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DILLINGHAM
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
November 26, 1985

Present: Rep. John Binkley
Rep. Katie Hurley
Laurie Otto, legal counsel

John
Binkley:

Good morning. I'd like to welcome everybody out this morning to the meeting of the Local Option Committee. First we'll introduce ourselves. This is Representative Katie Hurley, from the Wasilla area; Laurie Otto, who's the legal counsel for the committee; myself, I'm John Binkley from the Bethel area, Representative for the lower Kuskokwim area. Just for the record it's 8:20 on November 26 and we're in Dillingham.

The Legislature has charged us with the responsibility of going out into communities around Alaska, particularly those communities who have opted for one of the local options under Title 4, to find out what some of the specific problems may have resulted from those local options. Are those local options working in the communities? As many of you probably know, those statutes were adopted by the State in 1980. There's been no real review of those statutes since that time. There have been some problems that have been created as a result of those. There have been a tremendous amount of problems, as everybody knows, with alcohol abuse in Alaska. We're making an attempt to see if there are some other options that might be available to communities, how those options affect communities such as Dillingham, which hasn't opted for one of those local options, but is certainly affected by the results of the surrounding villages or communities that have opted to ban either importation, the sale of alcohol, or both. So we're here to gather testimony and facts on what some of the problems are and make a report back to the Legislature with any proposed changes in the Title 4 local option laws. We invite you to testify. We're looking specifically for what some of the problems are as a result of alcohol in this community and area. Many of you as professionals, what are some of the problems you encounter in this area? Laurie, do you have anything to add to that, or Katie?

Katie
Hurley:

Just that we're sorry we didn't make it yesterday. We got stuck in Togiak and I understand that there

were thirty people here yesterday. I feel real bad about that and hope that the message can get out that we'd like to hear from them, even if they call Laurie, or she could call them, if there are some people that you know that have testimony that won't be out. Getting over here this morning was kind of treacherous and I can imagine the people in town are having a time getting around too. It's good to be here. Thank you.

Rev. Thomas
Hauland:

Good morning. I've been here in Dillingham for seven years now. I come from Ohio originally. I was over in Kodiak for a year prior to this. I was quite amazed at the big alcohol problem that exists here. When I came to Dillingham I was even more amazed at the hours that were kept in the bars and in the selling of liquor. I'm not a teetotaler, nor am I opposed to the use of alcohol, only the abuse of it. I felt that it was being terribly abused here. A few years ago, maybe three years ago or four, a group of the local ministers got together and we discussed this very problem and looked to putting a proposal on the local ballot to do something to help the problem along a little bit. There was talk at that time of going dry and so on and so forth. It was my opinion that that was a total impossibility, as I think has been proved in other places that have tried to do it. It just merely increases the illegal traffic of liquor. So I felt that a more practical approach would be to limit the hours of the bars. At that time, the bars were open practically twenty-four hours a day. I think they were open about eight o'clock in the morning and they were open till 5:30 the following morning. Of course they sold liquor on Sundays, seven days a week. We wrote a proposal to limit the hours of the bars till one o'clock in the morning and to ban the sale of any alcohol on Sunday. Discussion went one way and another and of course I was criticized for choosing Sunday because there are other religious persuasions that Saturday's their day, and so I said I didn't care, one day a week though I felt it would be nice if we could come downtown and not find anybody laying on the ground. We could bring our families down and not have to be accosted by people who were just in for the weekend and were drinking heavily. So one by one these people dropped off the vine on this proposal, so I got it written and I was at the time managing a gas station here in town, and we got enough signatures on that thing that it had to be presented before the Council. Now there was a lot of criticism and a lot of in-fighting by the local owners of these establishments, but

legally it had to go on the ballot because there was enough signatures. So it went on the ballot and I did no campaigning whatever for it. But I was left alone. Everybody else had dropped it like a hot potato and I was left alone with it. But I never did any campaigning, I never put out any literature or did anything about it, and when I wrote the thing up, I neglected to remember that midnight on Saturday night starts Sunday. And it was written up that way, so the bars would have to close at midnight on Saturday night and nothing was allowed open until ten in the morning.

Otto: Did it pass?

Hauland: It passed.

Otto: So now you're closed on Sundays?

Hauland: We're closed on Sundays and they close at midnight Saturday night until ten o'clock Monday morning.

Otto: Did it help?

Hauland: Yes, it did. Nobody's brought forth any statistics, but I remember when Brad Sniffle was police chief here, the first year that that was on, he said that there was a definite decrease in the amount of night-time arrests for various reasons. Not to say that people didn't party after one o'clock in the morning, but at least they had to go do it privately.

Binkley: What year was this, Reverend?

Hauland: I'd have to think. I'd say probably 1982 or right in there. What happened was, right after it passed, the local bar owners took it to court and got it back on the ballot again within six months. According to the way it was written it couldn't go back on the ballot for two years--it had to stay in that way for two years before it could be repealed. Somehow or another they circumvented that and they did get it back on the ballot again and it passed a second time.

Binkley: You mean their proposal failed?

Hauland: No, my proposal passed, and legally it was not to go back on the ballot for two years, but somehow they managed to circumvent that in legal terms and got it back on the ballot again. I had nothing to do with it the second time. But it passed. So what I'm really saying is that the people of Dillingham, I

think in general, have a fair amount of concern for this alcohol problem. This is no giant step, but I certainly thought it was a step in the right direction. I know, coming from Ohio, as I remember it, our liquor laws were quite stiff and they had limits like this on the sale of liquor. As a matter of fact, I'd say that the proposal that we wrote was kind of halfway patterned after Ohio law. They didn't use to allow the sale of liquor on Sunday. Now I guess they sell beer and wine.

Otto: I think that one thing that would help me the most and is more within the scope of what the committee's trying to do is to find out two things: what are the specific kinds of problems that Dillingham has, that this area has with alcohol abuse, and what have the effects been on Dillingham as a result of the out-lying villages going dry. Have you seen, when they've voted to go dry, the ripple effect in Dillingham with increased problems here because of people coming in and drinking. Those two areas are at least for me what I'm interested in.

Hauland: That absolutely was a problem, definitely and probably still is to some extent. I was more associated with it when I ran the gas station downtown. Of course we had lots of vehicles down there to be repaired and people would come not having a place to stay, from Togiak and Manokotak and over that way mostly. They would come into town and of course drink themselves into oblivion and go and crawl into one of these cars over here to be repaired. As a matter of fact one of them froze to death there. They found him in a car frozen to death. He was a Wassillie, I think his name was. He was the inventor of the survival suit, believe it or not and he froze to death there. These are some of the problems, of course, with the villages going dry. If they don't have it there they're going to come to the closest place where it's available.

Binkley: What do you think are the effects of the Local Option Laws if the communities were allowed to tighten up the laws within those villages surrounding Dillingham, further restricting alcohol? Even though they're allowed to ban importation now, you still hear in the villages that there's still a lot of alcohol in the villages. They want to tighten up the restrictions on alcohol even more to try to eliminate the problem within the villages. What do you think the impacts would be on Dillingham?

Hauland: Well I think it would just make the problem more

severe, frankly. If Dillingham stayed the same and was an open depot for the sale of alcohol, I can't imagine that it would change the people's desire to come in and drink it.

Hurley: One of the things that we've heard over in Togiak is that people come over and ship or take the alcohol back over there and they would like to have some kind of rules, regulations or law that would prohibit that.

