like to make a statement based on the remarks of the last gentleman that was just here. And also what several other people have brought up. That was, in going around to the different villages and talking about the local option law, when you ask someone whether they were in favor of the local option law or whether they were not in favor of the local option law and asked them why, the people who were in favor of local option invariably said it was for the good of the community. And the people who did not like the local option law were talking about their individual rights. It is violating my individual rights. And a story that this reminds me of. When I was in one of the villages a man found out I was there and gave me a call and said I have to come over and talk to him. I went over and talked to him and he had a number of bottles lined up above his kitchen cabinet. And this was a village that had voted to ban the sale, ban the importation. And he said, I drink. I drink anytime I want. And he went through and talked about his individual rights and said that he would continue to drink. But he also said "if we were to vote tomorrow on local option, I would vote that the community go dry." Those were his exact words. He said "I'd do it because my wife is the health aide. And since we have voted to go dry my wife does not have to go out as often as she used to before the option was in place." So here was a man who does like to drink and he visibly would show it in front of me and offered me one while I was there, said that he would support local option. I would support local option too. However, I do feel that there is several things that also need to be looked at when you do talk about local option. And one of them has to do with the village public safety officers. As I said before I've worked with the VPSO program for several

years. And I talked at length with the State Troopers, the Village Public Safety Officers, about their jobs. And with a number of people on the councils. Tom talked briefly about the several bosses that the VPSOs feel that they do have out in the villages. One of the first things that struck me very quickly when I worked with the program was that the VPSOs were always turning to me, with Manpower, in Kotzebue, asking when they should go on vacation, just asking me normal everyday things as you would an employer. When I'd worked with Tom in the local option program we did skirt briefly on the Village Public Safety Officer program. And I thought this program was a locally based program that the local people would have control over. VPSO is by contract a official of the village who is selected by the village council. Therefore you would be led to believe that he is the person who is going to uphold the rights of the villagers, also uphold the ordinances and take his duties from them. I quickly found out that after the VPSO is selected by the village there was not too much action other than setting the times that the VPSO would work in that particular village. Since we at Manilaq Manpower, which is a village non-profit corporation, paid the VPSO, everyone felt that he was our employee. So that in my mind weakened the VPSO problem very quickly. The other thing that weakens it is, as you've heard earlier, there is very little training for the VPSO. He has his direction from the State Troopers. He is visited once a month by the Troopers. And so people within the village have very little idea what particular training he is getting and what direction he is getting from the State Troopers. They rely heavily on the State Troopers. So he's getting paid from an organization outside of the village. He's getting his training and direction from an official outside of the village. And that does not make for a very strong program. Which could be a very strong program in the villages. What can we do about that? I've tried to come up with some kind of solution to this problem. And yet I have a tough time in figuring out how it's going to work. the VPSO program is not a program that is one that is put into the laws of the State of Alaska. It is at the whim of the Legislature whether they're going to get funded or not. Yet I think it is a very important program out there. Currently the Department of Public Safety contracts with the twelve non-profit corporations in the State for the particular program. If you are to truly have a local program I think the program must be within the village itself. The Department of Public Safety talks about the logistical problems and the problems

of contracting with over one hundred entities with the VPSO program. Perhaps this can be done through a line item such as you do revenue sharing. (End of tape).

Rep.
Binkley:

You would support then that concept of contracting locally with the Department of Public Safety to the villages directly for VPSO service?

Wemark:

I would support that the local villages get the money directly, whether it's through contracting or whether the money is signed over directly to the village. I think you'll find that contracting would be a very difficult way to go.

Rep.
Binkley:

What you're saying then is rather than, my understanding of the system now is that the Department of Public Safety contracts with the local non-profit, Manilaq in your case.

Wemark:

Then as a position out in the village. What I'm saying is get the villages more involved.

Rep.
Binkley:

Direct money to the village directly, rather than going through that other step. Let them hire the person locally, you're responsible for the person as far as their day to day activities, so they report to the...

Wemark:

Right. And have them sign their paychecks so that they get involved in supporting the VPSO that they have hired.

Rep.
Hurley:

Taking it away from the regional non-profits?

