

SCOMM

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BETHEL
JOINT SPECIAL HEARING ON LOCAL OPTION LAWS
November 20, 1985

Present: Representative John Binkley, Chairman
Representative John Sund
Laurie Otto, legal counsel
Adolph Lewis, translator

Eddie
Hoffman:

I am the traditional chief. When I first heard about the Local Option Law I didn't think much about it, because there is going to be lots and lots of conflicts in that deal. I know I can't put these two questions at one. So we'll work on this Local Option Law. You're talking to take it to the Legislature this year and try to stop the liquor going into the villages. I'm all for that. But I'm a little leery of something else that's come up on that deal. What I heard last night on the radio, they said that Bethel is supposed to be the hub, they were giving bootleggers the bad sign because they were working out of Bethel. I didn't like to hear that. Our biggest problem now, we have find some way to get rid of the bootleggers. That's pretty hard to do. You catch the bootleggers here, then the court system doesn't do anything about it here. I got one case now and I'm not going to mention any names, I paid a guy fifty dollars to buy a bottle of whiskey, took it down to the court house and they wouldn't even look at it. That's a hell of a way to run a court system, you know. One bottle, I checked on it from some lawyers, and they said one bottle is just as good as ten, but our judge down here says no. That's got to be looked after. You can't catch the bootleggers if you don't get any evidence on them. I would think that one quart of whiskey is enough evidence. With all the witnesses we had, when the guy brought the whiskey into my place. And yet the court down there didn't do a damn thing about it. Either we got to get rid of this court system, get a new bunch in there, get rid of them all, get a new bunch in here, that somebody's going to listen. And I'm against suspended sentences. Yet the government wants and needs the money bad. And yet, they fine them maybe a couple thousand dollars, suspend them down to two hundred fifty dollars. Well that's nothing. Give them the maximum. They'll only pay it and then

they'll start all over again. And if you fellows are going to put it into law, you should take these ? as evidence today. I'm deadly against the bootleggers, you know, and importation of liquor to the villages. They're going to get it in there anyway, regardless of if they have to hide it in the brush and pick it up when everybody's asleep. I've seen it done before. I see thirty-three villages signed up to ban liquor in their villages, and yet liquor will be coming in. I guess that's all I've got to say about that. I don't want to put it all in one because I'd like to keep the next question for what I'm going to say.

Now let's talk about if they ban liquor in the villages, then the drugs is coming in, which are in the villages already. I was over at a village last spring. Guys come over and I'm not mentioning any names. They came over and said "Eddie, come over I'll show you these two guys that are selling dope". I said "Why don't you catch them?" "Well", he says, "they're selling to the kids mothers and dads and we can't do nothing about it". I said, "Take them too, they're breaking the law just like the kids". The mothers and fathers smoking dope, then the kids are smoking too. That's going to be our next biggest problem is marijuana and cocaine. In the villages. If you're going to ban everything, you've got to ban it all. I was talking the other day at the funeral, a little girl came over and said to this little boy, her mother said I went to a certain house the other day, he says, "Hey Ma, this place smells like marijuana." That's right here in Bethel. A little kid maybe eight years old. And then his mother told him, "How did you get there?" "Well", he says, "I was at the village here with a bunch of little kids, we were all smoking it, that's why I know." Little tiny kids. It's going to ruin them, brainwash them. And we've got to do something about that too you know. If you're going to go after importation of liquor we have to go keep the airplanes from flying it into the villages. Because every village in our region has marijuana or cocaine. I know it for sure. They tell me, but I can't do anything about it. But I figure maybe you fellows make a separate law banning that too in the fifty-six villages, I'll go along with that and I'll be proud of you guys at the Legislature. I might even go down there myself if I

feel good when you fellows have that legislation on the banning of liquor in all the villages. Something has got to be done and real fast. We've got to catch these bootleggers and maybe if they get a green card, generally they've got a green card, most of the bootleggers that are here, but some of them don't have a card at all. They don't do anything with it. That's why our court system right now, I don't care if they're listening to me today, our court system in Bethel has to be changed. Chris Cooke, he's leaving anyway. But the rest of them you know, they don't want to follow anybody's instructions. I told them, I had a speech with them four or five times. I'll do that I'll do this, I'll do everything. Next time I pick up the "Tundra Drums" they're suspending sentences again. Therefore if them fellows ain't doing there job, let's get rid of them and put in a new bunch. I know where to go to get that. I'll go to their head bosses and get rid of them you know. You might think that I'm talking out of my head because what I'm saying right now is the truth. I've been here in Bethel since 1938. I know what's going on in here. But it's pretty hard to catch the bootleggers you know. They're all scared to squeal on each other.

Binkley: So you think as far as the bootlegging Eddie, then, is to make sure the sentencing, like a mandatory sentence, presumptive sentencing for bootleggers, so there isn't a suspended sentence.

Eddie
Hoffman: Don't suspend, give them five to ten, you know. Ten thousand dollars, fine them. Maybe some of them, if you know they're bad, give them twenty.

Binkley: One thing we've heard in the villages, Eddie, and maybe you could comment on this. Some of the people say that in the villages, because the penalties are so stiff, that some people are afraid to inform on people that are sometimes their relatives, because they don't want to see them go to jail. Or maybe they're the ones that support the family, or they've got a job someplace and they're bringing in money and so they hate to squeal on them, because then they might lose their job or something and then it would be tough on them.

Hoffman: You know, lots of people say that, but in order to keep a village clean, you have to squeal on them, no matter who they are, parents or no parents at all. They're the ones that are smoking the marijuana and cocaine and their little kids watching them, which I'm deadly against. And then the little kids, when they're passed out, they go steal stuff from them, or look for their cash. And that's where most of it is. That penalty that they're giving them is not enough. What is it to give a guy a year the other day and give him two months, suspend all the rest, and that's not right, you know. If they're guilty give them the maximum. And then the villages have come to time, you know. I'm speaking for all the fifty-six villages. And I know what I'm talking about. I've been with them for over thirty-five years. And I know all the villages up and down in our area from Stony River down to the mouth of the Yukon. They've all got pot in the villages. And it's got to be stopped once and for all. I'm telling you the facts because I know. If you ban the importation of liquor, boy them airplanes will be flying down to the villages to beat the band like they do now. But you still can't catch them.

Rep. Sund: Just a comment. I'm from Ketchikan, Alaska. This is my first trip to the Bethel area. I was born and raised in Ketchikan and have been in a lot of the rest of Alaska but I've never been in the Delta before. We've been flying around to various villages and it's quite an impressive site. If any of you have been to Southeast, to take them away from Southeast and show them more than two acres of flat land to fly around here, it's a big area. And going around to the villages, just a little summary. Obviously alcohol is a problem and we've taken some testimony of the specific problems it's created, the family problems and the discord and that. And the fact that the Option Law as it's sitting now really isn't in anybody's basic opinion working very well. Although other people haven't really come up with a good solution to it. Nobody wants to get rid of it but they're saying it's not working because it's not being enforced or it's not enforceable. A lot of their testimony was that they would like to have the village control, or the village chiefs or the elders have more control and more say in what the penalties are taking care of the problem in the villages. I

was wondering if you could address that a little bit or what your opinion of giving more control on it down at the village level?

Hoffman: I just mentioned to John Binkley just now, that the parents are kind of scared they might lose their work and they might lose their job. But if they're then teaching it to their kids, we've got to, regardless of who's doing it, we've got to do it. And village control, the court system won't listen to nobody. That's the whole thing the matter with our court system in Bethel. They want to be the big boys upstairs and nobody don't listen to the little fellow. I've been over there, I talked to them and I talked to them. All the judges, I've told them. Do not give any suspended sentences out. If you do, give them a hundred days of hard work like they used to do in the early days. They punished their people in the villages in the early days when they caught them drunk and raising hell in their villages. The villages should go back on their own system, what they used to do in the early days. I don't want to tell you what it is on the radio, you know, I know it's taped. But it's pretty bad and you never seen them boys do that again. We've got to do something to straighten this out. The first thing after you've banned the importation of liquor we have to go to straighten out this court system and tell them the right facts. Not to suspend sentences, that's no good. If they're going to do suspended sentences, give them sixty days of labor in their own villages, community service.

Binkley: Community service or something like that. Well we've heard that in the villages quite a bit too.

Eddie Hoffman: Don't give it to the city here of Bethel. They won't do nothing anyway, them guys.

Binkley: Through the court system it goes to the State, as it is now, back down to Juneau.

Eddie Hoffman: Well I want you fellows to go down there this winter at the Legislature and pass this out. If you want to notify us, maybe four or five of us will go down to Juneau and testify for you fellows.

Binkley: Okay, well we're going to continue these hearings. I don't know if I mentioned before, but we're going to be holding them all around the State in different areas, Point Barrow, the Nome and Kotzebue area, Dillingham, Togiak, Kodiak, interior, Fort Yukon, Minto, Fairbanks and Anchorage. And then once the Legislature convenes we'll be presenting reports to the Legislature and then we'll be following up that through the legislative session with hearings.

Eddie Hoffman: Send me a copy of them. Well, I guess that's all I've got to say. My most important stuff I said it here. There's lots of people around here want to talk. But everybody that wants to give a speech, don't be scared to talk. Talk like me. Bawl them all out.

Peter Jacobs: My name is Peter Jacobs. I have to leave at two o'clock.

Binkley: Sorry to be late Peter.

Jacobs: I'm going to talk to you in my language.

Binkley: That's fine

Jacobs: (As translated from Yupik) Did you find any solution to the present problem we're facing now from other villages?

Binkley: We haven't found any concrete solutions. Many of the villages have ideas and we're going to take those ideas and continue the hearings around the State, see what other people think, and then go back down to Juneau and see if we can sort out all those ideas and come up with something that might help the problem. The solutions, though, are very very difficult to alcohol. And it's nothing that we can come up with as a committee or even as a legislature. It's going to take years and generations to overcome the problem of alcohol. If I could, real quick Peter, one thing that we have found in the villages as an overall thing, is that people in the villages want to take control of alcohol within their villages. I think that's something that we've found throughout the different villages. They want to be able to control it within their own villages and they feel frustrated

by the current laws, that somehow it hinders them from being able to control it in their own villages.

Jacobs: (As translated from Yupik) I like that idea of having the villages taking control over alcohol problems. At the beginning he stated that he was happy when you invited him to the hearing here. He wants to give you his support. Also when he goes into Anchorage there was a time when he was riding in a cab to go up to the airport, the cab driver asked him if he drinks and he said that he used to but he's sober now. Then the cab driver offered him, I'll buy you a case and mail it to you and you can sell that case and keep half of the money and send half to me. Another time with another cab driver he was going up to the airport and this cab driver asked him if he smokes pot and he lied to him and said "Yes I do". This driver says "I'll send you so much amount and then you can sell the stuff for me and keep half of the money and send the other half to me." (Jacobs): I not smoke marijuana. I have bad boy for son, Raymond Jacobs. He's got no job. (As translated from Yupik) Peter has a son named Raymond and his son abuses alcohol. He doesn't have a job presently but he gets bottles, more than one. And he thinks he gets them from cab drivers in Anchorage. He thinks the villagers who have a supply of marijuana get it from cab drivers from Anchorage. These people who have a supply, a lot of times don't have jobs, and he wonders how they get it. He thinks the cab drivers use villagers just like he was asked from Anchorage. He thinks the best way to find the real source where the villagers are getting the pot is to ask villagers questions: "Where do you get the stuff?" Another thing is right here in the city he thinks the cab drivers are using a middle man to sell pot for them and they are probably offering half and half. You keep half and I'll keep the other half. He thinks a lot of the young adults here, because they don't have jobs, they're working like middle persons for dealers. He's also frustrated with how the police system works. He thinks that the police are slow to act upon their duties. They get reports, but they're still slow to respond. He likes Kevin Clayton, but doesn't like the way that things are worked on. That's all.

Binkley: Captain DeTemple. Anybody that needs to leave and

doesn't have a chance to testify orally can certainly submit written testimony. We'd appreciate that.

Captain
DeTemple:

I have a little bit of both. I guess I can substantiate what you've probably heard out in the communities. My area encompasses, as you know, not just the Bethel area, but Nome and Kotzebue also. I have with me statistics for the Bethel region, the lower half of the detachment, which I will leave with you. But to substantiate what you've heard in the communities, what Chief Eddie has said, we have a very alarming violence problem in communities, in the villages. I have to attribute most of it to alcohol. What a lot of people don't understand is, all of the problem is not attributed to store bought alcohol. We have almost an equal amount of problem with home brew. Home brew is made five gallons at a time and it's not sipped over a three-day weekend. It's consumed until it's gone and then that's when the problems start. They look for sources of additional alcohol, whether it be spray lysol in the local store, whether it be additional booze. The violence is getting to such a point that I am very concerned. Just to give you some statistics, over the last three years, just in the Bethel area alone, we've investigated one hundred and fifty deaths. Exactly one half, seventy-five of those deaths, were alcohol related, in the last three years. Whether it be homicides or whether it be suicides. Whether it be drownings, whatever. Half of the deaths were attributed to alcohol. One hundred and fifty people is one of our villages, one whole village. We've had fifteen murders in the last three years, all attributed to alcohol. Homicides. And I'm not talking just your routine homicide. I'm talking some very violent, vicious homicides. One individual, I'll go ahead and get gruesome, was chopped with an ax, his head almost severed off. The violence is just unbelievable. This detachment is second only to the Palmer area in felony assaults. We are ahead of every other area in the State in felony assaults.

Binkley: Percentage-wise?

Captain
DeTemple: Yes sir. Including Anchorage. I have the statistics

here. We had three hundred and thirty-three felony assaults. We were right behind Anchorage, that had three hundred and sixty-four.

Binkley: You're not talking about percentage-wise, you're talking about overall.

DeTemple: I'm talking numbers. And we're talking thirty-one thousand people in this whole detachment. Another example would be Fairbanks. They have ninety-two thousand people in their detachment. Their statistics come nowhere close to ours. We had twenty-four drownings that involvvd alcohol in the last three years. Eleven suicides. The ironic part of the suicides, nine of the eleven have been this year. I don't know why there's such an upswing in suicides. We led the State, believe it or not, in the number of homicides. We had more homicides in this detachment than in any other detachment in the State, for fiscal year 1984-1985. We had eight. The next closest was the Anchorage area with seven. And again I want to reiterate we're talking thirty-one thousand people in the entire detachment. Another area that is rapidly causing us some problems here is sexual assaults. 1981, DFYS recorded seventeen reported sexual assault cases in this area. Last year we had one hundred twenty-one. This year we've had one hundred ninety-four to date. I don't have time to investigate misdemeanors. My Troopers don't go out and investigate misdemeanors. Those are left up to the Village Public Safety Officers to handle. And because of the caseload, generally when one is brought into the court for prosecution, that prosecution is declined because of the extreme high caseload. I don't see the District Attorney here to talk later, but from what I gather from him, he has twenty-five felony trials scheduled in the next three months.

Otto: He's in a murder trial right now, that's alcohol related.

Captain

DeTemple: I don't really have much else, any more good news for you. I'm down four Trooper positions, four people in the Bethel area alone. Nome and Kotzebue are all full. That's one of the reasons we're not able to go out and investigate all of the misdemeanors, or any

- misdemeanors. I just don't have the personnel to do it.
- Rep. Sund: Are those vacancies that aren't filled, or?
- DeTemple: Vacancies that aren't filled.
- Otto: Why not?
- DeTemple: Money. They're not funded.
- Sund: I guess my question to the Captain is, do you have any observations of why?
- DeTemple: Frankly I don't. The Troopers have been in the Bethel area since 1959, and I don't see where we're making any impact. If you consider the statistics, in 1983 there were forty-three homicides. In 1984, we have fifty-three, and this year to date we've had fifty-four deaths, I shouldn't say homicides. It's going up, it's not going down. And like I say we've been here since 1959. We've had as many as sixteen Troopers and we've had as low as one, and no impact. We're still going out and investigating the violent crimes.
- Sund: There was some testimony in one of the villages, I think probably in Aniak, that there was a relationship between alcohol abuse and employment. Trying to arrive at some correlation to say that the more jobs there were and the more people that were employed, the less the abuse of alcohol. Other villages didn't see that as a correlation at all. I just wondered if there is anything in the Bethel area to indicate that?
- DeTemple: It would be for awhile, then you have to realize once you start getting some money into a community, then it's more lucrative for the bootleggers to move onto that community. I think it's going to be a vicious circle.
- Binkley: One of the things we've heard Captain, is a great deal of frustration on community's parts when they see, or perceive to have seen, importation of alcohol in violation of their local options that they have adopted. A frustration that they call the State Troopers, they try and get the D.A. to prosecute some of these cases and there's no action taken.
- DeTemple: The problem that we incur, of course, is in legal search and seizure. The VPSO does not have the authority or the right to go and open up a person's

suitcase unless he has probable cause. We're just not getting enough information to establish that probable cause, enough for us to prosecute.