Hauland: I don't know how in the world you'd ever enforce something like that frankly. I know I see people carrying boxes of liquor out, pockets full, and so on and so forth and obviously they're taking it to their home wherever they are. Whether its Togiak or another village upriver. They're taking it with them. The local air taxis are pretty good about not importing, not flying liquor into a place that's dry. I know for a fact that over in Kwethluk, a brother priest over there (we of course used wine in our religious liturgy) and he was out of wine so I said that's no problem I'll have them ship some from Anchorage for you. As the treasurer of the diocese I called Anchorage and I had one the local bush mailers up there just ship out a case of port wine over to Kwethluk. But the local liquor board wouldn't let them ship it because it was a dry village. There was no way, even for religious purposes, that we could ship wine in there. So the laws are effective in some ways.

Hurley: I'm really curious about that. We should really look into that. How did they prevent it from coming in there when they can't prevent it from coming in over at Togiak?

Binkley: It was the liquor store that wouldn't ship it to Kwethluk. You should have shipped it to Bethel and somebody could have come up by boat or snow machine from Kwethluk.

Hauland: Yes, and we did. They had to go by boat.

Hurley: But that was an Anchorage dealer that would not ship?

Otto: It's illegal. They'd lose their license.

Hurley: They do it all the time over to Togiak, obviously.

Binkley: No, a liquor store wouldn't ship it from here to Togiak, I don't think.

Hauland: I doubt it if it's dry. Obviously they wouldn't ship wine for church use, marked it could be used only for church use, etc. The situation is severe, there's no doubt. The alcohol related deaths here, I'm absolutely flabbergasted at the number of people that die of alcohol related causes here. I'm well aware of it because I bury a lot of them. I could go down the list of the people who've expired since I've been here, and I could probably say a good fifty to sixty percent of them die of alcohol related causes.

Hurley: Do you have a lot of counseling for family abuse, children? Do you have people who come in for counseling regarding child abuse or wife abuse?

Hauland: Do I have personally? Well, yes, some, but not as much as you'd think. But we have a program here in the Orthodox Church called the pledge system, which has been extremely effective here in the Dillingham area and upriver all the way up through Kaliganek. This is a religious thing where the pledge depends on your faith and fear of God. But these people are God-fearing people, most of them. People who have an alcohol problem will come to me and ask to take the pledge. The pledge is a simple promise they take in the church that they're not going to drink or use any kind of drug for a certain period of time. I have probably at the present time 125 people that are on pledge. The percentage of people that keep that pledge is upward of 90%. So we do have real gratifying success with that program. Again, it depends on the person's religious dedication.

Binkley: Reverend, thank you very much. Rose Megli?

Rose Megli: I'm representing the Safe and Fear-Free Environment program in Dillingham, which is a program that offers services to victims of domestic violence and sexual assault. When I heard that you were in town I thought, great, this is a chance for me to run through all the files and go back to our intake sheets and see just exactly how many of our clients that we've served to date came to us for reasons that involved alcohol, or when alcohol was involved in the particular assault. I knew the numbers were going to be pretty astounding and they were. Sixty percent of all of our client cases involved alcohol abuse, which is more than half. That was definitely, where there was no doubt in our minds, and it was recorded that alcohol was involved. Fourteen percent definitely did not, and then there was another twenty-six percent where it was either not recorded on the intake sheet or it was unknown.

I would guess that of that twenty-six percent, that the difference is equal to the difference between sixty percent and fourteen percent. I'm sure it's real high. It's something that definitely affects families and definitely has an impact on the amount of assaults. I think that could be backed up by probably any service provider around town and the police and the troopers. I've lived here for six years and, like Father Tom, I'm not a teetotaler myself, but I remember when I first came to town and walked through town into the market, and seeing the people laying around, it was shocking. You don't have to live here for very long before you become aware that there's a real problem with alcohol abuse. It's pretty obvious to citizens. They don't have to be service providers to realize that their neighbors and their friends are having some real sad times. Another thing. When Father Tom was talking about going without alcohol sales on Sundays and having the bars close Sunday nights, it's interesting. I was talking with Kathy Linz, who also works for S.A.F.E., she's my other half, we share a job, that we can't recollect between the two of us, getting any crisis calls on Sunday nights. I think it's made a real difference.

Otto: How long did you say you lived here?

Megli: Almost six years now. I lived here before the bars had to be closed on Sunday nights, just about when that came about.

Otto: Again, I'll ask you the same thing that I asked Father Tom. When the villages around here went dry, what effect if any did you see in Dillingham?

Megli: I think that there have been more people coming into Dillingham just to do their drinking here. Probably just being more aware of more people laying around and walking around drunk, and being more aware of people in town drinking.

Otto: How many of your clients are from dry villages?

Megli: Quite a few of them.

Otto: Do they come to you directly from the villages or do they come to Dillingham and get into assaultive situations here and then go there for protection?

Megli: It's both. We get a lot of sexual assault victims that are people who come in to town from the villages, maybe to party or to visit families or whatever, and end up getting into trouble while

they're in town. Yet, we still have plenty of domestic violence cases which come straight from the village, dry villages, where there is alcohol involved. There's no doubt in my mind that there's plenty of alcohol abuse in the dry villages.

Otto: In the Bethel area, I've seen some studies of domestic violence in some dry villages that suggests it's as common as thirty-five percent, thirty-six percent of the households. Is the domestic violence problem in this region that serious? Alcohol related domestic violence in the villages?

Megli: I would say yes. Definitely.

Hurley: Do you know if there are any programs in the school? Do you ever go in and talk or does anyone from the community ever go and give any kind of alcohol abuse awareness program in the schools.

Megli: I believe the Bristol Bay Area Health Corporation Alcohol Program does. You'll probably have a chance to speak with them.

Binkley: Thank you, Rose, very much. Bob Wallman.

Wallman: My name is Robert Wallman. I work for the Bristol Bay Area Health Corporation Alcohol Program. I get a real close view of the alcohol problems in our region. They're devastating. From my standpoint, the worst devastation of the problem is how it affects villagers. Dillingham is like most of Alaska, I don't know about most of Alaska, I've been in Alaska for six years, all of it's been in Dillingham. It's a great land where we party hearty. And that certainly takes place in Dillingham. There's a lot of D.W.I.'s, wrecks, accidents associated with alcohol, a certain amount of violence associated with alcohol. I don't know that that's any different than Anchorage or other larger metropolis areas in the state. The devastation comes from, in my opinion, how it's affecting the local culture here. To me that is the saddest part. That's the part that makes me have the strongest feelings. I believe in the brotherhood of mankind. I believe we are our brother's keepers and as such we have a moral responsibility to assist in any way we can in making a better lifestyle, a healthy lifestyle for everybody. That's where Dillingham has sadly missed the boat. Whether the villages are dry or not, Dillingham serves as the center for getting alcohol and creating alcohol problems. It's most visible here in Dillingham. The villagers from dry villages come in here and do