Wemark:

Yes. As an administrator that's a tough thing to give up. Because you do have a base there. But to see the program work, you need to have it in the village. And that's what I'd support. And that's more important than I think the indirect. The other area I'd like to talk about is within the VPSO program you talked about the turnover rate. We did have a turnover rate in the NANA region at one time of twenty percent. Out of ten VPSOs we had about a ten percent vacancy rate. And we currently have a problem in hiring in one particular village. What the problem is right now I don't know. There was, about a year and a half ago, a substantial raise given to the VPSOs. That helped cut the turnover rate down considerably. The entry wage for a VPSO currently is around a little over seventeen hundred dollars a month. And I think you'd find it hard put to raise a family within the village on that kind of a wage. It

is, as you know, a high pressure job, a high tension job, and if you're going to attract quality, well-qualified people for this position you're going to have to give them a wage that they can live on and that their family can live on also. The one thing that we heard a lot of early on was that the turnover rate was due to there's a lot of family pressures within the village. Which there certainly would be when you go to arrest the offenders. I had a magistrate within the region tell me one time, "Well, what I do is I tell them I wouldn't have to prosecute you if you didn't break the law." And I think the VPSOs would come up with the same type of answer to their relatives. But that doesn't take away all of the pressure, because that magistrate is no longer within the region. And we had also a very good VPSO, the Troopers held him in high regard, we held him in high regard in the office. And I think the family pressures got to him and he was forced to resign. Perhaps if the wage were a little higher that man would still be working. Currently there are ten positions allotted to the NANA region. I think the oldest employee there has been there a little over four years. That doesn't make for a lot of stability within the program. Getting back to the local option program. Local option, I've had several instances where I've been able to talk with the public defenders and the district attorneys in the NANA region. And after awhile they start talking about the types of clients they saw and perhaps some ways to alleviate the workloads in the courts. The public defender suggested that he and the district attorney go off to the villages, if we could find travel and per diem, and he would go into the schools and talk to the people in the schools and also in the community about how the judicial system works. The only system you do see within the village right now is within the police departments, within the State Troopers. The magistrate is there very shortly, but if they commit a felony they are shipped to a regional center. They are prosecuted, and then they are sent, in the Kotzebue area they are sent to Nome to serve out their sentence, perhaps even to Anchorage. Several of the leaders in the villages have suggested that the very thing that Senator Fischer had suggested earlier, to do public service work within the village. Let's keep the offender home and make him serve his sentence among his peers and do work for the community. And I think basically that's all I have to say for now. One thing I'd like to reiterate is that the villages need the feeling that they have control of their own problems, they have the control. And then they'd get more involved in the local option, making sure that laws are not broken and

things work a lot smoother. When you had mentioned a little earlier about turning that control over to the villagers. But also having them protect the constitutional rights of the villagers, I immediately could picture two lawyers in each village. One for the defendant and one for the prosecution. I don't think we want to go that far with it, but something along that line is what we do need. Thank you very much.

Rep.

Binkley: Thank you very much Fred. Any questions? Thanks again.

Robert

Newlin, Sr: Well, I don't know whether you'll understand my words or not because I just lost a tooth and words don't come out like I want them to. My name is Robert Newlin and I'm from Noorvik, a small village just out of Kotzebue. I wasn't planning on attending this hearing here but because I'm down here for the Family Abuse and Violence Conference that's taking place down at the Sheraton here I feel that this is more important, so here am I. The things that I've been hearing is real good and I want to make one comment. You asked how the churches feel about alcohol or what was your question?

Senator

Fischer: Whether they play an active role.

Newlin:

All right. We have only one church in Noorvik. And if you use alcohol it's a sin. At least from the church. I like the option law in villages because at least there is something there. Could there be a way to at least change one of the headings in one of the options where it says, the title prohibits importation and the sale of alcohol? Which number is that? Is that the third or the fourth. Fourth? Okay. I guess you are working on something in there. Is it use? Because being a Native with very little education I see that you're against importation and the sale of alcohol in the village. But it doesn't say that use is against it. So would there be some way that importation, sale and use of alcohol should be one of the options in the village? Because being an old person like me I haven't gone through much schooling but I've got a little common sense too. Limited. Because of age.

Senator

Fischer: First of all, I'd like to say that I've heard you speak over the years, Robert, and don't put on this innocent act. You know what you're doing. I think the option number five that is being discussed, this is option five, would in effect allow the villages to prohibit importing, sale and use, possession.