Binkley: One of the considerations before the Committee is allowing individual communities, by a local vote of the community, to choose a different option, which would be to ban possession, within that community. Do you see that that would be a benefit for a community, or make it easier for that VPSO in that community then to deal with the alcohol problem?

DeTemple: By giving the suspect or the defendant a civil ticket, I don't see how that's really going to help.

Otto: What if it's criminal?

DeTemple: Then I see a tremendous load on the criminal justice system. Laurie and I had talked about this last week and what we had discussed was maybe giving three citations, civil citations. After the third citation he gets, then it's time to talk to the judge, let's go to court.

Binkley: So having to follow up on that then, we're talking about, instead of a criminal penalty, or some kind of a jailable offense, an offense that would strictly be something where the person forfeits the alcohol. The alcohol is confiscated, he's given a fine or a community service. And you would say then, if the person was a repeat offender in that, to then make it a criminal offense after a certain amount of civil offenses?

DeTemple: Sure, because after awhile he's got to learn that he can't continue that behavior.

Sund: I guess that's one of the frustrations, and one of the learning curves I guess I've gone through in the last couple days, is just how remote these villages are, and what occurs. It's very frustrating for them to see the alcohol being consumed in the village, and not being able to do anything about it and have to wait until something violent happens. And a lot of the elderly people have been testifying that they're terrorized. They're frightened out of their homes, they don't stay in their homes, if they are home they don't sleep while the party's going on and they're

apprehensive. There's nothing they can do until something violent does happen.

DeTemple: And one of the main problems that we see is that we actually get no community support. We have not had that many cases where somebody in the community has called and said "Joe Smith brought in two quarts of Seagrams Seven or whatever and I bought two and I have them." We don't have that community support. Going back to what you had been told earlier. They don't want to get that involved. They don't want to see their relatives go to jail for a long time, and there's all that peer pressure. It's a problem that I don't think we're going to solve in the next two or three years.

Binkley: The situation which Representative Sund described, of a party going on where there's obviously alcohol in the party, they're causing some disruption within the community, there's fear that strikes some of the innocent bystanders in the community. If the local community calls the State Troopers, are you going to respond and send somebody out there when there's a party going on?

DeTemple: Probably not.

Binkley: So you're going to have to wait till some major crime takes place, some violent crime, before you respond?

DeTemple: That's right.

Binkley: Don't you think if the local village police officer had the ability to go into that situation and to confiscate the alcohol involved in that, that that may tend to diffuse the situation and it may not progress to the point where there's finally a violent crime that occurs?

DeTemple: They have that now, as long as they gain legal entry. If they knock on the door, and they're invited in.

Binkley: How can they confiscate the alcohol?

DeTemple: Oh I see what you're saying. Okay, you're right.

Binkley: So that may prevent the situation from escalating then to where it affects innocent people in the

community.

DeTemple: Exactly.

Otto: Captain DeTemple, are you also seeing in the villages, burglaries taking place, either to find a warm place to make home brew, or to go into somebody's house and steal liquor or home brew.

DeTemple: We don't have that many burglaries. I can't say that we have an increase. Most of our burglaries are for that purpose though, yes.

Otto: So, as I understand the pattern of crime in this area, it's mostly violent crime, assaults and murders and sexual assaults. There's a very small percentage that have property crimes like burglaries. But most of the burglaries that occur are people breaking into other people's houses to steal booze.

DeTemple: For example, Hooper Bay last winter. I just happened to go along with some of my Troopers out there, to investigate the burglary of the day care center out there. What had happened was three individuals had gotten together, made up a batch of home brew, drank all five gallons. Wanted more, they knew that there was Lysol in quantity in the day care center, broke into that and consumed the spray Lysol.

Otto: How about the ax murder that you described, the person who got their head chopped off?

DeTemple: That was for want of alcohol also.

Otto: Could you describe in a little more detail the circumstances.

DeTemple: Vaguely. I'm not up on the exact aspects of the case. The individual wanted more alcohol, broke into this fellow's house and took a small hand ax and within about an inch, severed his head for the alcohol.

Otto: And he went in to get booze?

DeTemple: Yes. We had one other case. it's been about three years ago, I don't have it written down. But I believe it was in Mountain Village, where a party was

going on, a small child eighteen months old, two years old, was cranky and crying, disturbing the people having the party. She was pushed outside in winter, froze her feet and lost her toes and part of her feet.

Sund: A couple questions. Do you have a break-down of what the typical offender is in terms of age group?

DeTemple: I don't have age, no. I just have the different types of crimes.

Sund: It came up in some other testimony that I forget where, Emmonak or someplace, where it basically came out that your average offender is probably a single male between the ages of nineteen and thirty-five, or something on that order.

DeTemple: I would say that's pretty close.

Sund: One of the questions, I was very impressed by the level of knowledge of the fourth amendment out in the villages, and the right to privacy. People were pretty hot on that one. And being a lawyer myself, some of them could explain it better than I can. What we get into is the balancing test, the benefits to society versus a person's right to privacy. And we've done that with heroin, we've done that with cocaine, and some of the other drugs. And now to look here is to say that, is there something in alcohol that would raise it to that higher level? But I'm real anxious or kind of curious to see that is the effects of the violence that we're seeing because of alcohol or is the alcohol consumption because of some other underlying causes in the area? And that's why I was trying to question about employment. Is employment or lack of it a cause? Is money or lack of it, is stuff like TV? I don't know.

DeTemple: Well I'm sure there's a lot of cultural reasons why all of this is taking place. Not being an anthropologist, that's way above my head.

Sund: Would you say that there's been an increase in the consumption of alcohol in the last three or four years by the people in this area?

DeTemple: That would be a hard question to answer, it really

would. There's certainly been an increase in the violence. Whether that's indicative of an increase I couldn't say.

Sund: And in the violence you're finding a lot of it's alcohol related?

DeTemple: The greatest majority of our crimes are alcohol related. Probably ninety percent.

Sund: And I guess I'd would just offer another comment that I've kinda observed that you can measure the statistical crime, but it's hard to measure the disruption to the people who are not involved in the crime. That the family members, the aunts, mothers, cousins, the innocent people who are very severely disrupted because of it and that doesn't show up in any of these statistics, but it came up very much in the last two or three days.

DeTemple: I'm sure there's a lot of concern.

Sund: I appreciate your testimony. (end of tape)

DeTemple: I think without it we would have considerably more crime than what we have now. If there was no Local Option at all I'm sure everybody knows what it used to be like four years ago before Local Option. I think the crime rate would be considerably higher.

Otto: Now Captain DeTemple, you have been in the Troopers how long?

Detemple: Eighteen years.

Otto: And before you came out here you were a teacher in the Academy.

DeTemple: I was a Commander at the Academy.

Otto: So, this is going to be a hard question, if you were to design a set of facts under which you'd be able to provide the best law enforcement in this area that anybody could provide, what would you change from what the situation is now?

DeTemple: Ban alcohol. Totally. Completely.

Otto: Besides that? That's what you would do?

DeTemple: Alcohol's really the problem.

Binkley: Thanks a lot Captain. Chief Clayton. How are you today, Kevin?

Kevin Clayton: Pretty good. My name is Kevin Clayton, I'm with the Bethel Police Department, Chief. My statistics and my statements will be pretty much as Captain Sample's were, the overall overview of everything. I can narrow it down to what we do in Bethel, what type of situations we handle in Bethel, give you an idea of how many calls we respond to and how many of those calls are alcohol related. We classify alcohol related calls as any calls where anybody involved in the call is under the influence: witnesses, the defendant themselves, or the victims. A big problem we have in Bethel that's not prominent out in the villages is our protective custody detainees that we put in jail. In the past year we've changed our enforcement policy, you might say, in considering Title 47. We've had a pretty violent year a year ago. In Bethel alone, there's thirty-five hundred, four thousand people in Bethel. Our department investigated eighteen deaths. The majority of those were actual homicides. We knew something was wrong, and there were several sexual assaults that year, felony assaults. It was out of hand. Out of those deaths that year, all of them but one that I know of were alcohol related. We decided at that time that there's something wrong here. Our enforcement is wrong or something. It's just out of control. This last year we took a look at it, and we identified Title 47, the protective custody individuals. And we went after those people. The ones that were incapacitated with alcohol that could be detained for that. For instance, in 1984, we put three hundred forty-five people in a state correctional facility under Title 47. This year to date we put nine hundred and thirty-three, is a close number. We're averaging about three people a day and we're still not getting all of them. A lot of them that are in warm places that, well these are people in public places. We have the people in the private homes that are incapacitated by alcohol, but we don't do that. We have people in other public buildings, hotels,

motels, where it's warm, intoxicated in the lobbies, incapacitated, they're out. We won't transport those people unless they are themselves in a situation of danger, where they could become a victim or whatever. That seems to have helped. That, coupled with several other things. This year we've had three death investigations. All of those alcohol related. They were two accidental deaths and a suicide so far. Our sexual assaults, I don't have a comparative study from the last few years, but this year we've opened twenty-nine files for sexual assault. That's rape. I didn't get any stats for child sexual abuse, but it's phenomenal. They walk in daily and frequently we have people coming in complaining of child sexual abuse. I think D.F.Y.S. are someone that has some real good information on that. The people that we P.C. and the people that we deal with at the police department, the majority of those people are villagers. If our criminal remands, I didn't get a count on, but with our protective custody detainees, there's approximately eighty percent of them are from the region. There are some variables in there for Bethel people too. We take a lot of Bethel people home if we can. Not a lot, but a few. It wouldn't bring our percentage down much, but we do take a few of those people home. But villagers come to town, they lots of time don't have a place to stay. They kind of relate back to when we had the P.A.T.C. sleep-off center, where it was kind of a city-owned hotel. Villagers would get drunk, go over there, and you'd have a warm place to sleep. Now they don't and it forces us to deal with them. Forty percent of our calls are on the streets and out of those, originate from the street, the majority of those are P.C.'s, so our residential calls for the first six months of this year, and it's about average so far, we responded to four thousand seventy-one calls from the community. Out of those, fifty-six percent of them were alcohol related. These statistics here, I need to break them down further though, because there's lots of things in here that aren't police activity. We have the dog calls in here, and the agency assist calls in here. Out of those calls, thirty-nine percent of them, or sixteen hundred of them, were at private residences. And I can almost, I would say ninety percent of those are alcohol related. Somebody's saying "Get this drunk out of my house. They're tearing things up. They've assaulted

me" or whatever. And sixteen hundred of those calls originated from the street. That's again, eighty to ninety percent of those were alcohol related, or P.C.s. Not many of our street calls are anything but P.C.s. We have a few traffic accidents, a few D.W.I.s, which again are alcohol related, but the majority of them on the street are protective custody calls. As far as violence in Bethel for this past year, like I said before, it's slowing down a little, but talking with the superintendent out at the jail yesterday, he's got some charts of things, and the trend, the criminal remands along with protective custody remands, are on the upswing again. We've been in a low time here lately and they're starting to increase. Nothing drastic yet. One hundred and five misdemeanor assault cases we've opened this year. This is through the end of October. Again, eighty to ninety percent of those, alcohol related. Seventy-two D.W.I. arrests since the first of the year. That comes out to two or three a week. Fifteen felony assault cases, and twenty-nine sexual assault files were opened up. Everything the police do in Bethel, alcohol's around the corner. You can just count on it. You go to a call, the police now, when we respond to a call for assistance, someone there is drunk. I'd almost say ninety-nine percent of the time, that someone there has been drinking. If you have any questions, I'd be glad to answer them.

Sund: Chief, the statistics are just overwhelming. I'm still having a hard time relating to all this. I knew there was a problem, but it's a little bit larger than I had thought.

Clayton: Let me state this. A town, I hate to say normal, but there's other towns that are this size in the state, and other states and all over. And they may have four or five police officers that just wait for a dog call at midnight, for a dog to bark for them to go out. We have fourteen officers on the department, with six reserve officers, and the State Troopers detachment headquarters in town, and we're constantly running. They're never caught up.

Sund: I can see that's pretty obvious there. My question is going to be more towards the bootlegging in Bethel. As I understand it here, you're allowed to

ship the alcohol in to Bethel, but you're not allowed to sell it. How many trials or convictions have there been on bootleggers in Bethel?

Clayton: I could give you this year, we've had nine arrests.

Sund: Any convictions?

Clayton: There have been some convictions, but I don't know the number right now.

Sund: Do you find that a difficult area to investigate or to put cases together on? Maybe you could explain a little bit about, I don't want you to give away all your trade secrets, but how do you go about a bootlegging type operation?

Clayton: It's extremely difficult to put bootleggers in jail. A typical case involves someone from the community, obviously police officers can't buy beer from bootleggers. We have to recruit somebody from the community to come in, brief them on what's going on, what we need for them to do, give them monies. They go to a house that we know bootleggers are selling liquor, they'll attempt to buy a jug, they bring that back to us, we get search warrants, we go back, look for the evidence of the sale of liquor: receipts,

monies, things like this. And most often times, an arrest is made. All that's pretty basic and pretty simple, except for the agent. It's real tough getting people to come in and be agents for us. They've got to be sober, number one. Or at least half sober so we can talk with them, and that's real tough. People that don't drink can't buy liquor. They don't know the jargon, they don't know the routine, they don't know the people to be able to buy the booze. So you're dealing with people that are probably not as credible as they could be. Then you hope that they follow your instructions and they go out and everything hinges on what you do. If you can't get someone that's cooperative, someone that can understand what you want them to do, someone that's sober enough to do what you want them to do, then you don't have a case. And just recruiting people, there's a pretty good scare around town from bootleggers that put it out that people will be hurt. We haven't had anything that I know of since I've been here, right up front, where somebody has actually been hurt seriously, harrassed or given a hard time, but hurt seriously by a bootlegger after he's made a buy. But there is a sector of the community that ties into this. Bootlegging's here because the community allows it to be here. A sector

of the community allows it to be here. Some people don't like it up front, but people like to drink. So the people that you talk with that want to help you get bootleggers and stuff, a lot of times, some of those people are utilizing the bootleggers. That's why they're here. Bootleggers don't buy bootlegged liquor. They buy liquor legally from Anchorage and bring it out because there's a market for it. The villages around the area have gone totally dry or banned importation. That forces people to come to Bethel to buy the liquor. And while they're in Bethel a lot of the people drink the liquor. So I don't know. My recommendation or whatever would be, if they're going to have a Local Option Law, or they're going to have laws governing alcohol like they do now, they do one or the other. They either totally ban liquor in Bethel, or the area or the region, or they open it up and let liquor be here. Because it's here now. The way it is now, there's a certain few that are making hundreds of thousands of dollars yearly selling liquor. They're not paying any taxes. The community's not reaping any of that benefit from the monies, yet we still have the problem. We have the drunks to contend with. We have the violent crime to contend with. It's just not working the way it is now.

Sund: Just throwing out wild ideas I guess, but just to look at an option, if a community like this, which has allowed the importation but bans the sale, it's obviously set up in my mind anyway, to allow people to have alcohol in their own homes. That was done, if I can read the theoretical design between that choice. Does it make any sense to talk about any ration system, where you could be allowed to bring in a set amount of alcohol, four or five gallons, or whatever you want it measured out, some rational amount that says this is about what the average person consumes in a given time. And assuming we could make something like that legal, does that make any sense? At least that shuts off the fifty case shipment.

Clayton: Anything you do, initially it's going to mess up the system. It's really going to cause a lot of confusion, and slow things down considerably. But as far as rationing, they'll figure it out. They will work around it and get it in.

Sund: Instead of coming in on commercial jets, they'll just come in on private aircraft.

Clayton: Or they'll have someone in Anchorage wrap it and ship it as something else. Ship it as frozen meat, we've

had that.

Binkley: What happens Kevin, if it gets tougher for the bootleggers to ship booze in? What happens to the price of alcohol?

Clayton: It skyrockets. Back a year ago when they tried the forty-five day ban on importation to Bethel, there were bottles being sold for one hundred, one hundred twenty, one hundred eighty dollars a bottle for that few days or week, or however long it was in effect.

Binkley: During that period when the importation was banned, the moratorium or the council you'd mentioned had made the change, did you see any change in the statistics or the amount of consumption of alcohol in the community.

Clayton: I think we did right off, initially. It was pretty quiet. But it kind of happened so quick that we couldn't get a good trend. We couldn't get a good understanding of what it was. It caught people off guard really.

Binkley: Do you think there's any correlation between the price of alcohol and the amount that people consume. The more expensive it is, the less they consume? Or do you think the more expensive it is, they still drink just as much?

Clayton: They still drink just as much. It's forty dollars a bottle right now, and.