their drinking in Dillingham. They drink to the point of oblivion and then they can't get into stores, they can't get into hotels, can't get into taxis, some air taxis won't mess with them when they're in that state, and so they're left to be on the beach, or freeze to death in cars like Father said, and it makes it more than the eyesore that people basically say it is. We've had surveys in town that we have conducted for the alcohol program as far as what the people in town think about the alcohol problem. Too much of what we get back is "Get them out of our sight". It's not "Stop it" and I don't agree with that at all. I believe we have more of a responsibility to deal with it satisfactorily. I was here before the bars shortened their hours. I agree with that measure, but it's a drop in the bucket. It's not enough. If indeed we see reduced problems as a result of shutting down the bars on Sunday, then why not shut them down Monday, Tuesday, Wednesday, Thursday, Friday and Saturday? But there's a lot of opposition to that. Alcohol is big business in Dillingham. When I first came to Dillingham I worked for a year with an air taxi and I've been associated with ground taxis. A lot of their clientele, I would say ninety percent of their business, is done to and from bars, from one to another. You have to pour them into the cab, and pour them back out again, going from one bar to another. It's illegal to serve these people in that state, but nobody stops them. I'm not a teetotaler either. I've spent some time in bars. I've had people hit the floor next to me. They don't even notice it until he can get on his feet somehow and pull out another three bucks for another drink. Drinks right in front of me. There is no social consciousness as to a responsibility to everybody. I feel that it is a subtle racial issue that people will scream and holler. When they first identified it as such, but there is a subtle element of racial consciousness, where these are villagers. They're from Togiak, so who cares. I believe there need to be more laws, and more teeth in the laws. I believe in the rights of people to drink, the rights of people in Dillingham to drink, but I don't see that you have a right to make a profit over other people's misery. It's not just misery, it's the obliteration of a culture. To me that is the biggest mistake we're making, the greatest sins we're committing.

Hurley: Have you ever made a complaint to the liquor control board about this kind of practice that goes on in bars, that they serve people who are too far gone?

Wallman: No, I have not.

Hurley: Because that's one of their duties, and isn't that correct that they can pull a license for constant abuse of that? I know that they recently had an investigation in Kodiak over serving young people. Of course I don't know that they're getting very high stiff fines, but at least it was something. Have you reported it to the Troopers?

Wallman: We have inter-agency meetings where these topics are discussed. The last meeting that I participated in I brought up some of the topics and the people's necks got real stiff. We have an ostrich society here where if you put your head in the sand and pretend that it doesn't exist, or don't talk about it, then it's less painful. Admitting that there is a problem is a problem in Dillingham. The denial is terrific. We have a lot of clients that, not only do they not have a problem in themselves, but Dillingham doesn't have a problem. In dealing with problem drinkers or alcoholics, the first thing you have to do is break their denial that there is a problem. Nothing can be done unless you get past that first step. Dillingham has yet to take that first step, to acknowledge as a community--certainly some people will stand up, the church community possibly. Maybe they're the only ones that aren't problem drinkers or alcoholics, I don't know. There are too many people that are in high influential positions that I've heard say in public meetings like this, that there is no drinking problem in Dillingham, and I've heard them say there's no drug problem in Dillingham or the school, and it's absolutely not the truth.

Binkley: Bob, how do we as legislators or as law-makers at the State level, how do we deal with that lack of social conscience? What can we do at the State level to heighten the consciousness?

Wallman: If I really knew I suppose you would have heard from me. I believe it is a local problem and the only way we can deal with it is in Dillingham. I believe in laws, I believe in banning sale and letting people who are responsible drinkers import and drink responsibly. This is still America and I don't want to step on people's toes to that effect. The problem, I feel, is making a profit out of misery, suffering and obliteration of a culture. That is

what's happening here and it's definitely wrong.

Hurley: Were you the person who is doing something with school education?

Wallman: We have a component that, I believe his name is on there, Jack Norman. He's a prevention specialist with our program and he does a lot of school presentations.

Otto: Does your program cover the villages as well?

Wallman: Yes we do.

Otto: What do you think about the proposal that some of the villages have made, that they be given the opportunity to ban possession of alcohol?

Wallman: I support it one hundred percent.

Otto: How come?

Wallman: There is a tremendously high rate of alcoholism in Alaska. It's two and a half times greater than the lower forty-eight. In bush Alaska I feel it's much higher than that. Alcoholism is a disease. It's not a moral weakness, it's not a moral problem. They can't not drink. If it's available, they can't stop. They can't not drink and then when they start they can't stop. Not only is it a disease, it is a family disease. The villages are basically extended families. Everybody's related to everybody else. Rose spoke about domestic violence associated with it. They're two peas in one pod. Everybody is affected negatively by alcoholism in the villages, as well as in Dillingham. But it's more severe in the villages. Part of empowering Native Alaskans to make determinations of their own future must involve the removal of the substance that has destroyed them, and more than anything else, alcohol has destroyed them.

Otto: Do you think then that the problems related to alcohol (I guess this is what you're saying, but I want to make sure that it is), do you think that the problems related to alcohol abuse, particularly in the villages, are so severe and pose such a danger to the public health, safety and welfare that those problems justify invading other people's privacy in their home and forbidding them from drinking? Because that's what would be happening.

Wallman: I definitely do.

Otto: Do you think the public welfare outweighs the private rights?

Wallman: I definitely believe that.

Otto: I have one other short question and you may not be the one to ask this to, so tell me if not. Do you see any bootlegging going on in Dillingham on Sundays for example, or after hours when the bars are closed?

Wallman: Yes I do.

Otto: That's a problem here as well?

Wallman: That is a problem.

Binkley: Chuck Wallace. I see you just came in. I'm John Binkley, Representative from the Bethel area, and this is Representative Katie Hurley from the Wasilla area, and our legal counsel Laurie Otto.

Wallace: Chuck Wallace, I'm Police Sergeant with the Dillingham Police Department.

Otto: As I understand it your chief is out of town and you're acting chief, is that correct?

Wallace: That's correct.

Binkley: Maybe, Chuck, you could give us some indication as to the magnitude of the alcohol problem here in Dillingham and, from your perspective, some of the problems you see as the result of alcohol. Some of the crimes that are committed, and what types of crimes and are they generally alcohol related, or what percentage would be alcohol related?

Wallace: Overall for the whole year, alcohol related offenses run about fifty percent. Last year they ran a little higher and during the summer months there are times that alcohol related offenses run as high as ninety percent. That means every call we respond to, at least half, and sometimes as high as ninety percent, are caused by or have alcohol involved. As far as the types of problems alcohol causes, I don't think that there's any problem that can't be influenced or attributed to by alcohol. Everything from domestic violence to assaults to stealing of merchandise in the grocery store because they spent their last few dollars, or fifty dollars if it's a Sunday, on a bottle of liquor. We do have a problem with bootlegging on Sundays. The problem is many-fold. The bootlegging on Sundays not only causes

people to be drunk, but it causes people that have an alcohol problem or abuse alcohol to be victimized. Where they could buy a bottle of booze at the liquor store for eight, ten, fifteen dollars, they're charged fifty or seventy-five dollars on Sunday because they're laying partly drunk on a corner of the street and want to have some more booze so they're willing to pay whatever they've got in their pocket for the booze. Other times they reach in their pockets with their fish money to buy a bottle of fifty dollar booze, and because they are intoxicated, the person who's offered to sell them the bottle takes all their money and runs. So I don't know if you could even begin to explain the scope of the problem. Then there's the problem in wintertime with people who, because of drinking alcohol, are incapacitated to the point they can no longer care for themselves, so they end up crawling under a building to go to sleep at night. There's a potential for them freezing. There's many people, village people and people in Dillingham, who have all their toes frozen off. I know some of this can happen just because of the severe conditions, but in some instances, I know there's an individual that the only reason that his toes froze off is because he was incapacitated due to alcohol and wasn't able to care for himself. And that same individual still has the problem he had when his toes froze off. Recently he's had a problem with immersion foot, where his feet were inside of his waterproof boots and they were full of water and both of his feet started to rot. The only reason he has this problem is because he was too drunk to care for himself and go to the hospital or put dry socks on his feet. He walked around with water in his boots.