Newlin: Good. That's the one I would recommend because if the use, the word use is on the title, I'm pretty sure that the use would be pointed against the bootleggers, be pointed against the home brew makers, and that would be a big help. And you were talking about the individual rights. I grew up in an Inupiat family, in an Inupiat village. When I was growing up there were no individual rights. That's how the Inupiat operated. There were no individual rights. The only rights you had was responsibility to other Inupiats within the region. That worked pretty good until some people came around and told us that we had our individual rights. And probably these came in from the school teachers, the judges, the lawyers, I don't know how, these sort of people.

Rep.
Binkley: So that's really been the traditional way then, Robert, is you look out for the best interests of the whole family. And in many cases, some of the villages today are really just extensions of those families and they're really large families.

Newlin: Right. Not only villages. It carries throughout the Inupiat tribe, like in Kotzebue we have eleven villages and our rights should be for everybody.

Senator
Fischer: Robert, what kind of alcohol problems are there, for example, within Noorvik. Are the young people drinking, is it the older people. What kind of problems do you have now.

Newlin: It affects everybody. The older people, the younger people. If there was limited use it wouldn't create a problem, but being a dry village, once you get alcohol in the village, everybody parties. They party till no more drunks. And then they'll charter to Kotzebue, bring in some more. That's where the problem is.

Rep.
Binkley: And as a result of that then, are there violent crimes sometimes in the community, or do kids sometimes go uncared for?

Newlin: Right, they're not cared for. But we get to that effects the kids, naturally, small kids. They go to school and when they do go to school they're either half asleep or they don't learn much, that's the biggest effect that we get in our village. Then another thing that happens is, somebody just dies out. Whether it's through drowning or whether it's through any type of.

Rep.
Binkley: Related to alcohol?

Newlin: Related to alcohol. And the majority of people we're losing are the younger people, older teenagers. Teenagers up to twenty-six or twenty-seven. We'd be happy if some kind of law was written up so at least it could be enforceable and it would at least be used in our villages. Because we have at least nine villages dry out of Elanik.

Rep.
Hurley: My one question was whether Noorvik was dry or not and he answered that. When you say the church, you have one church in Noorvik and if they abuse alcohol it's a sin. But it doesn't seem to be working then. In other words, do they have a training program or any educational programs through the church?

Newlin: Well they used to, but there's very little now because other things have come in place.

Rep.
Hurley: You mean like the State Office of Alcoholism?

Newlin: Yes, and in Kotzebue, the NANA Regional Corporation.

Senator
Fischer: Robert, if the village could prohibit use and possession of alcohol, if you could prohibit use, how would the village enforce it? What would happen then, let's say, if somebody violated your ordinance?

Newlin: It would all depend on how you write it up.

Senator
Fischer: Let's say you wrote it up?

Newlin: If you write it up in a way that at least the village has some protection, then it could be carried out in most villages.

Senator
Fischer: Let's assume that you could write the ordinance so that the village council or the village could enforce the ordinance. What would you do with the person who violated? What's the traditional way of dealing with the person.

Newlin: Well, the traditional way is there's no halfway. If somebody commits a crime at least he should be fined or sentenced to whatever the law says. That creates a problem. If somebody commits a crime or kills somebody and gets back, it's just adding more problems to the village. If a fine is carried out to where it's supposed to be taken, it would create no problem. But if a crime is committed and nothing has

been taken care of, so everybody tends to at least do the same thing. Because they believe that if I do any crime I won't be picked up again. He got by so chances are I'll get by too. That's where the law hurts a village.

Rep.

Binkley: Do you think at least, Robert, they should be able to take the alcohol, if you had a law like that, take the alcohol away from the individual that you had banned the use of alcohol, dump it out or whatever? And fining, you mentioned fining, give the person a fine. Or else make him do community service work?

Newlin: Yes.

Rep.

Binkley: How about jail. Do you think they should throw them in jail?

Newlin: If the fine is stiff enough.

Rep.

Binkley: If the fine is stiff enough, then that's okay, you don't need to throw them in jail?

Newlin: Right.

Otto: I'll just follow up on that before I ask my question. What's a stiff enough fine?

Newlin: Well, killing somebody.

Otto: No, if you had somebody charged with possession of alcohol, how much do you think they should be fined?