Binkley: If it's a hundred and forty dollars, do you think the people would drink just as much?

Clayton: Yes. They'd find the money someplace. You have people that aren't working, from these villages now, that come to town and find forty dollars for a bottle. And they'll come to town and find one hundred and forty dollars for a bottle. Maybe a few people, it would slow people down, but maybe some of the people in Bethel that do once in awhile order a bottle or order a case from Anchorage, they'll continue to do that. Where every now and then they may go out to a local bootlegger and just grab a case of beer or a bottle of whiskey because it's convenient and they're having a party tonight or something. That might stop those people from utilizing bootleggers, but the majority it would not.

Binkley: What's your solution?

Clayton: One way or another. Totally ban liquor in Bethel,

or, I'm not advocating either one, but we can't be expected to enforce a half law. You can have it here, but you can't sell it here, and then the, it just compounds our problem. We have a liquor problem in the first place and on top of that we have to spend our time chasing the bootleggers and chasing drug dealers when we already have a liquor problem. You're going to have a liquor problem one way or the other.

Sund: Taking a longer, philosophical look at it, just say, we're going to have the liquor problem until we learn how to control liquor personally. Or until we're dead, one of the two.

Binkley: Given the current situation, I know we just had an election within the community of Bethel a little over a year ago on whether or not to have a community-owned liquor store, was defeated two to one. Of course the other option has been defeated also, to ban importation. So it seems like the community is kind of stuck in the middle politically, by choice. Given that, do you see any solutions or any changes that might be palatable to the community at large, that we might, as a legislative body, adopt to allow a different option or some other choice that a community might make that might help the situation right here in Bethel.

Clayton: Not in Bethel. You could put another option on banning possession of liquor, but it wouldn't pass in Bethel.

Sund: Would you see that if the villages did something like that or the villages started restricting the consumption of alcohol in the villages, what effect does that have on Bethel?

Clayton: Laurie asked me that the other day when we were talking. I don't know how it could get much busier, but it may. It seemed to get a little busier when a lot of the villages started going dry as far as importation, it seemed to get a little busier in Bethel. By banning possession, I don't know. I'd have to wait and see.

Binkley: Have you ever looked at that statistically, Kevin, as to, I guess it was the early 1980's, 1980, 1981, 1982, when most of the villages went with the local option of banning importation? Did you see an increase in the statistics at that time?

Clayton: We peaked for about 1983, 1984 got real violent. I don't know what caused that. But as far as the petty

stuff that we take care of, the misdemeanor stuff, the day to day stuff, it's been pretty consistent, ever since I've been here, since 1980.

Otto: Could you give the committee and the record an idea of two things, and that's how much profit an individual bootlegger can make in a month or in a year, and what quantities bootleggers are bringing alcohol into Bethel?

Clayton: A bottle of Windsor whiskey or Seagrams whiskey that they sell here, you could probably a 750 bottle, you can buy for ten bucks or so in Anchorage, you buy it in Bethel for forty dollars. And they bring it in by the palletfull. We had a case last summer, they investigated an individual that was selling beer in one of the city subdivisions. And they checked the records at the court, and it was something like forty or fifty thousand pounds of liquor he had shipped in in a three-month period of time. We figured it was just phenomenal. It was hundreds of thousands, close to a million dollars worth of liquor in a three-month period of time. And when we arrested him he only had twenty-five cases of beer out his house by the time we got a search warrant. He moved all that liquor in like a ninety-day period. A lot of it was beer. Some of it was whiskey. It still breaks down to hundreds of thousands of dollars tax-free. And he fled the State. His attitude was that he came to Bethel, heard it was real easy money here, "I'm going to bootleg until things get hot, or I get caught and then I'm splitting." And that's exactly what he did. He knew we were coming that evening with a search warrant to search his house, he was on a plane that night and back to Michigan. He was gone. Fortunately he came back and faced the charges a little later. But that was his attitude: "I'm going to come out here and I'm going to make a fast buck and then I'm going to leave."

Otto: You have fourteen officers?

Clayton: We have fourteen full-time officers.

Otto: I didn't ask Captain DeTemple, but do you know how many people are in the Trooper detachment?

Captain: Eleven.

Otto: And so within Bethel there's fourteen.

national data, and I found out that more than fifty percent of all offenders nationwide, and these are felon offenders convicted of violent offenses, had been drinking alcohol before committing their offenses. More than half of the offenders had admitted that they had been drinking and said that they felt pretty drunk or very drunk just before committing a violent crime. And nationwide fifty-four percent of the thirty-two thousand one hundred and twelve offenders convicted of violent crime had been drinking heavily according to the survey. So we're approximately ninety-six percent when the nation averages approximately fifty-four percent. And this information was based on the annual report from the Bureau of Justice Statistics. Unfortunately the Bethel district is very programmed for it. We have Phillips Alcohol Treatment Center which, very shortly I hope, is going to get a big expansion because currently we have people needing treatment who are waiting three or four months to get in.

Otto: Is that court mandated treatment or voluntary treatment?

Hicklin: Some is court mandated and some is where we get somebody back out and they start having problems and we don't want them to go back to jail. And to show a little bit of the recent stuff, in fiscal year 1984, the district did one hundred and nine pre-sentence investigations. And that is actually felony convictions where the court orders a pre-sentence investigation to aid the sentencing. In FY '85 we did one hundred and thirty-nine. So we're looking at a thirty percent increase in just one year. All filings with the court, criminal filings, are up over thirty percent. And the caseload for the district has gone from fiscal year 1984 of ninety-seven on the caseload to today one hundred and forty. All in one year. Basically that's the numerical bottom line.

Rep. Sund: I know you're in a little bit of hurry, but in terms of reference to some of the issues that came up in the villages, and I think it comes out in a number of them, whether you have convicted felons or your parole numbers, where you say eighteen percent of them are in Bethel and eighty-two percent are in villages on probationary issues. One of the questions that came up, a person on probation is sent back into the village he came from, and there really isn't a lot of follow up, or at least there's not an appearance of anybody watching the guy. He's just running around like nothing happened.

Hicklin: That to some degree is correct. It's a matter of basic resources. I have myself and two other officers to cover one hundred thousand square miles.

Rep. Sund: My next question. Is there any way you could have people within the villages themselves to?

Hicklin: We have what you call a real good system of informal probation officers in the village. It's the department's practice that when an individual is released, we send a notification of release to the village council, along with a judgment and conditions of probation. Since the VPSO and village police programs have increased tremendously in their professionalism and their training, I'd say over the last four or five years we're able to deal with problems with offenders prior to them really getting into trouble. We're able to intercede better because people are starting to identify, someone starting to go off a little bit.

Rep. Sund: I just see a much better increase. I sit on the Judiciary Committee in the Legislature and we just spent a massive amount of time last year rewriting the Corrections Code and Commissioner Endell kind of had a nice summary for this. He said "You either slow down the inflow, speed up the outflow, or build more beds." And it seems to me, coming with the cash crunch and the decline in revenues we see coming in this State, we're probably not going to build a whole bunch of new beds. Other than the Seward Prison that's going up, it seems like we're going to get more into a lot more probationary issues, and a lot more trying to do something with criminals. Or going to the Minnesota system, which we just allocate the beds and say that's all we can handle, wait your turn to get in line. What kind of solutions do you see out here in this area?

Hicklin: We tried to institute a voluntary probation officer program. But we found out, due to the complex system of a very small population in remote villages, when we tried to formalize the program, we didn't get any takers, because no one in a small village of one hundred people wants to be known as the village snitch. But we get a lot of the informal information from people calling (that we've known for years out there) saying "Hey you better come out and check on so and so because he's starting to drink again." It's a real informal system. We've tried to formalize it and it was a great rejection of the system.

Rep. Sund: Do you see a way of letting the village elders or some of the traditional council system come into

play to help out on that? Or do you just see that continuing as an informal body?

Hicklin: Recently I've been seeing more positive things with the traditional council. The judicial council in Akiachak has worked real closely with us. Helping us try to keep our supervision cases on the straight and narrow. With the surrounding villages we don't have much problem with the individual acting up in the village. It's just the regular scenario, they all come to Bethel, get a jug and tank up here. Unfortunately in this district we probably have the highest revocation rate, or put people back in jail, than probably any district in the State. I think it's based on the fact that we probably have the most violent offender profile and we just, we can't give an individual with that type of a background that many more chances without putting the department in a real strong liability posture. Folks out here don't go to jail for writing bad checks. The data pretty well lays that out. It's amazing. We're almost one hundred percent inverted what the Anchorage profile would be.

Rep. Sund: Do you have any observations as to what the causes, the underlying causal relationship? (end of tape)

Hicklin: It's like a kid with a new toy. And it's a dangerous toy. I'll give you an example. This is an example that I've used a lot. I can have several local professionals come over to my house for a meal and we'll drink beer through the evening and no one will pull a knife, and no one will pull a gun, and no one will try to harm somebody else's girlfriend or wife. Yet the same scenario, and probably a heavier consumption level, you're going to find with some of the local folks or out in the villages, that things routinely get out of hand. And I don't know why there's that difference. I think that possibly in our culture it's a learned behavior, appropriate social drinking behavior. Out here it just hasn't occurred yet because I think it's still too new. Prohibition in theory sounds great, but I don't think in practicality is going to work. Because, as Kevin mentioned, when they did the forty-five day ban on it, it was amazing. My wife is a pharmacist at Swanson's and they had to immediately pull all the Lysol, all the Aqua Velva, all the bay rum, anything that was alcohol based, off the shelf, because people were going in there and madly shopping for that stuff. And of course they wouldn't sell it to them if they were in any form of inebriation. So you hate to sound pessimistic, but folks are going to find some form of an intoxicant. In my travels in the

villages, home brew production is way up from what it used to be, because of the ban on importation. I don't know where the options are. I hope we can come up with something.

Rep. Sund: Putting it in a perspective of one to ten, in your opinion, do you see less violence or crime or alcohol abuse with the local option in than without it?

Hicklin: Yes, I would have to say I do.

Rep. Sund: So deterrents are at least, withholding the accessibility is some help?

Hicklin: It's sort of like calling a time out. I don't think it's the final solution, but it's giving people time to regroup.

Rep. Binkley: So do you think the proposal the Committee's looking at of allowing the communities an additional option to ban possession in the communities is something that may help communities?

Hicklin: I think so as long as it's constitutionally well written and that, especially local authorities, such as traditional councils and village police officers, are well-educated in the new option. I think it's a basic mathematical factor. You take away alcohol and the crime rate goes down. But it seems to be only a temporary thing until someone figures out how to loophole it and get it back in there. You always see restricting access does help. You always see an immediate reduction.

Otto: Dan, how many of your probation violations, the revocations, are alcohol related?

Hicklin: Easily ninety-eight percent.

Otto: So your work in having to put people back in jail and returning them to custody generally involves them having been intoxicated and having done something else?

Hicklin: Almost every case I can recall.

Otto: You said that because of a three to four month waiting list at P.A.T.C. there are people that aren't able to go when you've felt that they need to. How many of those people end up going back to jail because they haven't had treatment available?

Hicklin: I don't have any specific data on that, but I would say too many.

Otto: That does happen?

Hicklin: Because you have an individual, when they get out of an institution, they've been dry for awhile and they're starting to learn sober behaviors. The only thing that I run into a problem with is in the local community, and out in the village, is that friends or relatives or whatever offer these people drinks. They don't go out and actually look for it themselves. And whether it's a culturally based thing, they don't want to hurt anybody's feelings. I think they get brought into it more than they actually go look for it themselves. And then once they've started drinking, and most of our folks have had, you can see it in their files, a chronic substance abuse problem since they were juveniles. The only thing I could say is I don't think we're ever going to get rid of alcohol. But one direction is, I think the old saying that an ounce of prevention is worth a pound of cure.

Rep. Sund: Education?

Hicklin: Totally. I think we've seen what's happened with child sexual abuse, sexual abuse, and domestic violence. I never handled a child sexual abuse case until three years ago. And now my office is totally inundated with them. Sexual assault was a real infrequent, we had some, but now the data on that's gone way up. It's because people are being educated, saying, "This is wrong, I don't have to put up with it".

Otto: How many of your offenders are from, you say most of them started drinking when they were juveniles, or had substance abuse problems stemming from when they were juveniles. Are you able to say or estimate how many of those people come from homes where their parents drank to excess?

Hicklin: I would say nine out of ten where there has been chronic substance abuse in one or both parents, which has resulted in child neglect, which has resulted in negative parental role models. If I could have had a lot of my caseload when they were thirteen or fourteen, and been able to intercede, I may not have to deal with them as adults.

Otto: You said that you've got three probation officers, you do about one hundred and thirty-nine people supervising and one hundred thirty-five pre-sentence reports, which means you do about forty-five supervisions and forty-five pre-sentence reports a

year. How does that compare to other places?

Hicklin: We're less than, say, Anchorage or Fairbanks, but we're above everyone else. And the problem we have is the basic logistics. I have three people and one hundred thousand square miles and fifty-seven villages. And my travel budget keeps getting cut every year. But that's no different story than a lot of other departments. We used to rely on the Troopers to get us around. Captain DeTemple is six Troopers short and an airplane short. So the crunch is there.

Binkley: Thanks Dan. George Ives.

George
Ives:

I'm George Ives, I'm the Director of P.A.T.C. (Phillips Alcohol Treatment Center). We provide services and intervening care, residential services to the Lower Yukon-Kuskokwim delta, the Bristol Bay country, some of the Aleutian chains, and we serve a very large cachement area. We also provide outpatient and aftercare services to Bethel only. I guess a few comments, because my cohort who gave me a ride here wants to leave. If you're going to ban alcohol, I have a real problem with what we've already heard about the influx of home production. We're seeing a lot of home brew being consumed by clients that are coming to us. Especially out in the villages on the west coast and around the mouth of the Kuskokwim Delta villages, up the river. You're going to have to control that. It's not a commercial grade of alcohol. It's home brew. The other thing is, if you're going to ban the alcohol, there's a problem with enforcement. You've got such an enormous area to enforce this ban. I think the cost is going to be prohibitive for you. If you're not going to ban alcohol to the villages and into the Delta, you're going to leave it as like a status quo. Two recommendations I would make, especially with reduction of monies in the State. One, I believe you have a tax on alcohol, increase the tax on alcohol to subsidize the cost of reinforcement and treatment. Not only to the programs that service the villages specifically, but also here and the Delta programs. And all programs throughout the State. And earmark a portion of that tax on alcohol for such purposes. Break out a percentage for treatment. Break out a percentage for law enforcement, for all your enforcement. You could also generalize it all the way to your probation and parole people too. The other option is, you might have here in the City of Bethel, literally tons of alcohol comes across the

dock. The air docks, at least, through Alaska Airlines and Markair. I've seen enormous igloos full of booze. Not pallet loads, igloos. And I've been out to pick up shipments of our tonnage of foods, frozen meats, and we see the igloos full of booze. It's amazing. I would recommend that some type of municipal tax be placed on the tonnage going across the air docks. In order to subsidize, say, the City of Bethel Police Department budget. For enforcement, for cracking down on the bootleggers, whatever. Or just the dysfunction that you see within the community due to the alcohol consumption here. That's basically my comments.

Rep.
Binkley:

A couple of questions, George. One, you mentioned the need to control home brew. If, in that ban on possession, if the communities were allowed an option to individually choose to ban possession and that included home brew, would that then alleviate the fear that you might have of increased production or consumption of home brew?

Ives:

I don't know. I don't know how you'd actually control that. The ingredients that go into home brew, I don't know how you could actually stop them from getting those.

Rep.
Binkley:

I don't think you could stop people from getting the ingredients, but at a certain point it goes from ingredients into alcohol.

Ives:

You also have some legal issues, some constitutional issues that have probably been brought up in testimony in villages on that. What I'm saying is we're starting to see more and more home brew. That home brew also has a deleterious effect on the physiological well-being of the individuals. We find a greater incidence of need for medical intervention when they come to our program, from that heavy consumption of home brew.

Rep.
Binkley:

So you would see home brew as equally a problem as store-bought or commercially produced alcohol?

Ives:

In some villages.

Rep.
Binkley:

Another quick question. You said about the enforcement of a ban on possession within the villages would be cost-prohibitive. Just to give you a little background, what we were discussing is one that the local community would be able to enforce. It would be simply a matter of not involving them in the judicial system, but simply, if an individual was

caught with alcohol within the community, there would be forfeiture of that alcohol. The local village police officer would be able to confiscate the alcohol, and the individual would be fined. It wouldn't involve the judicial system that's in place here in Bethel.

Ives: How effective is the VPSO going to be in terms of actually enforcing that ban? You can ban things, but if you don't have good enforcement on it, you can't carry out the ban, the ban's a joke.