Right now, in this past twelve-month period we've had over 2,000 alcohol related complaints. During the past ten months we have picked up 404 people who are incapacitated due to alcohol to the point where they couldn't care for themselves, where we had to put them in a place for the night until they were sober enough to walk and function and know where they were going. That's 404 times when someone was laying down, in a position where they could get hit by a car, be victimized. Sometimes people who are incapacitated are sexually abused, sometimes right in the alley. If a person falls down and can't care for themselves and they have money in their pocket or what not, there's no way of stopping them from being victimized. They can't get up and holler for help, they can't run away, they're just laying there drunk and incapacitated.

Binkley: And you pick them up under the protective custody statute then?

Wallace: That's correct.

Binkley: What procedure do you use here when you pick them up under ~~A~~.P.C?

Wallace: When they get to the point where they can not care for themselves at all and don't have family or relatives in the community. Generally it ends up being people who come in shopping from the village, and there's no one locally to take care of them. We bring them down to the police department and we have a cell where they can sleep on a cot for six to twelve hours until they're able to care for themselves. If it's busy, a lot of times they have to leave earlier because there's just no room for everyone.

Binkley: Do you do medical screening prior?

Wallace: No.

Binkley: Of that 404, do you know what percentage would be from villages as opposed to people from Dillingham, or would they be exclusively from villages?

Wallace: I would say it runs about 85-90% people from the villages, because of the fact that if they are local Dillingham residents, there's usually family members that we can take them to and ask them to take care of them and give them a place to sleep.

Otto: That 404 are people that are actually booked in?

Wallace: Yes, they actually spend the night. That's not counting maybe another hundred people that are given a ride to a relative's house to spend the night.

Hurley: What is that figure again?

Wallace: About 2,097 of our complaints were alcohol related.

Hurley: Is that this year?

Wallace: Since the beginning of last year, January 1. That means that we go there and alcohol is contributing. Someone is drunk and because of the alcohol...

Hurley: Do you get any calls from bars saying that people are incapacitated?

Wallace: Yes, a lot of calls from bars.

Hurley: Do you take them away then?

Wallace: Generally, if the person is in fact incapacitated. If they're just drunk to the point where they're obnoxious, no we don't, unless they've broken some law. We may ask them to leave because the owner wants them to leave, but we don't take them in under protective custody unless in fact they are incapacitated. That means they can't care for themselves, they can't walk, can't get up off the street without some help.

Binkley: How long have you lived here?

Wallace: About two years.

Binkley: How big of a police force do you have?

Wallace: Six officers.

Binkley: How about the bootlegging problem? Is there any effort on the part of the police to crack down on that illegal bootlegging on the Sundays, or is it pretty difficult?

Wallace: It's hard. We've worked hard on trying to stop bootlegging on Sundays and in the past two years we've only made one case against a person for bootlegging on Sundays. It's hard because I think it's partially socially accepted. They figure, well they can buy booze the other days of the week, so why call in and tell them someone is selling booze on Sunday too. I don't know why, if that's the only reason we're not catching it. It's hard.

Otto: What's the population here?

Wallace: The last census I believe was about 2,100.

Otto: What percent of your crimes are violent crimes? By that I mean offenses against a person: assault, sexual assaults?

Wallace: I would say, taking all the complaints, and that includes the annoying neighbor, the loud noise complaints, everything, I would say about thirty percent.

Otto: What percent of the violent crimes are alcohol related?

Wallace: I would say about ninety-five percent.

- Otto: S- the crime statistics you indicated earlier are really greatly skewed by the number of property offenses where they're not alcohol related, as opposed to the violent offenses that are alcohol related.
- Wallace: Yes, if you take all of our complaints, it runs about fifty percent. But if you narrow them down to crimes against persons complaints, it runs higher, to about ninety-five percent.
- Otto: How about the percent of the crime that's committed by villagers? Or are you able to say?
- Wallace: I wouldn't be able to say, but just off the top of my head, I would say that the crimes committed by villagers don't run any higher than local people. But if you're talking about who the victims are, it runs higher.
- Otto: So villagers are more likely to be victimized in Dillingham than they are to commit offenses?
- Wallace: Because of the alcohol problem. When a person has an alcohol problem and they're from a village in town here, there's occasionally the domestic violence, but it's more apt to be the concealment of merchandise, or they're annoying, in somebody's entry way.
- Otto: Very minor incidents?
- Wallace: Yes.
- Otto: What's the number of homicides that there's been in Dillingham since you've been here.
- Wallace: None.
- Otto: So that's not a problem here?
- Wallace: No. It depends if you want to categorize the person who gets drunk and runs over someone or (end of tape).
- Otto: So again, how many homicides?
- Wallace: I would say about three. It wasn't actually, technically a homicide, but alcohol contributed to the death of about three people.
- Otto: Vehicular homicide then?
- Wallace: Yes.

Otto: I won't fight with you about that word.

Wallace: Well, the grand jury decided otherwise.

Otto: How many alcohol related deaths have there been?
By that I mean the kind of incidents, you weren't here earlier but Father Tom was talking about people that freeze to death or one person at least who froze to death in a car.

Wallace: In the past year?

Otto: Since you've been here.

Wallace: Since I've been here. I'm just guessing but I would think about six. That would be people who have drowned and alcohol was involved. Someone knew they were drinking before they drowned. People that had a drinking problem and crawled under a building and died because of exposure. People hit by a car and we know that the driver or even the victim had been drinking, or there was alcohol in their blood. I would say about six.

Otto: Is there anything that you think can stand in the way of legislation that could help Dillingham or this area deal with its alcohol problems?

Wallace: I don't know of anything specifically, but I think that when you regard legislation you should bear in mind that it is a local problem and there should be as much local input into whether or not they have a problem, how to deal with the problem, and whether or not to allow the sale or importation of alcohol. I think the villages will speak very loud and very clearly against alcohol, and I think that their voice should be heard. What they decide, they're right there, they live with the problem, they see the person who's a good fisherman when he's sober, but now he's got an alcohol problem and he's not a good fisherman, in fact he's a danger now. I think that a lot of times, even though locally it's decided to ban importation, or limit sales, that maybe there should also be some assistance as far as if there's additional funds needed to enforce this or implement plans. I know that rural Alaska needs some type of program locally, like a detoxification, a place where a person can go more than just twelve hours. Many times we've brought a person in who's incapacitated due to alcohol consumption, they spend the twelve hours, and their alcohol level is still in their blood system. They walk out of the police station, two or three blocks downtown and by

noon they're drunk again and can't stand up. I think they need to have a place where they can spend a longer period of time. If they're incapacitated to the point where they can't walk, I think it should be mandatory that they spend a little longer time so that they're completely sober, so they have a chance now to make the decision whether they want to deal with their problem. And not just twelve hours or just giving them a rest so they can go drink again.

Hurley: Do you ever, when you get a call from the bars, and you go to pick up someone or answer that complaint, do you ever say anything to the bartenders about the fact that they should not be serving liquor to them when...

Wallace: Yes, and some of the bar owners are very conscious of this. Others aren't quite so conscious. But we try to remind them continually and ABC sends people out to remind them also that if a person is drunk, not to serve them. But it's not always the bars. The bar is a contributing factor, but it's not always the bars liable, it's the bootleggers, or the people that buy the bottle and go sit on the beach and drink.