Newlin: All different fines. How big fines Senator Fischer and Binkley writes up.

Otto: I'm asking you the same thing that Senator Fischer was asking you, and that's this: these guys are asking for your advice. They haven't written the law yet. And everybody always complains that the Legislature writes the law and they don't listen to what people want and so this time they're saying, tell us ahead of time, what do you want?

Newlin: Fischer, if you write a fine that's stiff enough, then we'll straighten up.

Otto: Well, what's stiff enough?

Senator
Fischer:

You're my consultant. How stiff should it be?

Rep.
Hurley: Do you think it should be money, or public service, having to do work in the village is a stiffer fine than money?

Newlin: Well it's a combination of maybe both.

Otto: One to two hundred dollars, is that stiff?

Newlin: Up in our area, that's stiff enough.

Rep.
Binkley: So probably different communities might want to make it different.

Newlin: Well, I think if our region had one law that covers all the villages, probably it would be better. So none of the villages do things a different way. If everybody worked together for one good cause, then the law will work better. No use coming up with ten different laws in ten different villages. That never would work.

Otto: If the law said, you can't sell, you can't import, and you can't possess. Doesn't say anything about use, just says you can't have it, you can't possess it, are there any problems that you see with that?

Newlin: No problems. Use is part of it.

Otto: But what if it didn't say use, what if it just said possess. Is possess good enough?

Newlin: No.

Rep.
Binkley: What would be the... I'm not sure of the difference?

Otto: It's a fairly significant difference.

Rep.
Binkley: You mean because if you had consumed alcohol and you had alcohol within your body...

Otto: Then that's drunk in public. It's the same thing.

Rep.
Binkley: I see.

Newlin: You can have problems without drinking.

Otto: What problems do you see? Why don't you think saying possession isn't good enough, or that's not far

enough?

Newlin: Well, we havn't been educated that far and that would be the older people. Possession and use are two different things, you can keep something in you and just keep it there. But if you keep using it it is two different intrepertations in our Inupiat way.

Rep.
Binkley: Robert thank you very much, sure appreciate you coming down here. Reggie. Sorry we got out of order there a little bit.

Reggie
Joule: Oh that's alright I was trying to get him to sign first anyway. So it actually worked out better. Good evening. I'm Reggie Joule, from Kotzebue. With regards to this local option, it's something that we've been discussing in our region at home for a long time. At different levels. But it's just been in the last couple of years I guess that the villages are discussing it from their level. And there's a big difference. Because I guess sometimes agencies and organizations can go in and tell people what their problem is. But it's a whole different story and the meaning's a lot different when the people of that community are telling themselves and each other what the problem is. And it may be the same words exactly. But where it's coming from is something else altogether. And that is something that has been taking place in a lot of the villages, a lot of the villages in our region. We started out kind of like we do, I guess sometimes, after we went to a lot of the villages, and we heard a lot of the negative parts of things. And I say this because when we got to one village, we had a tendency to do the same thing. And one fellow stood up and said, "Well, you're right. All those facts and figures are true. But since we've had this local option law, it has worked. Not completely, but it has, and here's some of the ways it's made a difference in our community." So yes, sometimes we come up and tend to tell you that there's something wrong with the law. There is. But it is having some positive effects, and I think that that's something that you should hear, off the top. However, some of the things that are wrong. You know, I'm just going to repeat some of the things. Because basically it's these things I have here that are things that came out of a series of meetings which started in Noorvik, in Robert's community. I thought it was kind of interesting, because it was their meeting and we were just invited to it. So everything that I have here is something that the people themselves have said and we just kind of put

it down on paper.

Senator
Fischer:

Reggie, why don't you just tell these people what you do.

Reggie
Joule:

Well, I have a job title and then there's something that I do. My title in the region, I'm the Regional Youth Coordinator, which in a way has something to do with what I do. Our people, starting with the elders, started a program which is often referred to as the Spirit Program, but at home we call it in Inupiat,???. And what that means is those things that make us the way we are as a people. And basically I guess if you wanted to interpret it, the way your elders did, help to carry it along. At least the values that our elders came up with. That kind of explains what wasn't so strong in our upbringing that causes us to have some of the social problems that we have. Respect for elders. Love for children. Respect for others. Respect for nature. Hunter success. Domestic skills. Humility. Sharing. Cooperation. Spirituality. Things of that nature that are traditional values. Now my job is to go around promoting these values to our people so that we can try and teach the kids at an earlier age what they mean and at some point maybe we can start becoming examples ourselves. Rather than have to talk about it, the way that we choose to live would demonstrate what they mean as opposed to just talking about it. Right now we have to do a lot of talking. But there's still a lot of people that do a lot of demonstrating, that have that. And a lot of the elders are those kinds of living examples. That's what I do for a living.