Rep. Binkley: That's one of the frustrations that we've heard right now is the villages, is they banned importation, yet alcohol still continues to be imported into the community. So they're frustrated with a law that is not working whatsoever. The idea behind the law is to restrict alcohol in the community, and not have alcohol come into the community. But it's there. And when it's there and they can see it and it's causing a problem, there's nothing they can do because of the restrictions in the law right now. But if they saw somebody with alcohol, and there was a ban on possession, then they could confiscate that alcohol, whereas now they can't do anything.

Rep. Sund: What does your acronym stand for?

Ives: Phillips Alcohol Treatment Center. It's named after Doc Phillips that was here many years ago.

Rep. Sund: Just a comment, George, on the costs of enforcement may be extremely high. But the costs we're paying now are outrageously high.

Ives: Sure, I realize that. And I guess maybe my recommendations are in terms of subsidizing that. Getting some type of subsidy. Having the people that are actually doing the consumption pay, in an indirect manner, to subsidize, say, the enforcement and treatment.

Rep. Sund: We've adopted new terminology for that under the Reagan era. It's called revenue enhancement. It's not a tax. But I do appreciate your idea of a municipal or some type of tax, either State or local, on alcohol being imported into an area where there's a sale but it's prohibited. It's a good way to isolate out Bethel I guess.

Ives: The social disorganization is just pervasive throughout, due to alcohol. And you're probably going to find more and more difficulty in the years to come in terms of sophistication in terms of drug

usage. We're beginning to see it. You see more alcohol and marijuana usage and other types of drugs being used.

Sund: I was, again I'm so naive about areas, but I was really kind of surprised at the amount of testimony given in all the villages about the drug usage, from Toksook to Akiachak. Thank you very much.

Binkley: Thanks a lot George. Laurie.

Laurie

Marum:

My name is Laurie Marum and my title is Southwest Regional Trainer and I work with the Regional Alcohol and Drug Abuse Program. I provide training to alcohol counselors throughout this region. My region is a little bigger than the regular YKHC region. I cover the Dillingham area, Bristol Bay Area Health Corporation, up to McGrath and west. So in preparing for this testimony I went back through a lot of my training notes and conference notes of workshops that I have been done in those areas working with the counselors and VPSOs and village people, and the workshops that have been done in Bethel, that the Taskforce has put on this year and last year. Because a lot of these issues were brought up and I want to make sure that I put down all that testimony. One of the issues that came up at the first Taskforce meeting, workshop I guess it was called here in Bethel, was the village people wanted to have more informed legal/technical assistance at the village level. They felt intimidated by drinkers and not real sure what their legal rights were as far as what kind of ordinances they could put together that wouldn't be in conflict with State and Federal laws. What they could enforce. So they need help with ordinance development, finding out what their village legal rights are versus State and Federal. I've been getting more and more questions and requests for fund-raising information and skills. "How do we get monies together? We want to travel, to go to workshops. We want to go to conferences in Anchorage but we don't have the money. How do we do that. We need help in writing grants. We need to know what the funding sources are." So a lot of technical assistance in that area has been asked for. A lot of people have been asking for education on alcohol and drugs, generally. We've been doing a lot more village workshops where I coordinate them and they're all in Yupik so people get a chance to start talking with each other about the issues that face the village, and then kind of guiding the workshop as it goes along, just kind of there to set the stage. And a lot of good has come from those workshops. People

are starting to talk about the issues more freely in those workshops, and developing village alcohol boards, or the one in Toksook Bay is called the Youth and Elders' Conference. There's also some called Village Safety Committees, where a group of people in the village, some consist of all elders, some consist of health aides, VPSOs, village alcohol counselor, elder, church member, all get together and address alcohol and drug related issues, whether it's providing education to their members or to the community as a whole. They also provide, almost like a court system, where they work with misdemeanors. Like out in Toksook Bay they had a case where a kid was abusing alcohol and kicked in a school window, or something like that. Well, he went before the board, and the board dealt with him, and decided to do some community service, referred him to the alcohol counselor. So it seems to be really working. We have a good network now. We have about fifteen village alcohol boards going now. They need education and we're kind of strapped financially to provide that education. I'm going to do a training in January in Napakiak on alcohol board training, and do a training of trainers, so that people can come and learn how to provide education to alcohol boards in this region. So we need the funding to provide money to get people to trainings, to provide money to successful alcohol boards where they can go to neighboring villages and say "This is what we're doing. This is what's working", just to kind of provide some suggestions for other people that don't know what to do. And also to get more alcohol boards started, because we've seen the success of them. As far as VPSOs and VPOs, the ones that I've talked with and have talked real freely at the workshops here in Bethel, and also talking with Kevin Clayton and State Troopers, there's definitely a need for more training for VPSOs and VPOs. They're thrown into their jobs unprepared, often. And oftentimes put into management slots where they really don't have any managerial skills. Increased funding to fund more positions and also to get to the training. A couple VPSOs have made the suggestion that it's very very difficult for them, living, growing up in a village to enforce and to deal with any kind of situation there. Because they are often in the position to arrest, they're put in a bad situation dealing with relatives or friends. So they're suggesting having a VPSO from another village represent that village and work with that village and kind of pair up with a local person. That would help prevent that uncomfortableness in dealing with friends and relatives. Educating the community on the role of the VPSO and individual responsibilities relating to

alcohol and alcohol behavior. Too often the VPSOs and our village alcohol counselors are set up to cure the village, to do everything that they can do. And I think, again, education about what expectations are appropriate, and what the specific jobs are, what you can expect of a VPSO or village alcohol counselor. As far as problems with the Local Option Law and Bethel's alcohol law, I think there's a misunderstanding at the village level of the Local Option Law still. I just did a training down in Dillingham and a woman from Port Heiden didn't know that much about the Local Option Law. Talked about tribal court systems. They had a legal person come out there who wasn't very informed about it either, so it gets real muddled. Talked about too high expectations put on VPSOs and the issue about arresting family and friends, and the lack of support that VPSOs get often from their council and from their communities. That's been expressed a number of times. I think that Bethel's alcohol law, it's hard to enforce, it creates poor Bethel and village relations, it lacks full community support. It becomes a racial issue. It's all the white's fault or vice versa. It increases the number of bootleggers and I think that stiffer penalties on bootleggers are needed, and I think pressure from the State to the IRS would be helpful as well. Increases money spent on alcohol and obtaining it. People pay a lot of money on airfare to get here, or gas money or whatever. And some villagers spend a lot of time in Bethel or Anchorage using alcohol, which affects the family and relatives and friends. And they're not receiving the help that they need. We had talked about this at a training in October, where village alcohol counselors put together a resolution that was passed at the AVCP convention. Let me just read it briefly: "Whereas alcohol is abused by villagers who travel to Bethel, causing pressure, stress and worry to their relatives or friends who live here. And whereas many village people have a problem with alcohol, yet no one helps the person, because they travel to Bethel to drink, and are sober when they are at home in their village. Whereas education and prevention techniques are the best methods to help those who are in need, both the alcohol abuser and the relatives and friends in Bethel where he stays. Whereas there is a need for such education to be given to villagers on their responsibilities while they're away from their village, and to the host families and relatives in Bethel, on setting house rules for visitors and enforcing them when necessary. Whereas there is a need to establish a contact person in each village, preferably from the local alcohol advisory board or a village elder, so that

villagers abusing alcohol outside the village may be referred for counseling or to receive other help while he is at home. Now therefore be it resolved that AVCP, YKHC and PATC work together to provide this education and assistance to village and Bethel residents. And be it further resolved that both village councils and local volunteer alcohol boards take the responsibility of educating villagers, naming and publicizing a contact person for relatives in Bethel to call or write with their concerns, and to provide prompt and on-going help to any person needing it when they return to the village." Just as a point of record, everything on this resolution was passed except for the last "and be it further resolved". They took out the part of alcohol boards and village councils taking the responsibility of educating villagers and having a contact person. They said that that was taking away their right to privacy, which is a kind of denial sort of issue I think. Any questions?

Rep. Sund: I think we've found the solution here. The solution is more money for Laurie.

Marum: Thank you. I'll take it. I think more coordination. All I've heard from people I've worked with in the villages, that they would like to have the responsibility, but they just need technical assistance and education.

Binkley: We've heard much of the same from villagers too. Laurie, thanks a lot. Carl Berger. And then Dave, you're next.

Carl
Berger: Johne, I wrote out a statement and I'd like just to read it. It's pretty short. I'm Carl Berger. I'm with the Yukon-Kuskokwim Health Corporation, and we're pleased to have this opportunity to appear here before you to present our concerns on this most important matter, which affects each and every resident of the YK Delta. Despite the passage of a Local Option Law in many of our communities, alcohol and drug abuse remain well-established in the region, and a growing problem. Increased usage among the young people is of particular concern. As you know, we have a single alcohol treatment facility here in Bethel with a current waiting list of somewhere between two and three months, depending on the situation. And we also have an Alcohol and Drug Prevention and Education Program that YKHC operates, and we maintain twelve village based alcohol counselors and two youth advocates around this region to provide drug and alcoholism prevention services.

You've heard from several of our counselors. I know that Edith Manutoli testified before you in Akiachak and Paul Crane in Emmonak, and Samuel Smith and Nick Chanar in Toksook Bay and I know Moses Tobeluk wanted to testify in Nunapitchuk this morning and wasn't able to. So we do have these twelve people and two youth advocates and we have a fifty village area to try to cover. And because of the size of this area, that's not nearly enough manpower to adequately combat this problem. Additionally our staff has enlisted the help of traditional counselors and respected elders in villages to become involved in working to find solutions and to help organize village residents into effective action. Community response and involvement is increasing, but there is still a continuing need for education and prevention activities, especially working with the young people, from beginners through high school. I have three specific suggestions for your Committee. The first one is to take some action to reduce the availability of alcohol in the region by stiffening the penalties for bootlegging, especially for repeat offenders. And I know you've heard this from almost everybody who's testified. Specifically I would say that you ought to consider the areas of confiscation of things used to bring illegal alcohol into a community such as Bethel. If a bootlegger is hauling alcohol with his pickup truck, that truck should be confiscated and sold. If he's using a snow machine to haul alcohol, that should be confiscated and sold. A boat, the same thing. You should put some teeth in the law to go after material things. When you make penalties for bootleggers, they should be financial penalties. And they should be mandatory, so that they're not reduced in half or reduced down to next to nothing. It should be financially unrewarding to people to bootleg. And right now that's not the situation. The other thing, along the same line I think you should consider, is to reduce the legal quantity that people can buy at a time. I don't know what those limits are, but there's a certain amount of alcohol that people can purchase, and when it comes in on the airlines by the pallet load, you know there's got to be something wrong. Maybe Markair and Alaska need to have it brought to their attention, that they're aiding and abetting somebody bringing in the amount of alcohol that they may purchased from a liquor store in Anchorage that's far beyond the legal quantity that they could purchase at a single time. Maybe it takes a confiscation of a 737 to get the people's attention. But really, if that's within the boundary of the law, maybe something like that should be looked at. Or the law changed in order to make it more difficult for people to buy such huge quantities

of alcohol and bring it in here all at once. So that's one. The second thing I would suggest to you is to recognize the need and to advocate for additional treatment facilities in rural areas of Alaska, that are culturally relevant to the needs of the local residents. You heard me say before that PATC has a two or three month waiting list. There's been interest in getting other types of treatment going out in this area, as well as in other rural areas, but prohibitive cost. There's certainly a need. And the final thing, and I think the most important, if you hear nothing else that I've said in this statement, is to recognize and to advocate for increased usage of the "Here's Looking at You" curriculum in all school districts in the State. This curriculum was developed several years ago by the State Office of Alcohol and Drug Abuse and the State Department of Education. It is not yet widely used throughout the rural areas of Alaska. Results will not be seen overnight, but efforts must be made to work with youth, allowing them to make informed choices about alcohol and drugs. These are our leaders of tomorrow, and they are now being increasingly and adversely affected by alcohol and drugs. Legislation to provide for additional education and prevention efforts in villages will literally save young lives now that are in jeopardy. I would say just that there is a very good curriculum, "Here's Looking at You". It needs to be more widely used within our region than I'm aware of and probably in other rural regions of the State. The Health Corporation purchased three of what is called bush kits for "Here's Looking at You" and they've been made available at the media center at the school district. Teachers need to be trained how to use these materials. And right now they're not getting very good use. So I would say, if there's a way that you can strengthen the ability of the Department of Education to let school districts make better use of this material that's already available and has been available for several years, I would say that would be very important. Because you need to start dealing with people when they're very young.

Rep.
Binkley:

Carl, I haven't seen that series "Here's Looking at You", but how do we get the school districts? I mean of course everybody wants local control of school districts and they don't want the State coming in and telling the school district what they should and shouldn't do. How can we encourage our school district around here, LKSD?

Berger:

Well, again I think by advocating to school board

members. Each school board member represents an area of this region. I think each one has a responsibility for listening to their constituents, just as you do with your constituents. And to encourage that schools be using these materials that are available.

Rep.

Binkley:

So not maybe as a legislative body, but individually to talk to school board members?

Berger:

Yes. And perhaps if there's a way the Department of Education can have some power to do more than just encourage school districts to use this material, maybe that should be looked at. I'm just saying, it's available, and it doesn't appear to be used as effectively as it could be.

Rep.

Binkley:

One other question. You mentioned a reduction, or set a limit on the quantity a person could buy. And I think that's got some merit. Representative Sund was mentioning earlier about the possibility of restricting the amount a person could have in their possession. Would you see something like that as workable for an area like Bethel? Where a limit were placed, a case of booze or X amount of wine gallons that a person could possess at a time, so that you didn't have the situation of a pallet load of booze coming in, or an igloo full of booze coming in to an area like Bethel, where it was obviously not for personal consumption, but somebody was marketing that alcohol illegally in the community. To where you couldn't go out and pick up a pallet load of whiskey.

Berger:

It seems that that would be very difficult to enforce. Practically speaking, I don't know how able you'd be to enforce something like that. It's a good idea, but again. And looking beyond this community to other parts of the State, if it were going to be something that were State-wide. Where would the manpower come from to enforce such a law?

Rep.

Binkley:

Now are you talking about reducing the legal amount a person could buy?

Berger:

No, you were asking me about what you could possess.

Rep.

Binkley:

Possession. But of course that would be a local option that each individual community could adopt or couldn't adopt. Another one from the menu that they could choose. But your suggestion about putting a maximum legal quantity a person could purchase. You're saying have that as State-wide, that would

Alaska, I've observed many things. If you will permit me to make an observation or two, I'd appreciate it. Many years ago, each community pretty much patrolled themselves. At least the communities I've lived in and worked in. They patrolled all types of problems through the council. If there was a problem, the council resolved that problem. Nowadays it's difficult to do that because of State law and other reasons, mainly State law, federal law. And hopefully during your review of the testimony here, you will take this into consideration if at all possible, to allow in the villages, and I don't know how you could separate that from Anchorage, allow the councils to have a little more control in monitoring the activities of what goes on in a community, provide their own mini legal system to deal with some of those problems. What I see the State doing now is putting a lot of people in jail, costing a lot of money, and personally I'm opposed to a lot of this. I don't think it's the right approach. I think the State should require everyone to be responsible for their own actions. A lot of this could be done through village councils. Legally it may not be possible. But I'm just throwing this out and I'd appreciate if you could at least take a look at it and consider it and see if it's possible, see if it's workable. There may be a lot of problems that we would not foresee at this time, but could evolve from this type of system.

Rep.

Binkley:

Dave, we've heard the same thing from the villages too. They really want to be able to take control of the problems in their community and they feel frustrated by the fact that they have to deal with State agencies or Federal agencies to come in and mandate those procedures that they've got to follow, and the rules that they've got to follow.

Trantham:

Presently it's not possible for them to legally take responsibility for some of the actions that take place in the communities. But take a look at it, if you will please, and see if it's possible to give them some authority. At least a limited authority to try it. Go back a few years ago, the City of Bethel tried ILDC. And it was a miserable failure, right?

Rep.

Binkley:

Yes.

Trantham:

It solved nothing. It was eventually ruled unconstitutional. Now the Legislature has decided to allow local option, allow people the right to vote

in a village for eight dollars a bottle. They bought it here for forty, perhaps, took it back and sold it for eighty. They have to make a profit, pay for the plane ticket too. Let's take a good look and see what we can do for the villages to give them a little authority to control their own destiny, so to speak, things that are occurring in their own village. And I think, on a limited scale, it might work. It might help. The key, I think, to the whole thing is education. If you have a guy who's forty, fifty years old, and he's alcoholic, we can try to help him. But the person you really want to help is the preschooler, the kindergartener, the children in school. They're our future leaders, like Carl said. Education. (End of tape)

Rep.