Hurley: But it is illegal and they should be fined or if they're guilty they need to have it somehow impressed on them that's something they're not supposed to do. ABC comes out and does nothing?

Wallace: ABC comes out and issues warnings. I haven't seen any actual action taken. It's a hard one from an enforcement standpoint. If a person gets drunk at the bar up the road and then comes in and stands in the hallway at the other bar and is refused service, which bar did he get drunk in? That's not quite as easy to decide.

Otto: And then I would suspect that bootleggers don't operate just on Sunday and the people who don't get served in bars can go to a bootlegger during the week. Would that be true too?

Wallace: I would think so, yes. Because there have been fifths of whiskey people have been walking around drinking that they bought that aren't for sale in the liquor stores. We went to check to find out where they got it and they just didn't have any. At least it wasn't on the shelves.

Binkley: Thank you very much, Chuck. Jack Norman.

Jack Norman: My name is Jack Norman. I work for the Bristol Bay Health Corporation. I've been here for two years. I come from the state of Maine where I thought people had a real drinking problem. It's nothing compared to this part of Alaska, that's for sure. The first year I was here I worked as a professional nurse at the Kanakanak Hospital. I've taken care of more than six bodies. More bodies than I can remember during the first year I was here that were due to alcohol. I think perhaps Chuck was just thinking of accidents or freezing to death, but there are more causes of death than just that due to alcohol. Long-term alcohol problems result in problems such as cirrhosis of the liver, which most people have common knowledge about, stomach ulcers, esophogiavarices where the veins in the throat burst and people just bleed to death. There's not much you can do about that. In deliveries at Kanakanak Hospital where F.A.S. babies have been born. Some babies don't even survive and leave the delivery room. Fetal alcohol syndrome in Dillingham and the surrounding villages is, I believe, on the increase. This year I've worked mainly with adolescents and children in the school system. I'm not working as a nurse anymore. I work in the Youth Substance Abuse Program. I work in any school system. I travel to all the villages. I haven't been to all the villages yet, but I've been to most of them. There are twenty-eight villages in Bristol Bay that have schools, thirty-two villages total. Last year I went to approximately fifteen different schools. Some were repeat visits. One school I visited seven times, that was Togiak. This year Togiak in December are going to be starting a Natural Helper's program. I have people from the Alaska Council coming out to help the kids deal with that problem. We have kids coming to school drunk, hung over. One kid just quit school because of his drinking/drug problem in Togiak. Nondalton is another village that has real problems with alcohol. When one person brings liquor into the village, it's not just that person that drinks. The whole village drinks. When I say the whole village I'm really assuming that one hundred percent of the people drink, which is not the case, because there are a few people that don't drink. But for all intents and purposes, the village gets drunk. In Levelock, the last time I was there with one of the counselors, we were just leaving and there was a party going on to a place next door, where we had asked if Levelock had a drinking problem and the denial was "No, we don't have a drinking problem", while next door gunshots were going off. Nondalton has had gunshot deaths this year already. The kids,

afraid to say no because everybody else is drinking or doing other drugs, and for me there is no difference between alcohol and drugs, there is no difference. A drug is a drug whether you're hooked on alcohol or whether you're hooked on pot. Whether you're doing cocaine, there's no difference. Hooked is hooked and alcohol is the most abused drug in the United States. Whether it's legal or not, it's still the most abused drug. The culture, like Bob Wallman said, is just going down the tubes. What whiskey did to the American Indians, it's doing the same thing here in Alaska to the Alaska Natives. I don't have the answer. If I had the answer I would be a famous man.

Binkley: In working in the schools, Jack, do you ever seek the advice of the elders in the community, or encourage them to come with you into the school programs.

Norman: That's going to be happening through this Natural Helpers program. Some of the elders are being singled out to take part in this.

Binkley: One of the proposals that the Committee is considering, as Laurie mentioned a little bit earlier, is that of allowing villages to have an additional option which they can choose from, which would be to ban possession of alcohol within the community. Do you see that that would be a help in villages?

Norman: It might be, but I don't see it as really working very well. The main reason that I have that idea is that the VPSOs in the villages are related to everybody in the village. If an outsider were to be the law enforcement, per se, it might work. But as far as going and arresting your mother, or arresting your father, I don't see that happening.

Binkley: So your opinion, then, as far as the Local Option Laws, is that they aren't working now? The ones to ban importation because there's alcohol in the communities? That any choice that a community may make to further restrict consumption of alcohol in the villages isn't going to be effective?

Norman: No. If the people that want to drink want to drink bad enough they can get the alcohol. In Togiak there's a real bootlegging problem. You probably already heard that. One hundred dollars for a pint. And it's readily available to anyone that has one hundred dollars.

Hurley: Do you think then that the Village Safety Officers, that that's not a good program?

Norman: I wish that there was a VPSO here. I can't speak for them personally, but it's just my observation of visiting in the different villages, that more people are not being caught because it is a family problem. The use of alcohol in a village is a village problem. It's everybody's problem, not just the VPSO's problem. And the VPSO is related more often than not to the people that are causing the problem. Put yourself in their shoes. Would you arrest your mother? Would you call the State Trooper and have him come to the village and pick your family up and take them back to Dillingham because they're causing problems? I doubt it.

Otto: How are the kids being affected? You said the kids are being affected even if their parents don't drink. How specifically are they being affected?

Norman: They're being affected by the kids whose parents are drinking. Emotionally, spiritually. When you have a best friend tht is having problems at home because the parents are drinking, it affects you too. It just drags you down, leaves you with a bad taste in your mouth and a bad feeling inside. How can you help this friend?

Otto: How specifically are the children whose parents are drinking being affected? What are the ways that they're being affected?

Norman: I know that a lot of kids spend the nights not in their home. They spend it with school teachers, or they spend it with families that don't happen to be drinking at the time. They're afraid to go home. This is where family violence, domestic violence comes into play. I know kids that stay at school as late as they can. They just don't bother going home. It's really sad.

Otto: How young are kids starting to drink?

Norman: Six years old.

Otto: One of the things that people talked about in the villages around the Bethel area when we went out there last week is not infrequent situations where parents will drink to the point of passing out, with liquor left, and then the kids drinking that and coming to school hung over or drunk. Is that a similar problem?

Norman: Yes. They have great role models to follow. From my understanding it's like sixty percent of all kids up to ten years of age have already been drunk at least once. Ten years and older, they have liquor at least once a week. All kids have already tasted liquor by the time they're ten years old. Ten years and older, they probably drink once a week.

Otto: What percent of the kids?

Norman: All of them. In Togiak where you were. All of the kids there drink.

Otto: What's your basis for saying that?

Norman: That's what they tell me. They drink at least once a week.

Otto: Have you done surveys in the schools? I'm not challenging you, I'm just trying to understand.

Norman: No, I haven't done any surveys, but that's what they tell me and that's what they tell their teachers. When you have kids coming to school hung over once a week, what are you supposed to think?

Otto: Have the teachers told you that as well? Do they see that significant a drinking problem?

Norman: Yes.

Otto: And ten years old is what, fifth grade?

Norman: Yes. I could give you the name of one of the teachers, it's Darci Groves, if you'd like to ask her about it.

Hurley: I've heard that that's a problem in Anchorage also. I feel that we put a whole lot that it's only a village problem, only a Native problem, but I know a teacher from the Anchorage school district told me that there are schools in Anchorage where kids in Junior High and lower are drinking.