Rep.
Binkley:

Is that for NANA or is that for Manilaq?

Joule:

It's for our region, which includes both.

Rep.
Binkley:

So do you work for NANA or for Manilaq?

Joule:

I work for the museum. But when those meetings started in Noorvik last year we came to speaking on importation. Of course there's so many ways of bringing it in. There is no way that people can count on anybody else to do any kind of searches. If you're coming in on a commercial airline they're not requiring people's baggage to be searched, or their person. It's coming in all kinds of ways. And people are getting smart. So in terms of importation,

it's difficult. It's difficult on the communities who, when they go to the polls to vote, and the village elects to go dry, basically what that says is the "we" and "our" is just stronger than the "me" and "mine". And yet when it comes to enforcement of the importation and all of the things that are associated with it, what happens to those people who have expressed by vote their desires to stay a dry community, when those people who are looking out after their own interests are being protected by the very law that is supposedly to supposed to help the other people. There's a lot of confusion and it causes quite a bit of anxiety. And one of the things, we're sitting back here and I was listening to Vic and everybody talk about, well, I just wonder how things can be handled on a local level, giving the local governments or whatever, turning more of the responsibility over to the community, I guess. That has been mentioned. You asked about the church and how they have been involved. They have been or are beginning to become a little bit with the social concerns committee in one of our churches. But what I was sitting back here thinking, and I don't know law or governments that well, but the Federal Government recognizes tribal law to a certain degree, to the point where I guess they have a court system which is recognized, which deals with ordinances such as Federal Indian Liquor Law, which I think you're more familiar with, but first wrote that letter to Sheffield. But is there any way that the State and the Federal Government can cooperate at that of, when there is and are violators, I don't know if the municipal government can act as something like that. A council, a village council. A lot of the villages don't have magistrates in all of their villages, and they experience violations. They witness, they see this happening, and yet the way things are you have to go and get a search warrant. By the time you get it, that deed is done, the act is over, it's too late. Can something be set up in the communities, either through the village council, the city council or whatever, where that same authority can be delegated, where they can get that? Because it is their community that is being hurt. The State Troopers may sometimes be at dinner.

Rep.
Binkley: Reggie, I don't know a lot more.

Joule: Well, I'm just asking those questions.

Rep.
Binkley: I think the Federal law does allow much more flexibility for the community than does State law.

And one attempt was to bring those into sync, so that they were the same. If the local tribal organization opted to adopt Federal law, that then State law would be in coordination with that federal law. And you could in effect bring State Troopers in to help enforce something that would be parallel to the federal law. But Laurie's probably much more knowledgeable about that than I.

Otto: I have to apologize because ?? (unintelligible)

Senator
Fischer:

Reggie, I don't think any of us really know the answer. But there seems to be a general feeling that more of the authority needs to be put in the hands of the village, and I think this is probably what the committee will have to work on over the next month or so, to come up with the tools and figure out how the village can sort of decide what it wants, and then have a way where the village can actually implement its own policies, whether it's by deputizing their own people, or holding a community meeting and talking about the offender. I'm not sure what the traditional way would be, but the ideal thing would be to sort of have the community itself exercise their authority. We all know how the Troopers exercise authority.