Binkley:

What we're proposing here is not something that we as a Legislature tells a community that they have to ban alcohol. It would only be something that, if a community wants to adopt that, if they think that may work for them as a community. And that's been the testimony from a lot of the communities, is that they feel frustrated by the current ban on importation, because it simply is unenforcable. But if it was a ban on possession, that they could control locally, that they could administer locally. Where they would find the person, they would confiscate the alcohol at the local level. That fine or community service work would go into the local community instead of having to send the person to Bethel, go through the whole judicial system. It would be something that they would deal with at the local level.

Trantham:

However, there is one major flaw. The major flaw is you'll have the same thing. Those problems developed as a result will move to Bethel and Anchorage. Just like the no importation. You'll have the same thing occur, unless the people that decide to vote for this option agree to, or the law will not allow them to possess alcohol in Bethel, Anchorage or New York City. And that's impossible to police.

Rep.

Binkley:

Right. Well, when you say you want to allow the community to deal with the problem, what if that community wants to ban possession?

Trantham:

I have no problem with that, provided one thing, that they not possess alcohol in Bethel. But legally you can't do that. And you'll have a miserable failure, just like the importation is a miserable failure.

Rep.

that nobody wants to squeal on that person because the penalties now for bootlegging are so stiff that they don't want to see them hauled out of the village and taken to some place in the State and sit there for who knows how many years.

Trantham: Community service.

Rep.

Binkley: Yes but your saying make it a felony, even on the first offense. And make it presumptive sentencing, throw them in jail, lock them up...

Trantham: For a short period of time, then a big fine. One last comment. Hopefully the people in the Delta area are treated as adults. In the past many of us (including myself) feel that often times we're treated as if we are children. As if we are pawns, something to use. And personally I'm getting pretty tired of being treated like a kid. I like to be treated like an adult. And make certain when you make laws concerning alcohol or any other thing, that it's dealing with people on an adult level, not as children, not as pawns. That's not the proper way of doing things. When you treat people like children, they act like children. And I've heard the question posed tonight, why are people drinking more. Why are there more problems? I have a theory and it's theory only. And I have observed many people. And people who are restricted from alcohol, quite often, when it's available in Anchorage, in a bar, they buy a bottle and go to the hotel room, they buy a bottle from a bootlegger. They drink too fast. And their system can not metabolize alcohol at a rapid rate. Do you understand the chemistry of that? And my theory is, when people are restricted from something for a long period of time, they may over-indulge and if you're consuming a great deal of alcohol at rapid pace, it really screws up your head fast. And that's when people get in trouble. Think about it.

Rep.

Binkley: So you would say then, to have alcohol readily accessible to people and let them learn how to drink?

Trantham: Through an educational program, restrictive program perhaps. People are going to get it, no matter what kind of laws they put on the books, they're going to get it. You know that and I know that.

Rep. Sund: So you're basically saying, the faster they learn how to handle it, the better off we're going to be?

Trantham: And at the same time be responsible for their

actions. We start off with the children, through an educational program and work from there. Thank you very much.

Rep.

Binkley: Thank you Dave. Shawn Stifen.

Sean

Stitham:

My name is Sean Stitham. I'm Community Health Director. I'm a physician at the Yukon-Kuskokwim Delta Regional Hospital. I work for the Indian Health Service. I've been in Bethel, this is my third year. I was two years here, one year at Alaska Native Medical Center in Anchorage, then I just came back here. I work half-time administrative and I work half-time clinical. Before that I worked full-time in clinical. Part of my administrative duties are community health, which pretty much covers everything in Bethel. Specifically the health aide program and working with a lot of out-patient activities. I'm really filling in for Dr. J. R. Krevens who's in Kotzebue because they have a shortage working there, but he's our real liaison with the Alcohol Taskforce. I'm sure you're all kind of numbed by all this testimony. I won't go into great details of all the statistics. But speaking anecdotally, we also cover one hundred thousand square miles, we also cover forty-eight villages, which is roughly the same parameters other people have been talking about. We also have the largest bush hospital outside of Anchorage and the busiest. We have fourteen doctors, sixty nurses and we supervise one hundred forty health aides. We have about twenty thousand out-patient visits and our second most frequent cause for admission at this hospital, after obstetrics, is accidents and injuries. Our statistic keeping is somewhat loose, since most of us are running around most of the time without time to check off boxes, but anecdotally it's about seventy to eighty percent probably of our accidents and injuries are directly alcohol related. That includes rapes, assaults, three-wheeler accidents, suicide attempts, frostbites, infections which are let go too long because they started off not too bad, but by the time they wait three days, when they wake up from being drunk, they've got a roaring something that has to come into the hospital. Other medical problems which aren't as obvious but are directly related to alcohol are the child abuse/child neglect, sexual abuse, and not to mention, I wouldn't call it elder abuse, but I'd call it elder mental anguish, elder trauma. Which is, the number of people that we see who have, by the time you're done talking to them through a translator for

half an hour about a lot of what medical people would call vague complaints, aches and pains that don't fit any syndrome. The number of times it turns out to be that they're concerned about their son who's drinking, or their daughter who's drinking, we spend a lot of time. I'd just like to sort of rebut what Mr. Tranter was saying, well not rebut, you were trying to clarify it, but this is definitely the right direction in terms of, I think that the Local Option Law, medically speaking, has been a big help. We don't have anybody left who was here in 1973, as far as who works at the hospital. But I once met a nurse who was here in the 1970's and she said that it was unbelievably bad in terms of just being a hospital worker.

Rep.

Binkley: That's when alcohol was sold in Bethel?

Stitham: In 1973, yes. She said it's bad now, but it was much worse then. And I'd also point out that during the period in 1984 when there was the absolute ban, one part of the population being the hospital workers, it was wonderful. We had an incredible drop-off in the number of lacerations, assaults, rapes, these kind of things. While other parts of the community I'm sure were upset, there was a marked statistical drop in the number of out-patient visits related to alcohol in admission. We saw six hundred ninety-one people in the six month period for protective custody, from January of '85 to June of '85. That's six hundred ninety-one people that you don't have time to do something a little more worthwhile for your time, such as preventive medicine, blood pressure checks, checking someone out and sending him off to wake up, to sober up.

Rep. Sund: I thought I understood the protective custody thing as somebody just can't take care of themselves, and they're not in a warm place and they pick them up. I thought they took them down to the regional jail. Do they take them to you to see if they're still alive?

Otto: I can answer that shortly. The statute requires that somebody be taken first to a treatment center, then to a hospital, then, if there's no other option available, to the jail. So what they were having to do was channel all the PCs through the hospital before they could take them to the jail for the hospital to say, "We don't have enough room to take them, yes they're drunk". They've now developed another system where they can take them straight to the jail.

Stitham: And to say "No you don't have diabetes, you're not in a coma from diabetes". They now have medical screening done at the jail. Anyway, this is a high risk medical area. We have the highest rate of Hepatitis B in the United States. We have the highest rate of Hemophillia Influenza, which is a bacteria evasive disease, Meningitis, we have a lot of active TB. Our statistics are off the wall compared to other parts of the United States. Chronic lung disease. So speaking as a health care provider, we are plenty busy and short-staffed already as it is. We never have enough staff. And the alcohol is not what anybody who's interested in health care is interested in taking care of. It burns people out, it makes you real negative. If the goal is to try to maintain a stable population of health care providers in the Delta, alcohol related problems do nothing to do that. It makes people very negative. It makes you want to take off to an area where you don't have to deal with a lot of self-inflicted alcohol related problems. So I'd again just like to reiterate that I think there's lots of pros and cons about the, I don't know how you're phrasing it, allowing people to have the option to ban possession. I know lots of problems with enforcement, but I'd be just personally in favor if you could try that, and see how it works. Because you probably already know, it'll work in some villages and it won't work in others. The other thing which is anecdotal and just crossed my mind is there are some villages, this is anecdotally, there are some villages that you know, if the health aide's calling at three o'clock in the morning, you know it's not a baby. You know it's a gunshot wound. And there's other villages where there hasn't been a gunshot wound or a suicide or a rape in a long time. And I can't prove this, but Kongiganak and Kwiggilingok are notorious for being, there's not an alcohol problem in this village. When I say that somebody will probably bring all the statistics that there is, but anecdotally that's what I've heard and it's been attributed to the elders having sway. Just in terms of how you're going to get at this problem, and I really believe that it's the elders in the community who are going to. For me to come in as a village doctor and go to the council and say "You have a problem with alcohol" is nothing. But through the council giving social disapproval and supporting the VPSO. And likewise supporting the health aide. It's a problem for both of them, in terms of people who are working for the benefit of the community, but are related to most of the people in the community, and going out on a limb to try to make a correction and being slapped down by the rest of

society. But I think the burden should be on the village and the council to try to enforce this and support it. That's all.

(audience member)

May I ask you a question?

Rep,
Binkley:

Yes, Eddie, go ahead.

Hoffman:

You talked about alcohol in Kwig and Kong. They're all church goers you know. Between Anchorage and here they're all drunks. And another problem you have.
(end of tape)

Rep
Binkley:

Well, yes, medically speaking.

Hoffman:

I know it because I was told.

Rep
Binkley:

Yes, medically...

Hoffman:

The question for you folks, you whites been in the Legislature for so long you don't even know how many wine gallons you have in possession and the State statutes said three wine gallons in possession. I thought Lori Otto she's a lawyer, she ought to know.

Otto:

I don't know that Eddie.

Hoffman:

I know that for a fact because I saw one of them up there this summer up there. Three wine gallons.

Otto:

That proves you're smarter than me.

Rep.
Binkley:

We'll go ahead and close the public hearing.

You could see from about thirty thousand feet. You can see these layers.

Rep.

Binkley:

And this wouldn't be just carbon dioxide that's generated here from...

Bean:

No, it's not only carbon dioxide. You have this term called Arctic haze, which is sulfur dioxide, from the big manufacturing plants in eastern United States, west Soviet Union, and parts of China and East Indies. Apparently, we're right in an airstream of that pollutant coming up through the polar regions from the Far East. The Bethel area is right in the direct path of these air currents that are coming up. You probably didn't know this. During the winter, summertime, whenever the weather's going to change, a cloud formation always appears from the southwest here. No matter which direction the wind's coming from. Perhaps that's true. And while in England I asked these scientists if we can have some studies on our plant life here in the Yukon-Kuskokwim region. Two years ago, through AFN convention, I was instrumental in making out a resolution to do some studies of that. But somehow Frank Torgelson from NANA region got ahold of that resolution and was able to acquire two hundred and fifty thousand dollars and gave it to University of Alaska to do some studies. Instead of checking our area, they checked the north. When I did find out, I asked if twenty-five thousand could be amended to our area, but it was already earmarked for that region. So Scott Polar Research Institute in Cambridge, England, I've asked them to do some studies for our area. And they are working right now and perhaps by May or June they will be able to get somebody out here to do some plant life study for that. Perhaps by that time we will know when they do these studies they will know how much and what kind of pollutants we do have in this area.

Rep

Binkley:

They take and analyze the plants and see if there are silver dioxides in the plants?

Bean:

What is being absorbed in the plant life. And since, to a degree, we cannot do without our traditional foods, we cannot live steady on domestic foods. We have to make our traditional foods and perhaps that is one way we are taking into our bodies the chemicals that are being polluted to the plant life, since the plant life is the food chain for all the wild animals and the fish that are here. Especially the indigenous fish that we have here, like blackfish, pike, whitefish and shee.

Rep.

Binkley:

Matthew, do you want to testify a little later, because Brian's here and Clara's here and they have to run to some other places too. We wanted to get their testimony if we could real quick. Thank you. Clara?

Clara

Kelly:

My name is Clara Kelly and I work with a project called Southwestern Alaska Council for Prevention of Child Sexual Abuse. What this program is, I'll just give a brief explanation of what it is. Several years ago people that work with children, mainly the medical field, social workers and the people in the educational field started wondering why these children were brought to the hospital with venereal diseases, which are sexually transmitted disease. And were wondering why these little children at the age of two and under were brought to the hospital with such a disease. So that's why this project came about. Right now what I'm mainly interested in is talking about the statistics relating to alcoholism. I think I won't be exaggerating when I'm saying how many of the statistics we have gathered since 1981 are alcohol related. Just to go back a little bit. In 1981 the cases that were reported were seventeen. In 1982, twenty-seven. In 1983, eighty-six. In 1984, one hundred twenty-one. And from January till end of June, 1985, one hundred thirty cases. And from July 1 to end of October, 1985, sixty cases were reported. These are the cases that are only reported to the legal system. We have not had many cases of incest. However, we do think, and again I don't think I will be exaggerating, there are some cases that are unreported. If they are reported, they are not backed up by witnesses. So we are still working toward getting people to understand that there are some incest cases still going without report. I called the District Attorney's office to make sure that I'm not getting percentages out of my head. I know from the papers that you've read and the cases that have been reported to our office, there are about seventy percent or more are alcohol involved whenever there's a child sexual abuse case reported in this Delta region. These statistics that I just told you about are just within the AVCP region. Any questions?

Otto:

Is that consistent year after year? The number of cases that are alcohol related?

Kelly:

I think, it seems to me the last two years we have noticed more and more alcohol related. In the past, it seems when I first started working with the

project, probably because we were not too concerned about what the offender's behavior was, other than the fact that he was the offender. But lately, reading from the media, and hearing from other reports, there seem to be more and more alcohol-related offenders that are drinking.

Otto: Do you track that as part of the statistics throughout the State?

Kelly: We are starting to offender's files. And also we have articles that have been cut out from our local paper, or any other paper that has some report from our region, people from our region. So we are starting to keep track of that, mainly for alcohol and drug-related cases.

Rep. Sund: A couple of questions. When did this Council that you're working on first start?

Kelly: The people started talking about it in 1981. They started working on it, and a group of people got together like I said. And then we hired the first person in 1982 to run the project, April of 1982.

Rep. Sund: So child sexual abuse cases have been on the increase, or the reporting of them anyway, has been on the increase all over the State for the last few years. But this series of numbers is a pretty dramatic increase here. Do you think it's because there's actually an increase of incidences, or is there an increase of people being aware that you're available to report to and take care of, and are saying "I don't have to put up with this, it's wrong. I have a place to go now".

Kelly: I think it's because people are more aware of the problem. They are openly talking about it, and children and women, when they do report, the legal system and people in our position, and TWC are now believing them and supporting them. Even at the village level. The people in the village are now not putting it aside and saying "Well, I wish you wouldn't say things like that". They are now accepting that there is such a thing as child sexual abuse and it should not be hidden any longer.

Rep. Sund: In terms of the alcohol related victims, do you find that the sexual abuse has a good model for what the offender looks like, I guess. Most of the other cases, the rest of the State, it's either a family member or a close friend, or it's somebody the person knew. Is that the same situation here?

- Kelly: I should have brought my sheet, how we kept our statistics. There are a number, I think within the last two or three years, we have had more, not exactly father/daughter, but we have grandfathers, uncles and step-fathers in a higher number from our statistics. Very seldom is it someone that they do not know. It's usually someone the child knows. Like a family friend or someone that they know. Did that answer your question?
- Rep. Sund: Yes. That confirms what's the same everywhere else. From your experience being in the area here, do you see an increase in the use of alcohol?
- Kelly: Yes. Definitely. I do see an increase in the use of alcohol. In broad daylight when you go down, that's one of the reasons I don't like to go to Swanson's store, because there's always a number of people just standing there or harassing people.
- Rep. Sund: And we've been out in some of the villages here in the last few days and it's been a real experience for me. It's the first time I've ever been in this area. An increase in the use of alcohol seems to be rising out in the villages too. We were just kind of searching for some causes to say why. Do you have any idea of what the motivating force is behind the use of alcohol.
- Kelly: Well, according to my mother, she said it's not the sole reason. One of the reasons that she thinks is outstanding in her mind is because people are not as busy as they used to be. And people are getting bored and they're not taking their responsibilities as seriously as they used to, because you don't have to go out and work as much as you used to because you have food stamps, and because you have welfare people that come and tell you "You're single now. You don't have to go to work. I'll come and give you some money every month". So a lot of responsibilities are taken away from the families. That's part of the reason, I think. And another reason that I have heard from other people is the fact that a lot of their children that have left home to go to schools like Mt. Edgecumbe. They've been removed from the family environment for a number of years, and then all of a sudden they are back. And it's entirely different from four years ago when I left. There are a lot of problems, and these are just part of the problems.
- Rep. Sund: That's a different one that we haven't heard any testimony on that before. And that's the fact that for so many years the teenage population, the high school population, went to school outside of the

village and now they're back in the village. And the villages haven't dealt with that age group in the villages for a long time.

Kelly: Also people that have left four years ago and came back. To get back together is a little bit difficult for both the parents and even the village itself. Because the villages have changed from four years before. Time changes rapidly. Another thing that I have heard, we like to blame everybody else. However we'd like to tell ourselves too that we have to take our own responsibility. The fact that, a lot of the people think that we are trying to make too many rules. When you're enforcing too many rules, then you resent. I don't think that was as much as the other reasons, but this has some effect on the problem also.