Norman: We shouldn't throw up our arms and say "Oh my God, I'm so surprised". They sell it on TV like it's a soft drink. You're primed from day one to be a drug addict or some kind of addict. Count the medicinal advertisements that are on TV. "Take Excedrin, or take three of these, take this or take that." So we shouldn't be surprised that kids are drinking at a younger age. They've been primed to do so.

Hurley: Thank you very much.

Pat Hefley: I've thought a little bit about what I wanted to say. My name is Pat Hefley. I thought that I might want to wear four hats this morning and encourage you folks also to wear more than one hat. Although I've heard your focus to be on the limited option issue, I certainly appreciate the fact that you're looking at other areas as well. I would like to encourage, a certain part of my discussion would be focused on that. Four hats: my first hat. I am the director of the Division of Community Health here for the Bristol Bay Area Health Corporation. We have nine departments. The Alcohol Program is one. The Mental Health Program is another. Health Aide Program, Dental, Health Ed., Environmental Health, EMS, ASAP, and Maternal Child Health. The reason I give you that long list, I'd like to make a point. Virtually every program in that area, with the possible exception of Dental, is impacted by alcoholism. Everything from maternal and child health to accidents and injuries, certainly in our CHAP program, etc. I'll talk a little bit about the region from that perspective. The second hat I'd like to wear quickly is, before I came here, and I've been here for one year, I worked for approximately four years for the State in Juneau, working for the Division of Public Health, working predominantly in the area of alcohol and substance abuse, although I was not with SODA. I worked in the Division of Public Health. I did a lot of survey work, research work there and had some suggestions for the internal working mechanisms, the politics from the Juneau perspective, and it might be helpful for you to know, because a lot of those folks don't come over and talk to you and they should. The other hat I'd like to wear is the fact that I spent five years in the southeastern region of the State, doing essentially what Jack Norman is doing. Back in the early pipeline days I went out into communities and I beat the bushes and did alcohol and substance abuse programs and I've seen some of the atrocities that he describes in that region of the State. I've been to forty-nine villages in the State and have some ideas and thoughts I'd like to share with you. The last hat I'd like to play is just an individual hat that synthesizes all those other three hats and says I'm more than just those hats.

First, I can't help but share with you the obvious, that in every community in the State, this is a significant and serious problem. Local Option is a piece of the answer. I've spoken with Matt Felix several times and he indicates he has information. He's the Director

for the SODA office, of course. I hope that you folks have talked with him as well as with us consumers or providers out there. He indicates that also, concurring with my thoughts, that the Local Option does work in some cases and some communities under some circumstances. He has a fair assessment from I think his perspective as to what's going on there. I laud your effort to look at the local option issue. I don't think I want to discuss that much. You're getting a lot of input from around the area. I'd like to talk about a model that might work a little bit better than just the one model. In public health, to deal with issues surrounding any illness or any disease, there's generally a focus on three areas. Local option would be a consideration under one. That is the kind of legislation and enforcement to try to make legally something illegal or not legal. If you look at going to someone who has a communicable disease, works in a restaurant, as a model. You would have enforcement of legislation that makes it legal or illegal for that person to work there. You would have a treatment program if that person had TB for example. You would have an education program as well. You would work on making people aware of the fact that there's a problem out there. I think that the enforcement issues you're focusing on here. I'd like to talk just a little bit about the other areas. The State Office of Alcohol and Drug Abuse, which is the primary funder of the areas for alcoholism in the State, although the federal government through IHS does have some, basically focuses on treatment. There's approximately twelve million dollars, as I understand it, in treatment. The treatment doesn't work worth a damn in rural Alaska. I can categorically state that. I've been around the State and I keep hearing it, I'm seeing it, it just doesn't work. It's a JCAH model that allows you to bill for insurance issues against someone coming in and seeking treatment. That is why that model has essentially been out there.

Otto: What is JCAH?

Hefley: I'm sorry. It's the American Medical Association, Joint Council of Accredited Hospitals. It's very useful to have a model however. But it doesn't work in rural Alaska. In Kotzebue it doesn't work. I've talked to folks up there. Southeastern Alaska, it doesn't work down there. It doesn't work very well anywhere. It works pretty well in Anchorage.

Binkley: Is this the same as Phillips Alcohol Treatment Program in Bethel that you're saying is a program that doesn't work?

Hefley: No, that would be an in-house program, where you have a place to go to and you go in and come out and you're treated.

Otto: You mean counseling one-on-one kind of stuff?

Hefley: Yes. In-house kind of stuff. In rural Alaska, in many years you don't have enough money to put people up here, so we have an intervening sort of a treatment center, which is essentially an out-patient component. But where do people go when they leave their two hours or four hours there? They go back home. What happens there? They have the same kind of social reinforcement that they've had all along, so it makes it really difficult.

Binkley: So that's not working in this area?

Hefley: It does not work very well. We do that model because that's how we get money from the State. And we say we'll do that and we do, but you can turn right around and say it doesn't work very well, because there's a link missing. And that's the prevention component. And the prevention has a lot of dimensions and I'd like to focus on a couple of them. One is that the State finally, in the last couple of years, has turned around and said, "Gee, we're spending twelve million dollars and look at our statistics. It's not working very well, is it?" You better get over there and get the information system to you people and tell you about all the wonderful things that are going on there, but they don't look at the outcome. So they start getting on prevention. And I would like to encourage you to take that message back somewhere, that prevention is essentially an area that's beginning. We're starting, and we can make laws, and we can treat, but if we don't prevent, then we're spending money in an awfully unusual fashion. I have to actually go out of State, and work with non-State groups, to get funds into our area, to try to help on a prevention component, to try to expand our prevention component. Working with the elders is a very good model. There are things out there folks that are working around the State, but we have a hell of a time trying to find out what they are. We go to SODA and we have all this management information systems training. I want my people to be able to understand what's going on in Valdez that does work. I want them to know what goes on working with youth and elderly that does work. I'd like to be able to bring those things back here. I'd like the State to study those things. You folks, I would

encourage you not to just to be focused, wherever, somebody in there in the legislature, to focus on this number one health problem in our state that eats up a lot of resources, one way or the other, to focus on what is working in the various areas of the State, and make your determination, make some findings, encourage those programs to continue. Both in treatment and as you have, in the local option areas, in prevention as well. I think that the State has taken sort of a lopsided view, basically on treatment, beginning on prevention, and some areas in terms of enforcement. I think that you folks are working on that.

Binkley: Your analogy, Pat, your initial analogy of what the Committee's focus is is absolutely correct. We're just focusing on the Local Option Laws and specifically what changes we can make in that and how we can better adapt them to something in local communities that have adopted those, specifically to villages, and what is working, what isn't working, and what some suggested changes might be.

Hurley: Pat, I'm very thankful to have your statement. I serve on the H.E.S. Committee and have several bills before my State Affairs Committee regarding alcohol. I've had a lot to do with Matt Felix, and so I know that I'm happy to have your contact and am hopeful that maybe we can get them to spend some of the dollars on the, I agree with you on that twelve million dollars has been spent and there's not very much change as a result of it.

Binkley: Is that twelve million just in treatment? Do you know what the budget component for treatment is?

Hefley: I forget. There's been, Jack, do you recall last year when we went to Anchorage on that ? Board, when they met? There was four million dollars spent in treatment, prevention three million something? I forget. You can very easily find out. It is a disproportionate amount and it's only started a few years ago, I guess is the point.