Joule: Agreed. And there are things that are taking place that probably can't be done under State law. That are helping out. I'm from one of two communities in the NANA region that are wet. We tried an initiative to have the, I'm not sure what option it is, but the one with the communities owning the dispensary license, in Kotzebue, that failed miserably. I was one of the people that was pushing it. I was crushed. But since then things have happened that have brought the village, the industry, it actually brought people together because of that. We were at odds in a political sense, but everybody began to realize that we needed to work a little bit closer together than we had been. If nothing else, it didn't make any difference then, how the vote went, because that was happening. And what we're beginning to see happening in Kotzebue, is that the industry is beginning to react to the requests of those communities that have voted dry. But then they're stymied by legal questions. They're setting up a hotline for anonymous tips for bootleggers or people that sell to minors. That's one step. Possibly restricting sale. The amount that you can buy. So there are small steps that are being taken that could help out. And that has to be kind of done at our own level between communities. And so I guess

we're fortunate in that we're smaller than most areas. We don't have fifty-six villages in our region. We have eleven and we all speak the same dialect, pretty much. Anyway, with regards to possession, there again I think I would be in favor of a law that were to include possession, especially if it were to make the existing laws a little bit more enforceable. Right now they're extremely difficult.

Rep.

Binkley:

Reggie, thank you very much. We appreciate it. Also I might mention that we're going to be up in Kotzebue Thursday, I believe, and maybe you could spread the word for people that are interested to come in and testify. We're going to be there from 1:30 - 4:15.

Joule:

I'm down here for the same seminar that Robert's on and we're going to be here all week, however the word is in the process of being spread.

Rep.

Binkley:

We appreciate it. Thanks again. Joan.

Joan Hamilton

Cannelos:

I'll be short and sweet. I've heard the roads are getting bad, so you need extra time to go home. I'm Joan Hamilton. I work with the Alaska Native Health Corps, that's a substance abuse corps, Native. I don't really do anything, I don't deliver direct services. I do give information out to villages on what is working well in one community and then, I'm a matchmaker, get the two people in contact with each other so they can share information and resources. I represent Alaska Natives on the National Indian Health Board on Alcohol and Drug Abuse. And there it's mainly matchmaking too, getting people together on how best they can work. And the local option, as you said, or as Tom Lonner said, in the village when you say local options, they think about number four. They don't realize there's three other options before that. And I've asked around people in all of my travels, hoping they would tell me that it doesn't work. Because I really don't think it works. I think it makes the problem go underground. But everyone that I've asked from the villages has told me that it has worked. And there may be some I haven't gotten ahold of, but everyone I've touched base with says it works. And I do believe that the community has a right to decide whether they want another option or not. That's totally contrary to how I believe personally. But what I'm afraid of is like local option four, people expected a panacea for all these social ills, and then the problem's still there. Reduced yes, but the problem's still there.

And then there's some sense of failure where it hasn't worked. And now they're looking for another cure-all, and that's the fifth option. But I think with number four and possibly with number five, if all of a sudden you have this five thousand dollars if I bring any liquor in, I don't want to do that, there's a breathing time before people figure out a way of getting around the law. And I think this is very valuable time to go in and teach, to educate. You can teach life skills and coping skills with elders. Elders can do this beautifully. They do have, with my experience with elders, some of them have had a problem with liquor, don't do it. And not too many of us will not do something just because we don't do it. It reminds me of when I was in boarding school there were sixteen rules. And I broke as many as I could. I would have kept on but I got caught twice. And I knew if I did the third time I'd get kicked out of the school. I didn't want to get kicked out of school. I think that's human nature. I think that's what's exciting about people too, that they will try and see how they can bend the rules. And I think people need to, like we have alcohol counselors, they need to educate on the effects of alcohol and drug abuse. On what so much can do to you for instance, FAS, fetal alcohol syndrome. Alcohol abuse, what it does to, for instance, instead of dealing with the frustration or in anger going to the bottle, how that is avoiding the issue rather than dealing with it. And deprive yourself of a chance to grow. And I think villagers need support. Like in response to your question about the churches, in the two regions where I know the church actively supports, and not necessarily monetarily, but personally supports, community support groups. They've been very successful in the interior. In one village in your area, Mr. Binkley, they have a weekly meetings and as many as two hundred people come to these weekly meetings. On the effects of alcohol. And you know you can only take so much about alcohol, so some nights they'll talk about some pressing problem that needs to be taken care of in the community. And it's all very informal and all volunteer. And this is a village that had a very bad reputation for a few years.

Rep.
Binkley: Which village?

Joan
Hamilton: I don't want to say.

Rep.
Binkley: Give me the first letter.