Rep. Sund: I have to ask you my favorite question. What's the solution?

Kelly: Well, I think the solution that I see is education, from the very beginning. Like the problem with child sexual abuse has been education from the very beginning. How to protect yourself from abuse. And I think once our children learn to not abuse things, I don't see any other solution. I can see other factors that can be an input, but I strongly believe in education, prevention, awareness.

Rep. Sund: In the area of alcohol, the Local Option Laws that have been enacted in quite a few of the villages, and partial limited Option Law here in Bethel. Do you think that's had any effect on the consumption of alcohol, either in Bethel or the villages. Since the Local Option Law was passed in 1981, 1982 in the villages. Has that had any impact in the consumption of alcohol?

Kelly: I don't know how to answer that, but I do know that some villages that totally ban alcohol, when they come to Bethel or Anchorage, they are totally oblivious. They get to a point where they are completely intoxicated. Because at home they were not, even the outstanding leaders of the village, like my own home village of Mountain Village and St. Marys. Our leaders there, they don't drink while they're there. However, everybody else knows that they do get completely out of their minds drunk when they are in Bethel, Anchorage or elsewhere.

Rep. Sund: Do you then, Clara, think that with the Local Option Laws, would it be better not to have the Local Option Laws at all?

- Kelly: I think there should be a happy medium somewhere. I really don't know how to answer. I can't take the responsibility of advising anybody how to do it exactly, but I think there has to be a happy medium somewhere. But I keep falling back to education. Let people know that they are harmful. They already know there is harm. Well, you read so many things nowadays. Sometimes if you are trying to argue with someone, just recently somebody told me, in fact one of my relatives said "Clara, according to the paper, to have a drink once in awhile is better for your heart than to never have drank in your whole life".
- Rep.
Binkley: Some of those little known facts. Clara, thank you very much. We appreciate your coming out. Brian.
- Brian
Schuler: I'm going to try to keep it short, although preparatory to the Committee, I have to say that this is a subject that I'm not lukewarm about, either professionally or personally. It's something that's very closely connected with what I do and what I've seen since I've been in Bethel, which is getting close on to four years now. My name is Brian Schuler. My occupation is District Attorney in Bethel. I cover the Yukon-Kuskokwim Delta area, sometimes up to McGrath, all the way out to the coast.
- Rep.
Binkley: Tell us a little bit about it.
- Schuler: I guess it's no secret to this Committee, and I could talk all night about it, that alcohol is intimately related with virtually every criminal case we have in this area. It's also intimately related to the vast majority of our social services cases which our office handles in court. I think, from what I can tell, it's even involved in a lot of the civil cases that we see in court, although I'm not an expert on that by any means. The Troopers have already told you that in Bethel, in the villages, in the whole area, that it is extremely rare to come across a criminal case that is not alcohol related in some fashion. As a matter of fact, it gets to the point where reading reports on domestic violence, on burglary, on criminal mischief or any sort of a case from a village, it's gotten to the point where occasionally I have to ask the VPO or the VPSO, was this alcohol related, were the people involved in drinking? It's so much a part of the criminal scene, that it's like a fish in water. The VPSO assumed that we knew that it was alcohol related. It

or particularly sale, case that seems out of line with, the classification of the crime is a class A misdemeanor, I don't have any qualms about that because I believe that if we can put a bootlegger out of business in a village we've saved ourselves at least ten other misdemeanor cases. Either a person who buys a bottle of liquor for forty, sixty, eighty, even more dollars, goes home and gets drunk and gets in a fight with a family member, beats a spouse, abuses a child. If we've saved ourselves some of those cases by putting bootleggers in jail, then we have advanced the cause of justice. We've taken it home to where it belongs so that the person doesn't have to say "Judge, I wouldn't have done it if I hadn't been drinking". So those are kind of priority cases for us. (end of tape).

Rep.
Binkley: Hello, Daniel, can you hear me?

Daniel: Yes. Loud and clear.

Rep.
Binkley: Yes, this is Representative John Binkley up here in Bethel. Would you like to testify, give us some of your thoughts on the alcohol problems and the local options in the communities, what your thoughts are on those.

Daniel: The reason I'm calling is on this local option, it's like they are starting from the wrong end, on the villages. Like according to the news yesterday I believe, or today at 6:30 KYUK news, from the report from the Bethel Police Department and report from the Alaska State Trooper and the court that the past one year that there were rapes, murders, alcoholic related crimes committed, and that is about ninety percent alcohol related. My concern is I don't think the problem in the villages will not be solved if all the bootleggers are resolved. Like on this KYUK report one morning, I was going to call but they ran out of town, like one person, he was a Bethel resident, I believe his name was Frank somebody. He said the only drunk and staggering people he sees are the villagers. And it's true. But that comment that Frank made is still not the right point. Because the point is those villagers that stagger around in Bethel, they get their kicks from somebody that's already in Bethel. They've been trying to stop this illegal deals going on in Bethel. And I think it's the main point solving the whole problem here. Are you still there?

Rep.

Binkley:

Yes, I'm still here Daniel. What do you think of, now in Napakiak you've adopted a local option that allows for the ban of importation and the ban of sale in Napakiak. How is that working in Napakiak? Down in Napakiak it's, they voted against it to be dry, but you know I was a village policeman for nine years and I had training down in Sitka and if the village police, if they want to make good cases out of these local options or importations, I know myself that I see them trying to convict somebody, but they always do it the wrong way. Which sets up to lose their case all the time. Like that report from Kipnik, illegal seizure. Like village police, they don't have a right to take anybody's luggage or something. But I know that they've been taking a lot of bottles from the local people here. But they've been making inaccurate reports and turning it over to the State Troopers and the State Troopers in turn have to tell the village policemen that what they did was okay, but it's inaccurate complaint or report. Even the village policemen they have to go by the law to have a good case.

Rep.

Binkley:

So what you're saying is it's very difficult to enforce that option that communities have chosen to ban importation?

Daniel:

Yes. They chose to ban it but it's still the same as before. One of the reasons, if the village policeman can make a good report convicting somebody who's bringing in liquor, maybe from town, or if they do bring in those liquors, if the village policemen go by the right procedures legally and convict that person, they could win that case. But I've never seen it so far in Bethel because they've been handling the cases illegally. So that's one of the things I'm pushing for is to have the village police involved with being trained more on this local option deal, then on this importation, for them to correctly take a person to court.

Rep.

Binkley:

Do you think the idea of a local option, Daniel, is a good one? That communities should be able to decide how they want to regulate alcohol?

Daniel:

Yes. I've been working for the village myself and sometimes I'm against the people and sometimes I'm for the people. But as far as I've been working I've been working with what the majority of the people vote in the village. To ban and not to bring any liquor into the village.

Rep.

Binkley:

Daniel, what if the village had another option to

choose from? Right now, as we discussed, they can ban the importation and ban the sale. What if they had a different option that they could choose also, which would be to ban the possession. Do you think it would be any easier for you as a Village Public Safety Officer to help control the alcohol if you saw a person in that community who had alcohol and were able to confiscate that alcohol under such an ordinance?

Daniel: Like I said before, most of the people in the village, they have a bottle in their position maybe one or two. I know one thing, they brought a case of whiskey to the jail, and I was waiting to hear the conviction report, and it's about one year old now.

Rep.
Binkley: And that was trying to convict him under the importation law?

Daniel: Yes. But the villae police officer like I said, made an inaccurate report to the Troopers, or they did something like illegal search and seizure you know.

Rep.
Binkley: Okay, I don't have any further questions for Daniel. I thank you very much for your participation. I apprciate you calling in.

Daniel: Yes and when will we raise this problem, of drinking in Bethel. That's one they've got to stop somehow. I don't know how, but they have to find a way to solve it, you know. There's a million dollar business going on every year up there, so everybody gets drunk up there when they leave for town and they get to the bootleggers you know.

Rep.
Binkley: Okay, thanks again Daniel. Okay, Brian.

Brian
Schuler: Well that raises a number of interesting things that I wanted to talk about. It is true. Bethel is a center for distribution. Red Devil is a center for distribution. People bring liquor into the airport at St. Mary's and distribute it out to other places. It's very true. There's just no question about it. We are trying to shut the bootleggers down in Bethel, but as Dan points out, it's a million dollar business, but we don't have a million dollars to go after them. On the other hand, I would say this, people like the last witness and people in the villages can do something about it. We don't win every case by any means. Sometimes people beat the rap. But if I believe that every time that someone beat

the rap that there was no point in having a law, then I wouldn't be in the business that I'm in. There is a value, I've seen a value in the villages, in speaking in the populace by vote, speaking and saying "alcohol is killing us. We don't want it here. We don't want it brought in. We don't want it sold here." And by extension with the possibility the committee is considering, "we don't want people to have it here." For society to say that is the first step to dealing with it. The next step, of course, is to enforce that law. And a law that's not enforced quickly becomes obsolete. But the villages have told me that when they have an option like that, they would like to have it enforced. And we try to do that. As I said, I think we save ourselves time in the long run by giving these cases a priority. We don't win every one. Sometimes as he said there are problems with search and seizure, things we need to work on. Abandoning the fourth amendment isn't the key. Training perhaps is. Going ahead, pressing ahead in these kinds of cases, is. I can cite one community that has done a fine job in enforcing the ban on importation that they do have. And that's Kwethluk. VPSO Max Olick up there is aggressive in enforcing it. He's supported by the community. Now Kwethluk is very close to Bethel, so it's hard to shut the door to liquor. It's easy for people to come and get it. But it's not winked at. It's not tolerated. And the law is supportive up there. Some other villages have similar problems with importation. As I said, some do better than others. Some villages have a problem not only with importation, as a case I'm trying right now where most of the people involved had brought liquor from Red Devil into Sleetmute. Some villages have a problem with home brew. I've got a case that I recently handled that came up from Hooper Bay where a murder was committed. The apparent motive of the murder was to get home brew that had been brewed up by another person. The man who was killed was known as a person who brewed home brew. The murderer entered the man's house at night time, armed with an ax, killed the man, and was seen carrying away a white bucket, which is characteristic of home brew. He states that he was in there to get home brew, the person who did the killing. So although I've heard it said that if people want to drink they will, I don't think it's necessarily true that we can't do anything about those problems, we can't take it back a step further. I would urge the committee to seriously consider the extension of the local option laws to allow individual communities by a vote of the people, to say, not only do we not want liquor sold here, not only do we not want liquor brought in from

outside here, we don't want people to have alcohol in our village, because it's killing us. The way to do that, or the ways that are presented to the committee, will have an impact on law enforcement. There's no question about it. Every time the law changes it has an effect on law enforcement. Clara Kelly has been describing the increased concern that we have with child sexual assault and the connection that alcohol has on that. Certainly, over the years, even since I've gotten to Bethel, a bigger portion of our caseload, a larger number of cases referred to us are child sexual assault. And indeed a lot of those are alcohol related. We're doing more about those. But it's not only because we're getting more cases, it's also because we're more serious about it. Because we see the harm that this does down the line and how important it is to try to nip those things in the bud. I think the same principle applies to alcohol law enforcement. If we're not going to be dealing with the spouses who have been battered, the children who have been abused, the neighbors who have been killed, the people who have died as a result of drowning and hypothermia and getting lost because a very dangerous drug is being introduced against the will of the village because a very dangerous drug is being produced against the will of the village then we're dealing with a symptom and not a cause. We are going to be busy with these kinds of cases if they come along but it's not a business that we are afraid of, it's not a business that we want to avoid because I believe that with those kinds of cases we are doing good work. We are helping helping the villages become better places, places that are safe and happy, and where the values of the people are respected. And where this serious problem of alcohol/drug abuse is less and society says "we don't want it" the village says "we don't want it". The impact that that has, the kind of influence it's going to have on us is it will probably cause an increase in caseloads. I don't think that in every instance though that either liquors manufactured or brought in and possessed is necessarily going to shift a great burden on to us. Just the community saying "no" that's what is going to have a deterrent effect. Just the prosecution of the people that we can get our hands on easily who are obviously doing it is going to say "and the State will back you up on that. We support you in that view." And I think that it will have a positive effect on people. We'll see, one, that the community doesn't want it, and two, that the State and State law enforcement will help prevent that. Locally we have found that we take bootlegging cases most seriously, put the most resources into those, and generally the longest

sentences and the most severe punishments are on those.

Rep.

Binkley: Brian, could we break in here and get Richard on the line. Hate to interrupt again.
Richard, are you on the line there.

Richard

Peter: Yes I am.

Rep.

Binkley: This is Johnne Binkley here in Bethel. Glad you called in this evening. Just for the record this is Richard Peter calling in from Holy Cross. I know some people from Holy Cross wanted to come over to Aniak and we weren't there long enough apparently to accommodate everybody, and I hope that you can speak on behalf of the people there Richard in offering your testimony.

Peter: Johnne, I've got three people here who also want to talk. We've got some teleconference equipment here also.

Rep.

Binkley: Okay, good. We're right in the middle of the testimony of the District Attorney here, Richard. Can you guys, do you mind listening in while Brian completes his testimony?

Peter: Sounds good to me.

Rep.

Binkley: Okay. We'll try to open up the mike and you can hear the testimony as well.

Brian

Schuler: As I was saying, bootlegging cases are the ones we take most seriously. The penalties that are imposed for that are the most severe and, indeed in our local option areas for second offenses, or offenses involving a lot of liquor, they're even felonies and people go to jail for years for those. Importation cases are next in seriousness. It's rare to see an importation case in which some tie in jail is not served. Most people serve ten days or so in jail for that kind of offense. People we've charged and convicted of misdemeanor bootlegging sentences range in general from about thirty days to ninety days for first offenses. And as I said, second offenses become felonies. What I suggest to the committee in proportioning the response of society to the crime, or the offense, is that you may well want to make the simple possession a less serious offense, but

nonetheless say, society doesn't want that. What may well achieve that objective and I think would be a good idea is to make possession of alcohol in a local option area disposed to ban it an offense or a violation punishable by civil fine. That would eliminate the possibility of jail time, but would still involve a penalty against the people involved. It would be something I think that would be enforceable. The likelihood that people will not commit the offense of course varies with the stringency of enforcement and the degree to which society controls the behavior. If we find that instead of a simple possession case, or with a person who's not responding to the civil fine, that they're bringing liquor in from outside the village, we can target those people and make them the focus of an importation investigation. If in fact they're importing the liquor we can bring them into court after accumulating the proper evidence, charge them with importation, and have them subject to those stronger penalties. If in fact those people are not only a problem with the possession and use of alcohol in the village and with bringing it in from outside, but are selling it to other people, then the focus of the case become a bootlegging case, a sale case. And as I said the penalties become more serious for that. I think that that would be perceived as more just by people that, depending on the level of involvement and the level of impact on the community, that both the charge and the ultimate penalty are in scale. And so that's what I would recommend to the committee.

Rep.

Sund:

Just a couple questions. One, do you have any idea what the scope of the importation into Bethel is in terms of pounds, tons, dollar values of liquor, what are we talking about? Gallons?

Schuler:

We had one case last year involving one bootlegger who was operating out in Tundra Ridge. He came to Bethel from outside the State, he was in business for about sixty days. During that period of time we went back and got all his receipts at the various places, the shippers out here. He brought in sixteen tons of liquor.

Rep.

Sund:

You're talking about hard alcohol or beer and wine?

Schuler:

That was mostly beer. Now he wasn't very smart. One, we caught him and two, he wasn't familiar with Bethel and we were able to go back and figure out everything he brought in. There's a case, which is pending in court right now in which we recovered I

believe it's one hundred and eighty-eight bottles of whiskey on the premises. Stowed under the back of the house was at least an equivalent number of boxes. It's a location in which we've put a number of bootleggers out of business over the years. It's a prime corner location, so it seems like people keep going back into business there. So we know from watching that house that literally more than a ton of hard liquor was sold there. A lot of bootleggers have gotten wise to what we're doing and conceal their shipments. A lot of them send them in in the name of a person who's not in town or even deceased and then pick them up.

Rep.

Sund: So what's a case of beer worth on the retail outlet of bootlegging here in Bethel?

Schuler: If I remember correctly from the case last year, the price was forty or fifty dollars a case of beer.

Rep.

Sund: I was just roughly calculating. Sixteen tons is about thirty-two thousand pounds and probably about thirty pounds a case, if I remember my airline days right. That's about a thousand cases. So you're looking at forty thousand, fifty thousand dollars in that sixty day period. I want to go back, a little bit earlier you were talking about and then you developed a little bit that alcohol is a major problem. But the real question we're coming up with is why are people drinking. Is it because alcohol is available or are there some other underlying reasons in this region of the State why it's happening. I'd just appreciate your opinion.