Binkley: Yes, I was just curious.

Hefley: I'd like to make a couple more points. You folks have a mandate. You as legislators have a mandate. In 1981 the State did a study, in conjunction with the Center for Disease Control, a state-wide study. Alaska had the most expensive study done in the nation. And we looked at those areas. The study is called "The Health of Alaskans: The Prevalence of Behaviors Posing Health Risks". This was a very

expensive study. We went to I think forty or fifty communities around Alaska, did random sampling at great expense through the University, and what we found out, the Division of Public Health, I have a copy here in my office if you'd like to see one, and also through the University Institute of Social and Economic Research. What they found out is eighty-six percent of the Alaskan adult population wants the State to be doing something about this area, alcoholism. And they want the State to be involved in intervention. I think people are beginning to feel powerless. I think that's the second comment that I want to make. The State needs to focus, if they're going to focus anywhere, on giving that power back to people to do things for themselves. The communities are no less different than any other illness. The pathology is individual pathology illness. It is a family illness. It is a community illness. What works in Togiak will not work in Dillingham. We tend to kind of have to come up with these things that are supposed to be universal, unfortunately. My other suggestion, find those things that are working in various areas, share them, and have that be a focus of some of the prevention components in State government. I had just a couple things. I would review your focus on treatment. I would emphasize that the Legislature could look at prevention and education. I would like to suggest that you separate the Alcohol and Review Board. Fund all these programs. Get them out of policy setting. They set policy now. They don't have time to set policy. They're looking at competition for bucks. And somebody, private consumers, ought to be able to have input on Local Option Laws, like you're doing here today, on treatment and prevention, what would work. You should get out of the folks that fund those things also being the folks that set policy on them, because you need local people, and people who don't have to deal with money with their primary focus. And encourage the elders in this issue. I think that you're going to miss out if we don't continue to be focusing on that. And I could speak for hours and hours on this and I think that I have taken up more than enough time.

Hurley: What is SODA?

Hefley: State Office of Alcohol and Drug Abuse. It is the State Division of Public Health, as Divisions of Nursing and Divisions of Laboratory Service, one of the largest components is SODA. It's in the trailer across from Health and Social Service, down the street from you folks when you're in Juneau.

Otto: I don't really have any questions, but if you do have additional thoughts that you didn't get out today, or that you think of later that you wish you would have got out, or you discovered...Let me give you the address for the Committee so you can mail those comments, because we're taking written comments and written testimony as well as going around to the villages. It's P.O. Box 1672, Bethel, Alaska, 99559.

Binkley: Thank you very much. We appreciate it. Susie?

Susie Kaltenbacher: That's kind of a hard act to follow.

Binkley: I'd also like to thank you very much for helping us and helping Laurie in setting up these hearings. We appreciate your help.

S. Kaltenbacher: I'm speaking with only two hats. I'm representing the District Attorney's office here and I'm representing myself privately. First, I would like to just start and give some statistics to put on the record that have to do with our particular office. The D.A.'s office is fairly new. It's only been in operation technically since the middle of December 1984. Prior to that time all of the prosecutions were handled out of the Anchorage D.A.'s office. So within the time period from January 1 to yesterday's intake, the total number of cases our office has referred for prosecution is 674. We need to take into consideration too, that our office covers not only the Dillingham court system but also the Naknek court system, which encompasses almost the entire Alaskan peninsula, from Bristol Bay over to Togiak. Of those 674 cases, 209 of those were Fish and Game violations, which leaves 465 approximate cases left that were in the criminal system. Of those 465 cases, 400 of them were in some way alcohol related. Their relation was either where consumption occurred prior to the crime, during the commission of the crime, or as a result of the crime. An example of as a result of the crime would be furnishing liquor to minors, illegal importation or breaking in to steal liquor. Breaking it down just a little bit more, we had a total number seven were alcohol related. Our office processed a total of eighty-five D.W.I.'s. There were sixty-two reported domestic violence assaults. This means that of domestic violence cases, there were sixty-two of those that were alcohol related.

Binkley: All sixty-two were alcohol related?

Kalten-
bacher:

What I did was just go through and pulled out the ones that I knew were. I didn't pull out all the assaults. The other thing that I did a statistic on was the number of crimes that dealt with the use of a firearm. Last year we had thirty cases of that; twenty-eight of those were alcohol related. Another statistic that I found kind of high was the minor consuming. I combined minor consuming, furnishing to minors and illegal importation. But the major number on this statistic is minor consuming, and that was eighty-one, which is real reflective of what's going on in our town and also Naknek and that area. Most of these minor consumings come from Dillingham. The actual charges are done by local police here. I think the one thing that is important to understand is that when I say a number like four hundred people have been charged with alcohol related crimes, I think it's real important to take into account the impact, what I call a rippling effect. Because you can't just look at this as four hundred separate people. A scenario would be, someone commits a crime, say an assault, a stabbing or something like this. And then you look at what's going to happen and who becomes involved. You have victims, witnesses, the families, police officers, courts, our office, women's crisis services possibly, FBI if they have to do crime analysis, public defender, which is another State agency, usually is involved here. Doctors, social services. It's not just one person getting in trouble and going to the court. It's this huge effect that takes into account a lot of resources. So when I say four hundred alcohol related cases you're looking at a phenomenal number of people becoming involved and a lot of State expense.

Binkley: Susie I've got a quick question. On this breakdown, do you have a breakdown of how many importation cases you've had?

S. Kalten-
bacher:

We have not had that many importation cases actually put together. I can recall about four or five the entire time. Which is not real high. Part of it is, it's my personal opinion that it has not been a priority to make these cases. And until it does become a priority to make a case like that, it's just like bootlegging. You don't just happen to go out and make a bootlegging case, you almost have to plan it. It's the same thing with importation. If it's there you might be able to grab it, but it's hard to catch people in the act for one thing. Because they don't send liquor or import it in their liquor box. It's going to be hidden within bags, and then you have search and seizure laws that you have to follow too.

Binkley: Do you know of those importation cases, how many were convictions? Or were there any convictions?

S. Kaltenbacher: I don't know if we had one hundred percent, but I think almost all of them were. There might have been one that slid that we didn't have a good search on or something like that, but I know we've had several convictions this year.

Binkley: Do you know what the sentencing was on those?

S. Kaltenbacher: No I don't recall. There are a couple things too that I just have opinions. And that's that, we have the Magistrate here and he can speak to us too I hope. And some of the alcohol treatment people. I personally have a hard time with court-ordered alcohol treatment or medical treatment. My personal opinion is that when you've ordered somebody to do something that's not really something they want to do, that they're not going to get that much out of it. They might internalize a little bit of it, but they're not going to get the full benefit out of it. People have got to decide on their own that's what they want to do with their lives. I think that in the majority cases, if there's any alcohol involvement in the case, usually an alcohol screening is required through ASAP, and then treatment must follow the recommendations of the screener or of their ultimate counselor. I have a real hard time personally with that court-ordered treatment because I don't see it really working. I don't see the percentage is that successful. And I think that Pat covered that base too. There are a couple of things just from what other people have said that I would like to make a statement on too. I deal with VPSOs a lot. I for one think it's a good program. I think that the biggest problem that the officers have out there is the one that was spoken of, that they have to deal with their own family. And that's very difficult, but they will arrest uncles and brothers, I've seen that happen. Our Trooper is here too and he supervises them so I'm hoping he'll speak to that. The other issue that I wanted Chuck to speak about has to do with our jail situation here. We have a two-cell jail. That's it. Hopefully there's going to be something more built, but what's happening is our prisoners are being transported into Anchorage, pending court hearings, etc. It's part of the problem of why, when Officer Wallace was saying that they have to let people go because there's just not room. What do you do, there's only two cells? And they're very very tiny.