Hamilton: I'll be more than happy to tell you after this. And also support groups like children of alcoholics and adult children of alcoholics. It's sort of an innocuous way of learning about a problem you may directly have. You can learn about alcohol as being a child of an alcoholic, when in fact you may have that problem yourself. But it's a very Native way of doing it rather than confronting it head on we talk about "her" problem. And it's not avoidance, just another way of dealing with it. And teaching villagers, I think one of the big problems we have is last week somebody just mentioned it to me and I've heard it over and over again is that villagers are often brought information. And they learn this and they think it's wonderful. But then they don't know how to spread it to somebody else. So our emphasis is on teaching people how to teach other people. It's a lot less expensive than bringing somebody from Anchorage to Nunivak Island. It's easier for somebody from Toksook Bay to go to Nunivak Island and teach. Somebody originally from Anchorage may have to do the process. And I know it's rather a sensitive issue, but the more I think about local people doing their own thing, I always sort of remember back to tribal law and tribal courts. And that's fortunately somebody that I don't have to deal with here, ladies and gentlemen (end of tape). Our village didn't get any outside influence until in the early twenties. And then they were very resistant to change because of the stronger men and women we had in the community. And I think because of that even with the public school being there in the past forty years we had the highest number of college graduates per capita than any other Native village in Alaska. I can't say we have less problems, but I'm very proud of that fact. And all of the graduates from there, the ones who went up to higher ed, are bilingual.

Katie
Hurley: Have the graduates come back to be in the village?

Hamilton: The teachers have, yes. The nurse and the ones who educated themselves out of the requirements for a teaching position are in Bethel or here in Anchorage. And one recently went to the lower forty-eight because he needed a rest from counseling all his relatives. He's a social worker.

Rep.
Binkley: Joan, thank you very much. We sure appreciate it.
Bob Nestel.

Bob
Nestel: My name is Bob Nestel. I've sent you letters previous to your meetings. I sent a letter to each

of you individually, saying you had a difficult task. Let me go a little further. I don't want to detract from what you're doing. It certainly is necessary. But I want to say that as of this noon, Anchorage Crime Commission reported on their findings for 1985. I was on the Corrections Committee, as you know, Katie and Edna. On that Corrections Committee we heard Dr. Aaron Wolfe speak to us one time. He's the part-owner of the Langdon Psychiatric Clinic and has been in Alaska for about fifteen years, has had a tremendous amount of experience dealing with Alaska Natives, and dealing with the Department of Corrections. At the present time the Department of Corrections has, and it may exceed that today, but as of about two weeks ago it has twenty-two hundred inmates in the whole State and outside in the Federal Bureau of Prisons. There are about two hundred out there. Our prison population increases approximately three hundred and fifty per year. And unless we want to open new and expensive prisons or restitution centers or halfway houses, or whatever we want to call them, we've got to find some way to abate the flow of inmates into the system. Let me use another example that relates to your task in the present. I was on the Corrections Committee with a lady by the name Shirley Rose, she currently is a substance abuse counselor at the Women's Resource Center on Ninth Avenue. Her statistics show that eighty percent of people that were inmates were convicted as the result of an encounter with alcohol. Also let me tell you that over fifty percent of the inmates at present are Natives. Let me tell you that Dr. Wolfe told us, his experience with Natives and the black-out they go through when they reach 1.5 blood alcohol content. They simply, it's like a computer that's been turned off. They have no ability to remember what they've done. We can talk about local operants. But when people are at Providence Hospital who have committed crimes and who have repeated the same drinking pattern, you can stand there and talk to them, they're drinking and they've reached the blood alcohol level of 1.5, they simply don't remember what they do. They can have video tapes and cassette tapes and the man will swear he never said that. He can see it on a video screen. And I've got a tape recording at home of his comments to the Corrections Committee. He was one solution that I don't know if it's been suggested here or not. It would be difficult to enforce. He suggests giving the Native population Antabuse. We all know this is a drug given to people who are alcoholics to keep them off of alcohol. He said that's the only possible way he can see. And that may be one option you have yet to explore. I'd like to find the tape, I'll deliver it

to one of you. But please, I would encourage you to call his office and see if he is there and have him testify before you. I'm just kind of a third party mentioning this to you. I think you need to hear his input.

Rep.

Binkley:

Okay, Bob. Any questions? I appreciate your thoughts. Anybody else that would wish to testify? Okay, we'll go ahead and close the public hearing. Thank you very much.