Schuler: Well, experience indicates to me that, as I said, alcohol is a powerful drug and it has some addictive qualities. The people that are drinking, either to excess or not, say "because it feels good." I know that during hearings that were conducted by the Alcoholic Beverage Control Board up in Sleetmute recently, a number of people came up in defense of the Red Devil liquor store and said, "Well people come in and buy this stuff voluntarily. There's no stopping that. I have to question that when I look at families in which, after receiving the AFDC check, they go to a place like Red Devil, or down to Bethel, they cash the check, and they spend the money on booze. Those families don't want the kids, actively, to be hungry for the rest of the month, but they're not performing very well in the presence of liquor. I can't say exactly why everybody drinks, but I know we've got a real severe and widespread alcohol abuse

problem in this area.

Rep. Sund: So it's your opinion then that a deterrent is one of the options that we have that we should pursue to prevent the availability of alcohol in the Kuskokwim River Delta area?

Schuler: Well, I think the logical corollary of what I so often hear, "Judge if I wasn't drinking I wouldn't have done it" is to say, "if you don't have it, you won't commit the crime."

Otto: Brian, maybe you could talk a little bit about whether or not you see a connection between the children that you have in court as children in need of aid, and then looking at that historically, children who have in the past been wards of the State or have been placed in State custody as children in need of aid, and people who are committing crimes as adults and young adults.

Schuler: Well, you know it's kind of surprising. I haven't really been in Bethel very long, but there is already a group of people that I've handled as adult criminals who were juvenile offenders who were wards of the court, who are children in need of aid. Again, looking at their family situation and the offense that have brought them before the court, they're often alcohol related. They tend to follow an escalating scale. As a young person they are in an atmosphere in which alcohol abuse is common. Sometimes they abuse alcohol themselves. Often they do. And they get in trouble. Sometimes those things start simply as misbehavior but they often escalate into residential burglaries, very often for the purpose of obtaining liquor. They find themselves before the court on that. And in due course, whether or not we can do anything for them, they become adults. Becoming adults, they often

find themselves again in a cycle of alcohol abuse and criminal activity. They may become again burglars seeking alcohol or things that can be traded for alcohol. Or they may become married and, in a cycle of alcohol abuse, abuse their spouses or their children. They may become involved in the underworld, such as there is, or get into the business as some juvenile offenders here in Bethel have, of rolling people from the villages who are themselves victims of alcohol abuse in order to get the money for drugs or alcohol. We have a number of murders that I've been involved with, or have been through our office, which were young men who had juvenile records like that and who, in the process of abusing alcohol, have taken the life of another person. That's so common it's almost a pattern in both escalation of juvenile offenses and even in the homicides we see. It's almost rare to see a murder that occurs in this area where the defendant doesn't have a juvenile record like that.

Otto: The other question I had was more to refresh my memory. In talking to you before this hearing about what the committee was considering and giving you a little advance warning of the subject you'd be questioned about, you used an analogy comparing alcohol to a toxic substance that I can't quite remember right now. Maybe you could go into that.

Schuler: I mentioned to you and I think I'd also mentioned it to Johnne before. I was thinking about it one day, and I suppose the talk throughout the country of toxic materials in the environment kind of brought it home to me. What we have in a lot of these villages is a toxic material. A toxic material that is shortening life spans, that is causing deaths, either in the form of accidents or homicides, that's severely impacting people's health, that's destroying families. If we had a toxic material that were being dumped into the water supply and that were being consumed by the people and causing those effects, we wouldn't have any hesitation to say, whatever needs to be done to stop that is going to be done. Alcohol for some reason is often viewed differently. It is a toxic substance and as I said, I believe, often people are as subject to it as they would be to poison in the food supply or poison in the water supply or poison in the air. The poison is killing people, and I don't think that just because it has the name alcohol or liquor that we can ignore the toxic character of the substance. I think it's more like poison in the water or poison in the air than like joy in a bottle.

- Rep. Sund: The pharmacologists would say, there's no such thing as poison, only poisonous doses, but I guess that's a splitting. But just to throw an idea out to you on the bootlegging concept, what would your opinion be if you were just to focus on that, just say, we want to go after the bootleggers and we want to stop them in Bethel under the existing ordinances that we have. Does it make any sense to just take a well-funded taskforce, strikeforce type concept with the investigators and the prosecutors and the police, and whatever it takes necessary to stop it for one to two years and just go after it and see what happens there? Does that make any sense to you?
- Schuler: Well I'm all in favor of putting bootleggers out of business. Vic Krumm, who was out here before me, said it in the newspaper. He said "It's no secret that I hate bootleggers." I feel the same way Vic does about it. I feel that they are a blight on society and they cause a lot of problems. On the other hand, they do have a tendency to crop up as soon as you can get rid of them. There is a demand there, but I think that a broad range of approaches to the problem accentuates this area's concern, society's concern with the problem. I'm all in favor of putting bootleggers out of business. I don't think that's the whole solution to the problem though.
- Otto: Brian, some of the things that other people suggested were increasing the penalty for first-time bootlegging from misdemeanor to a felony and/or making bootlegging subject to presumptive sentencing. What do you think about either or both of those?
- Schuler. In 1980, the grand jury out here met under Vic Krumm and they did recommend that the Legislature increase the penalties and particularly that it make first time bootlegging in a local option area a felony. The Legislature acted on that and I believe as a result a compromise made second time bootlegging a felony in a local option area. People were a little concerned that it might be Draconian to punish a first bootlegger with a felony offense. I tend to agree with the grand jury in 1980. I think if it were a felony that would be a step in the right direction. We could really do something about it. We wouldn't have to go through these serial prosecutions or what is often true, the process of educating a bootlegger in increments. The first case where he may be able to beat the rap. The second case where we're more careful and he gets convicted of a misdemeanor. The third case where, with progressively increasing difficulty, we get him convicted of a felony. So I would support that idea.

I think it would be good. We would give the cases about the same emphasis we do now. Our misdemeanor bootlegging cases don't get a lot less investigation than some of our other class C felony offenses. As far as presumptive sentencing, right now second time bootlegging is a class C felony. It's subject to a presumptive sentence for second offenders, but not for first offenders. I don't think that the problem in this area has been that the judge or judges have been light on bootleggers. The sentences have been stiff and the convictions occur. So I don't think necessarily imposing a mandatory sentence for first time bootlegging, if it is a felony, is really the solution. The judges know the problem, they recognize it, and we can get adequate sentences out of it. So I don't necessarily support that idea. But I think it would be a good legislative change to make first offense bootlegging in a local option area a class C felony offense.

Rep.
Binkley:

Brian, is there sometimes a problem with pre-empting the local judges and going to a judge that may be from out of this district and not really understand the scope of the problem of bootlegging, as far as sentencing.

Schuler:

There was a problem, when we had judges from a particular area coming in. But the last couple of years the court system has started sending us judges from Fairbanks. The number of pre-emptions has dropped dramatically and we don't have any complaint about those judges. They recognize our local problems. They also, to be quite frank, don't necessarily want to spend a lot of time in Bethel. I think some of the other judges that used to come down here saw it as a chance to spend a couple days in Anchorage on the way out here. So we haven't had that problem lately. Pre-emption has not been our major problem.

Rep.
Binkley:

Thank you. Any more questions? Thank you for being patient out there Richard. I hope you're still on the line.

Richard
Peter:

Who's all there Johnne, besides yourself. I'd like to know before I start my testimony.

Rep.
Binkley:

There's just two of the representatives left here Richard. Representative Sund from Ketchikan, and myself, and Laurie Otto, who's a legal counsel to the committee here. And there's quite a few people in the audience here who are also here to testify,

Peter: Thank you. I just wanted to ?? on alcohol use in Holy Cross and we took some important steps. We took option A. And the one part of information of the options, to ban the sale and importation of alcohol beverages option B since June 12, 1983. ? several alcohol and related fatalities have occurred. ? have made a contribution ?? the ? of booze coming in from ? to Holy Cross by mail and charter. And some of the children are more alert in school and they're learning more. Each year several people have quit drinking and more families are saving money and spending it on trucks and outboard motors, snow machines and freezers. If they do ban the possession of alcohol, I think that's going a little too far, just is my own opinion. Because if you do ban possession of alcohol you're asking for someone ? They may lead to take and hurt, chemicals like ?, ?, aftershave, vanilla, Lysol. And this could have some bad effects in the future also. Look really strongly ??? And suppose I do have children, I'm not spending time. And my ? children, ? the community, and also drinking Lysol and vanilla and Pine-sol and Scope and ? and ? . ? ? ? strong side effects. They may be physically handicapped, retarded or may not function in the future. I have a few other people here to give testimony to what their thoughts are ??

Rep.
Binkley:

Richard, could I ask you a quick question? To make sure I understand what the thrust of your testimony is, Richard. You think that it's okay to have a certain amount of alcohol in the community so that those people that are going to drink alcohol anyhow won't go to other alternatives which may be some of those things you mentioned that have alcohol in them?

Richard
Peter:

If you do choose to ban possession of alcohol, that will also eliminate home brew and stuff like that. That's a community problem you know. They will turn to other chemicals such as Listerine, Scope, aftershave, vanilla and Lysol too. That also will have side effects in the future you know.

Rep.
Binkley:

What do you think Richard about allowing other communities that might want to ban the possession of alcohol. Should they have the right to choose one of those options. Maybe Holy Cross would choose just to ban the importation and ban the sale but not necessarily choose to ban the possession. Do you think that other communities should have that right to choose a different option?

Richard

Peter:

They should have that right if they didn't want that John. That's their decision, they have to live with it.

Rep.

Binkley:

Okay. Thank you very much Richard. Whoever's next, if you could give your name for the record. We're glad to hear from you.

Pat

Frank:

My name is Pat Frank. I'm from Holy Cross also. And I'd like to expand a little on what Richard was saying. One of my primary concerns is the children. Right now Holy Cross has the ban of importation. And other chemicals that could be bought there that have alcoholic content from the store. That the public or the State through various programs might be able to allocate some money to conduct a public awareness campaign. Basically to educate the people, particularly youth, or students, on the negative side effects of some chemical abuse. When children see adults do something they think it's okay. As far as I can see, experts' medical opinion it should be written on the irreparable damage from chemicals can reflect on the brain. Some of the comments are that chemicals can kill brain cells and possibly cause seizures later in life. Alcoholism programs be more funded to implement a public awareness program where outside technical assistance is offered to raise the consciousness of the community to support such a program. I was told by a judge, it's unusual for a judge to make a comment on this, and I firmly believe something like this is necessary. I'd like to go on and maybe reiterate something that Richard brought up and some of these comments that I make, other people in the community have come up to me and I jotted them down and I'm relaying them on to you. One comment was that importation, banning the possession are too restrictive on the citizens who don't abuse alcohol. Also importation and banning the possession of alcohol is confined only to use of alcohol and not marijuana, which the State permits. Another village leader here mentioned that they are interested in another option in the law which limits the amount of importation of alcohol in the community by using the ? ? for personal consumption similar to the ownership of amount of marijuana under the law. These communities would be allowed to set their own limitation as they felt. Although no serious accidents have occurred in the village under importation law, travel by river roads in the summer and snow machine in winter between the wet and dry communities has increased. One comment I heard today

was that they'd like to see people in Anchorage and Fairbanks vote on the options of importation, and not only the rural communities, and also banning the possession.

Rep.
Binkley:

Pat, they can. Anybody community can, Anchorage and Fairbanks and Juneau, any community in the State can, at this time, if the community wishes too, they can vote on those local options and adopt any one of those options if the majority of the people in those communities so desire.

Pat
Frank:

Okay, I just thought I'd bring it up as somebody wanted me to mention that. One other thing that I talked to the people in our region that chose to leave importation as a ? One thing that I found is that local laws are only as effective as the enforcement. With less State funding for State Troopes and VPSOs this means less effective enforcement, which results in paper tiger laws.

Rep.
Binkley:

Pat, just to give you a little bit of background of what we're talking about in allowing communities again, it may not be the option that a community like Holy Cross would want to choose, but an option that a community may desire to choose, wouldn't be banning possession. It would be a local ordinance that that community would enact, not punishable by any jail terms, but only simply by a fine and a confiscation of the alcohol so that the local Village Police Officer, or local Village Public Safety Officer could, when they see somebody in that village that has alcohol, they could confiscate the alcohol and fine that person under a civil fine for possessing alcohol. So it wouldn't be a case of loading up the criminal justice system that we now have. It wouldn't involve the District Attorney, it wouldn't involve public defenders, the court system, juries, the local jails. It's simply a question of civil penalties and forfeiting the alcohol.

Pat Frank:

Okay. We've got a couple more people here. Mike Peters is up next.

Rep.
Binkley:

OK I've got one quick question if I could. You mentioned now that this may be too restrictive for Holy Cross. Do people now bring alcohol into Holy Cross?

Pat Frank:

First, the importation law that's in place now, option ?? purchase is outlawed for that community ? ?

(Unintelligible)

Rep.

Binkley: So you've enacted a ban on importation but still people violate that law and bring alcohol into the community.

Pat Frank: Right. That's why I mentioned there are other people who are concerned that it's too restrictive and forcing people who want alcohol to travel on the river road and also snow machine in the wintertime. And they're concerned that we might have some fatalities because of that.

Rep.

Binkley: And you're concerned with the present situation where people are forced really to break the law because they are bringing alcohol in in violation of State statute then. And you think that maybe if you were able to limit the amount (end of tape).
Okay Mike, go ahead.

Mike

Peter: I'm Mike Peter and how are you? In our school here, some of the students, I'm on the local board here and I do things in Holy Cross, but the students are arrested and everything. And another thing ? ? going to ask for, ask someone, Senators, if they do have money, ? or somewhere along the line, they want someone to come out, to the rural communities, and think about ?, about ? and effects, on the students, stuff like that. Because so many councils or whatever that's going to come up, with ? the communities and they don't know about. If the State has money or the ? school districts ? equipment, they could have someone teach that at a local level, that's just my own opinion.

Rep.

Binkley: Mike, I think that's exactly right, and I think that you've hit on what is really the only long-term solution or major part of solution to the problem, is education. And it's got to start at a young age with the kids in their early days in school, is to explain and teach them about alcohol and drugs and the effects it's going to have on them. I know there's an excellent program called "Here's Looking at You", which, if you're on the school board there, I'd suggest you see what influence you can exert with the school board and see if maybe then can get that program and make it part of their curriculum there. It explains to kids at a young age some of the problems that they may face with alcohol.

Mike

Peter: Okay, Johnne, thank you. That's all the questions I have for right now.

Rep.

Binkley: Thank you very much Mike. I appreciate all your participation from Holy Cross.

Mike

Peter: We have one more participant here. His name is Jim Randall of here.

Rep.

Binkley: Okay Jim. Go ahead and then we'll take some witnesses here in Bethel after him.

Jim

Randall: Thank you Johnne. I'll be really short. I think that the ban on alcohol in Holy Cross is a good thing. Since that time I do believe that violent crimes have gone down. I do believe that Holy Cross is a more decent place to live, and I do believe that people in the community are getting more of an understanding of alcoholism. So my testimony would be that, it would be a good idea to allow the communities that want to have a ban on alcohol itself would be a good idea.

Rep.

Binkley: Okay, thank you very much. I think that's a good point that the whole idea of these local options is to allow local communities to try and tailor to whatever the needs of that community are, however best they can handle the alcohol problem within their community. And maybe the one suggestion there of limiting the amount of importation for personal consumption, for those communities that do want to allow some alcohol in for people to consume, but not in a large enough amount that it is generally available to the entire community, or there's very easy access to it.

Jim

Randall: I have one more question for you Johnne before we go. How much ? ? villages ? ? in the entire region?

Rep.

Binkley: Yes we are Richard. We're going to be holding hearings all around the State. We're going to the Dillingham area, Togiak, over to Kodiak, Kodiak Island area, some of the villages around there, the Nome and Kotzebue, villages in between there, Point Barrow and villages around that area. The interior, Fort Yukon and some of the closer villages, Minto. We're going to be holding hearings in Anchorage and

Fairbanks. We're trying to get as much input from around the State as we can as to how these local options are working and what some suggestions might be.

Jim

Randall:

Okay Johnne, I do thank you. Give your comments and recommendations ? (unintelligible) Thanks, good night.

Rep.

Binkley:

Thanks to everybody in Holy Cross. Good night. Fred? I think you were next in the door. Or anybody that wants to. Charlie I knew you were here earlier and didn't get a chance. You don't have to, or if you'd like to? Maybe you could just tell us about Eek and what's going on down there.

Brown
Fron:

My name is Charlie *Brown* from Eek. I represent the Village of Eek. I was nominated by the Village Council to represent this meeting. (As translated from Yupik) Charlie says that he doesn't really have anything to say except that he's got a concern on some drug. He says he doesn't want to name what drug it is, but this drug, when it's been used by people for a long period of time, it affects their mind. They become irritable and they cause a lot of disruption in the homes. This drug he's talking about isn't alcohol. After Local Option Law was passed in Eek, he saw some improvement. People cut down importing alcohol like they used to. When they did they imported boat and snow machine. But now that has improved some.

Rep.

Binkley:

So, to make sure I understand, Charlie. Initially it had an effect, the Local Option Law, but then as time went on it seemed like the effect of that wore off?

Charlie

Brown
Fron:

(As translated from Yupik) There was some improvement. And the village could hardly go out and search for somebody outside the village. In the past people used to come up here mainly to get booze. But that has improved some. He doesn't have anything else to say about that, because he was asked to represent the village here.

Rep.

Binkley:

Thank you very much Charlie. Fred?

Fred Pete:

My name is Fred Pete, Sr. I travel quite a bit to our villages and some of the things older people want is better law enforcement. Like they say the village police need training and they think that State

Troopers do a better job in enforcing their laws, and with some of them, like outside Bethel that are wet. And they have no ban on alcohol importation. Some of their thinking is that if people want to drink they drink at home, they won't have to come to Bethel and drink and wouldn't have to come here for those people. To me, it really makes a lot of sense. To give those people in the village a choice whether they want to drink alcohol or not. It's their choice. They can drink a few now and then and not get carried away. The same way like here in Bethel I know we have more and more alcohol and drug problems. It's more visible and especially with marijuana. From before, when the liquor stores opened here I remember they used to have a couple of bars and in those two years the bars were open, toward the last part anyways, it was like people were being more sociable and not as rowdy and fighting like they were when it first opened. I don't know sometimes whether this issue of being too strict helps or not. Like some communities I know, small communities, trying to do something about their problems, they could try to use educational system in the schools, making use of their village alcohol educational counselors and their village alcoholism boards. Trying to do something about the problem, not ignoring it. Like in some other communities where they have a ban, people come to Bethel to drink. They know booze is available here. Alcohol is here and alcohol is in Red Devil. Alcohol is in big cities. We have to face it. You can't run away from it. We've got to do something about it to solve it, individually or as families or as communities. To me, it's important to try and help the communities survive. Especially the ones that have no help at all. Or they have no alcohol programs or no resources like they do here in Bethel. There's some communities out there that still need a whole lot of help. Maybe someday they'll solve some of their problems. Like with this importation ban, at City Council last year they did something, they said it was unconstitutional. They went ahead and did a ban on the whole town here. Boy it was sure quiet for awhile. There was a few days they banned the liquor and you could really notice the liquor in town. And a lot of people were happy over that. People from around town, from the villages, when they did that, whether it was the way they do it now. Maybe if you change some of your laws to give the communities more say on how to handle their problems. Right now if the State would force the problems and they're not doing that. They're always two or three days late in going to the villages when they need help. And when someone has come to town, say on a bootlegging charge on

something, they're out on bail and back to their villages. They get discouraged after awhile. Because when you talk about State laws sometimes it's confusing from the village level. If you can give the villages more power to handle/make ordinances that are enforceable by the city council or governmental body of the village then maybe we start have a bit more progress in helping our people instead of sending them off to jail where it's foreign to them. I don't know if that's the answer if it's easier or final. I think education is probably the answer. For the young people like you were saying through the school system. Not only young people but teenagers also. Adults that really need help like I remember when the liquor store closed here in Bethel people were drinking all kinds of things like those people from Holy Cross just mentioned. It's just because you run out of booze and they turn to other drugs because they're addicted to alcohol. They need help, they need treatment, it's what those people need. Sometimes I wish we had more people working in communities and had more programs that can help people instead of condemning them.

Rep.

Binkley: Like the village based alcohol counselor program that's a real effective one out in the villages.

Fred Pete: Yes. Well they're just starting up and it's kind of new it takes time to get programs going.

Rep.

Binkley: Right, I know, you're absolutely right Fred and you know the State spends millions of dollars towards that and it's still not enough. You know there needs to be more education and more counseling, more treatment.

Fred Pete: Well maybe they do it in larger cities like we used to see that as a need in the village a long time ago that's where the majority of the people are. We're always left out because we're out in the boonies and the boondocks. It costs too much to go out there because it's expensive. You know it is expensive, you need to reach our people somehow.

Rep. Sund: Some of us in Ketchikan feel left out too.

Fred Pete: But you're more close to ??

Otto: Fred just for the record so your remarks can be put in accurate context could you say what your job is and how long you have been doing that? Because I think that is important.

Fred Pete: Well I started off working as a trainee and worked my way up to I'm a certified counselor level one and supervise other counselors in the villages.

Otto: How long have you done that?

Fred Pete: Well since 1977 I've worked for YKHC except for a couple of years and with Bethel since 1971.

Otto: Did you and Louis Andrew pretty much put together YKHC's alcohol program?

Fred Pete: Yes we're trying. We get a lot of help from the elders in the villages.

Rep. Sund I know I've heard his name before but where was Louis Andrew?

Otto: Louis Andrew testified in Toksook Bay.

Rep. Binkley: Toksook Bay. Thats right. O.K. Fred thank you very much. Anybody else who wants to testify this evening?

Vicki Malone: My name's Vicki Malone. I've been a resident here since 1970 and a resident of Alaska since 1946. I'm testifying tonight in a couple ways that maybe you don't see too pertinent to this issue, but I do. I basically support any attempt to provide flexibility in the Local Option Laws for each community. I see that as real positive. By each community I mean each community, that no one community can legislate what another community's options are. But even in a community where the importation of alcohol is banned, there is still the inevitability that they have to deal with alcohol abusers. Even if they're successful in their attempts to ban it, there will still be people who make home brew. So they will still be faced with the problem. Someone around, it seems to me that it was around 1976 that the State of Alaska decided that drunk and disorderly in public should not be a crime and that people who are drunk would be taken to detoxification centers. At the time I felt that was a fairly forward looking thing and I thought that we would rehabilitate everybody and things would go away. That's not the case and I think we need to re-evaluate our position there. And when I think of local options I think of the option of the Bethel Police or village policemen to detain somebody and arrest them before they have

committed a crime. And that just isn't being done. At least in this community it isn't being done. And I doubt that it's being done in the villages. I don't know that. I would like to see some consequences for those people who are drunk in public before they commit a crime. In 1967 and 1968 the Alaska State Troopers published a report and I know there have been a lot since then, I think they reflect basically the same thing. But that report reflected that seventy percent of the people who were arrested from Bethel were not from Bethel, were from other communities. That thirty percent of the people arrested were from Bethel, and thirty percent of the arrests, I mean. That represented ten percent of the population of Bethel which was about eighteen hundred at the time. So what we have is a situation where it's the same people who are revolving offenders. I think that the State jail, which is probably right now the nicest hotel in Bethel, that the people who habitually use that hotel should face some consequences and either face jail and/or fines. I support all of Freddie's efforts and any efforts that have been made in the past to develop programs in this area for both education and rehabilitation. And I think some of those can be done while somebody's serving a jail sentence as well as on the outside. So primarily I'd like to see some way of intervening when people are drunk before citizens become victims of their crimes.

Rep.
Binkley:

That's one thing that we considered Vicki, is the problem in, say you take a village right now where importation and the sale is banned. And the local Village Police Officer goes to a situation where somebody's partying. They've got alcohol right there. They're drinking alcohol. He can see they've got a bottle of whiskey and maybe there's three or four of them there that are drinking it. But there's absolutely nothing that he can do. Even though they've banned importation and banned sale, there's nothing he can do. He can't confiscate the alcohol, he can't arrest them, nothing he can do. He has to leave the situation. And you mentioned, sometimes that progresses. Pretty soon those people consume the entire bottle of alcohol, they're to a stage where they don't have control of themselves, and pretty soon there's innocent people in the village that aren't indulging or abusing alcohol that are somehow affected: beaten, raped shot, whatever the case may be. What we looked at was the possibility that if that village had chosen this, as you said individual, option of banning possession within that community, that Village Police Officer then could somewhat diffuse the situation by removing the

alcohol out of it, confiscating the alcohol, and through civil penalties of fines, fine the people who had the alcohol. That was one of the considerations that we were looking at, so that didn't progress. Because you're right. There's no statute now for drunk in public and you can't detain somebody under that.

Vicki
Malone:

I guess I would like to see the behavior addressed too. What we do is we concentrate on removing the cause of the behavior. But I'd also like to see some consequences for the behavior. I think that, there was a guy on TV this morning and he was running one of those homes in Washington, D.C., for the homeless. And he said that one of the problems he sees in today's society is that we delegate everything to a bureaucracy to take care of it. And in a sense laws are bureaucracy. I think we need to not only take care of each other, but I don't want somebody laying freezing and dying. I want to take them to get help. But I think we need to not always delegate everything to the law and if individuals, if there's conduct or behavior that's not acceptable to a community, they also need to have some mechanism for confronting that with the individual. So the village policeman, if the community exercised the local option law, he could go in and take the bottle away, something like that, but also the person would also face some charge. Because the conduct, it's really the conduct that is hurting us. I have had an experience several times in this community where somebody who is really drunk harasses you and you feel they're dangerous and the police will not arrest them. When you talk about arresting people for drunk and disorderly, the first people that are going to object to it are the police, the court system and the prosecutors. Because it just increases their workload so much.

Rep.
Binkley:

We just heard from the State Troopers, and there's a tremendous load of homicides and violent crimes that they can barely keep up with, let alone misdemeanors. They just don't have the manpower to do it.

Vicki
Malone:

But do you see, they always say that. But if it's true, if it was true in 1967 and 1968 it's also true now that, of the offenders in Bethel, if all those offenses represent probably now over a thousand, a couple thousand a year, represent ten percent of the population of Bethel. If they're repeat offenders maybe they ought to be in jail getting some alcohol treatment programs in jail instead of out beating people up. If we could intercept them before it gets to criminal assaultive

type violence.

Rep.

Binkley: Are you talking about locking them away to where you're not going to have to deal with them for several years?

Vicki

Malone: I don't know. It depends.

Rep.

Binkley: Drunk in public, I don't know what the penalties used to be, but I don't imagine they were more than five or ten days, were they?

Rep. Sund: They were a fine.

Rep.

Binkley: Just a fine. No mandatory jail sentence.

Rep. Sund: They didn't have mandatory sentencing in 1976.

Vicki

Malone: I think after, certainly you've got a first, second, third, you've got your different offenses. And then also I assume they would take into consideration if the person really did have a criminal assaultive violent criminal record.

Rep. Sund: There's an interesting thing. I'm from Ketchikan and touring around up here learning about this country. But everybody has an opinion that the villages, each community should be able to choose its own options, and it shouldn't be able to choose the option for another community. But by choosing an option up here, it makes a major effect on other communities. Bethel's option to allow the importation but not the sale has a major effect on all the villages around here, because it gets massive volumes of alcohol into the Delta. But the other villages, the village options to say we're going to ban the importation and sale in our village has a massive effect on Bethel. The statistics are that eighty percent of the people arrested under the protective custody issue in Bethel are not Bethel residents. They put nine hundred people through the P.C. system this year, and only eighteen percent are Bethel residents. Eighty-two percent are not from Bethel. So that tells me that actions in villages in the Delta have a big impact on Bethel. So the next step is to say there needs to be a regional approach to the problem. And nobody wants to address that either. Akiachak wants to say, we want to deal with what goes on in Akiachak, but we also want to tell Bethel what to do. I shouldn't pick on one village, but I'm not from this area, so I can say that. I like touring other districts. But

how do you get across this dichotomy, allowing each community to choose their own option, and yet not impact the other communities.

Vicki

Malone:

It does impact the other communities. That's simple. So does a lot of other things that happen. Whether a village decides to have bingo in their village or not.

Rep.

Binkley:

And Anchorage. Anchorage affects Bethel. In Anchorage it's legal to buy alcohol, so the alcohol comes in pallet loads out to Bethel.

Rep. Sund:

I guess it's more of a comment than a question.

Vicki

Malone:

I think it's great if a village decides to ban alcohol and if twenty-five people load up in their cars and come in to drink I think we should deal with that, and we're not. We just haven't responded. Bethel hasn't responded. We say fine, we'll put you up in the jail and send you home in the morning. I don't have anything else.

Rep.

Binkley:

Thank you very much Vicki. Anybody else? Mary, did you want to testify?

Mary Ivan:

I'm Mary Ivan. I was born and raised here in Bethel. I'm fifty-seven years old, and I really wish and hope we'd ban alcohol importation. Because I know it's hurting a lot of our kids here. And a lot of times I get to talk to some Gussack people, white people, and I ask them what they think of alcohol around here, after so many years of stay here in Bethel. And they tell me that it's just too bad the Eskimos can't handle the alcohol like the white people do. I know Eskimos can't handle it. That's why I'm really for banning importation. My husband passed away in 1971 and I have fourteen children to deal with. And one of them committed suicide last summer, July 10. Because of alcohol. I don't drink and somehow she got hold of alcohol from her friends and we were all sleeping when it happened. She got ahold of a gun and shot herself in my car outside my house. That's why I. A lot of people around here, elderly people, need help because of alcohol in their family, violations over alcohol. A lot of elderly people, even though they don't want to give their sons or daughters money just for alcohol, because they're threatened they have to. And I really liked that forty-five day ban this summer. It was really quiet here. I know alcohol importation should be banned. There are other alternatives in getting drunk or

guys are just giving it from the better side of it, not from the other side and I have that concern. And I would like to propose to the committee that you explain it both ways.

Rep. Sund: I guess my major purpose is one of more fact-finding, of actually learning what the problem with alcohol is, what the existing situation is, and maybe what some of the problems are and how we can offer some solutions to it. I didn't really feel that we were in the position of advocating any one position or not at this time. And that's the way I've approached the last couple days, not trying to say this is the solution. It seems to me that at such time when an option election comes up, whoever's put it up has to get up and say "This is the advantages of having this and these are the disadvantages of having this and this is why we may want to vote on it one way or vote the other way." But it's not even an option now.

Lewis: Before it becomes an option you need to give it from both directions.

Rep. Sund: Even before it's an option for a community to even have a choice? You're saying to explain? The concept isn't even fully developed in my mind. I'm not sure it's even a good idea to even do it. I haven't been convinced of that in my mind even that it's a good idea to present it as an option. Just looking at this list, I've got two notebooks full of notes. This is our fifth hearing in three days, seventh hearing in three days, and a lot of ideas have come out. It was a premise to start from, but I did learn a lot about the difficulty of talking in concepts. Two different languages.

Rep. Binkley: I think that one thing that Adolph may be getting at too is that if a law like this is enacted and it becomes an option for villages to choose, to have some kind of a process that's attached to that, of getting out and explaining to people both aspects of it. What some of the drawbacks are going to be and what some of the advantages are going to be. And that would involve a fiscal note attached to some legislation that would provide for some educational process for people to go out and explain what it is you would be enacting, how it would work, what you could do under the law and what you could not do under the law.

Otto: I have a comment to that and a question. That's that last time when the Local Option Law passed the Legislature funded exactly that and the Alaska Legal Services Corporation went around and under Carol

Baekey that's what she did, is hold workshops in every single village that even had any questions about the Local Option Law and people just did not accept the (end of tape).

I don't think the reason that their hopes were dashed about the importation law was because there wasn't education and training. I think of course it's necessary if you're going to have people voting on an issue, to inform them and educate them about what they're voting on. Because certainly that's always a problem out here when there's elections and people don't quite understand and it's important for them to understand. Frankly, what I understood Adolph to be saying was that you're not getting an accurate reading of the communities if you only say "what do you think about banning possession, then you'd be able to take bottles away" without providing the education at this level. And that may be a valid criticism of the way the committee's gone about doing its job. But I guess the question I have for Adolph was John's favorite question. You've worked in the field of alcoholism, you've travelled to the villages, you grew up in this region, you've seen a lot of the problems, and you've listened to the testimony that the three of us have listened to for the past three days. What do you think the answer is? If you were king of the best of all possible worlds and you could do whatever you wanted, what would you do to solve the alcohol problem out here.

Lewis: I would leave the decision-making to the villages. Villages being able to take care of any misdemeanor cases. Earlier when DeTemple testified, he said they don't go out to villages when they get calls on misdemeanor charges. And he kept saying that it would overload the jail here. If that's the case, why not give that authority to the villages so they can deal with the misdemeanor cases themselves. That would help the higher court system. That would help like Bethel from overloading.

Rep.
Binkley: So allow, like tribal courts.

Lewis: Tribal courts, right. Any misdemeanor charge ought to be taken care of by the village. That's how I feel.

Rep. Sund: It's been a pleasure travelling around this district. Thank all of you for coming.

Rep.
Binkley: Thank you very much.