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Binkley: Do you know of those importation cases, how many were convictions? Or were there any convictions?

S. Kaltenbacher: I don't know if we had one hundred percent, but I think almost all of them were. There might have been one that slid that we didn't have a good search on or something like that, but I know we've had several convictions this year.

Binkley: Do you know what the sentencing was on those?

S. Kaltenbacher: No I don't recall. There are a couple things too that I just have opinions. And that's that, we have the Magistrate here and he can speak to us too I hope. And some of the alcohol treatment people. I personally have a hard time with court-ordered alcohol treatment or medical treatment. My personal opinion is that when you've ordered somebody to do something that's not really something they want to do, that they're not going to get that much out of it. They might internalize a little bit of it, but they're not going to get the full benefit out of it. People have got to decide on their own that's what they want to do with their lives. I think that in the majority cases, if there's any alcohol involvement in the case, usually an alcohol screening is required through ASAP, and then treatment must follow the recommendations of the screener or of their ultimate counselor. I have a real hard time personally with that court-ordered treatment because I don't see it really working. I don't see the percentage is that successful. And I think that Pat covered that base too. There are a couple of things just from what other people have said that I would like to make a statement on too. I deal with VPSOs a lot. I for one think it's a good program. I think that the biggest problem that the officers have out there is the one that was spoken of, that they have to deal with their own family. And that's very difficult, but they will arrest uncles and brothers, I've seen that happen. Our Trooper is here too and he supervises them so I'm hoping he'll speak to that. The other issue that I wanted Chuck to speak about has to do with our jail situation here. We have a two-cell jail. That's it. Hopefully there's going to be something more built, but what's happening is our prisoners are being transported into Anchorage, pending court hearings, etc. It's part of the problem of why, when Officer Wallace was saying that they have to let people go because there's just not room. What do you do, there's only two cells? And they're very very tiny.

Binkley: It's just a municipal jail. And the State contracts if they have somebody to hold in the local jail?

S. Kaltenbacher: Yes, but I think there's a limit on...(voice from audience): "It's a State-owned facility that the City contracts for".

Otto: Do you see any of those people who are being released from the jail. You talked about picking people up for PC and putting them in protective custody and then having to pick up more people and having to let them go again. Do you see those people either being victimized or committing criminal offenses after they've been let go?

S. Kaltenbacher: Yes. In fact some of the reports that we get across, it's like "picked them up for this" and here you have the next time block where they met up with them again because of a report from a store or private residence or hotel or bar, where they won't leave. And it's back again. I see that. In fact a lot of reports that I get from the police, they make an initial contact, there might not be a pick-up, but they make an initial contact with someone who is intoxicated or causing problems because all the bar owner, the hotel manager, or whatever wants, is that person out. So the police will escort them out. An hour later they call back again and that time they're arrested for criminal trespass or for disorderly conduct, whatever.

Binkley: I'm just curious, Susie. I know you lived in Bethel for many years and now you live in Dillingham. The differences that you see between a community like Bethel that's banned the sale of alcohol but allows importation, and a community like Dillingham, which allows both the sale and importation of alcohol?

S. Kaltenbacher: Well, I don't think that this town has near the problems that Bethel does. Granted, we don't have as many people that live here. Granted, we have less villages that depend on us than Bethel does. But at the same time, we don't have the violent crime, the outrageous murders. Most of our stuff, I think the majority of our homicides are negligence. Killings have been through vehicular D.W.I.'s. We don't have stabbings and shootings and stuff at all by comparison to Bethel. I don't know if there is a comparison there. But we do have the domestic violence situations, and the potential harm there. We have the Sunday bootleggers but it's nothing in comparison. I think that part of it is because, personally, I could

not see if this town went completely dry, or importation only, it would only cause more problems. It would impact in the villages also.

Binkley: Do you think that that violence is related, is a direct result of the restrictions that a community places on alcohol?

S. Kaltenbacher: Well, I think, as someone has said before, that people are going to get it anyway if they want it, and I do. Because I think that if you tell a person they can't have something, that's the first thing they want, is my opinion. If people are living in discord because of their own cultural or personal struggles, using alcohol only compounds, or brings the ugliness to the surface. It brings the violence out. I don't know how many times I have heard people say "Gee, he's a great guy except when he's drunk" or "Gee, she's wonderful, except when she's drinking".

Binkley: But do you think the ease of access to alcohol has any bearing on that at all?

S. Kaltenbacher: Well I think it's easy to get alcohol in Bethel. I don't know if that's really, I don't think it really is a basis.

Otto: But doesn't restricting alcohol in Bethel make it harder to get in villages and isn't that really...

S. Kaltenbacher: I don't think so. I disagree with that. I think the availability of alcohol in Bethel is easy. If you've got the money, there's a phenomenal number of bootleggers in town.

Binkley: OK. Susie, thank you very much. Kent.

Kent Kaltenbacher: My name's Kent Kaltenbacher and I'd first like to say that I'm not as familiar with the Dillingham area as I am with the Bethel area. I've lived many more years in Bethel up to this point than I have in Dillingham. I'd like to speak to a couple of things first of all. I'd like to start out like Susie had with just some figures. When I lived in Bethel.

Hurley: For the record could you say what you do?

K. Kaltenbacher: I was going to do that. In Bethel I was the director of the Bethel Group Home which is a treatment facility

for emotionally disturbed or delinquent boys only. In Dillingham I'm presently the Juvenile Probation Officer. While in Bethel, of the clients that I had come through the door, eighty-five percent of them either had an active alcohol problem at the time that they entered through the door, or they had problems with alcohol in the past. Ninety-five percent of those came from families with active alcohol problems, either the father, mother, brother or sister. That's in the immediate family. Eighty percent had an immediate or a close relative, either cousin, aunt or uncle, die in an alcohol related death. Seventy percent had committed an act of violence while under the influence. That is, sexual assault in the first degree, assault with a deadly weapon, or a property related crime. Eighty-five percent of all the clients that I had walk through the door had been the victim themselves of a violent crime within the family. Either being punched on a fairly regular basis or threatened with some implement. Thirty percent had an immediate or close relative, there again, first, second cousin, aunt or uncle, commit suicide. Eighty percent of the children that came through the door, eighty percent of those families had an active domestic violence problem. That is generally the father beating the mother. The main problems that we had were self-esteem, authority problems, due to the fact that they didn't have positive role models, and school problems. That could mean grades, truancy, that type of thing. A number of our kids came from the villages. Sixty percent of all the clients that we had come through our door in Bethel were from the villages. /Many of those (end of tape)..and he started drinking at the age of four. And the reason why he started drinking was that everyone else had passed out and there was still liquor available so he went ahead and drank it. Not because he liked it but because he was afraid that that was the only way to get rid of the alcohol so that when someone did become sober enough to stand up that they were going to go back to drinking. So he thought the preventative measure was to go ahead and consume it himself. And that's how he got involved in it. There are a number of villages that do have chronic alcohol problems. I know for instance in Bethel that the probation officer that worked in that area, would go into a village at a particular time and would not find one person that was sober other than at the school. And he had to leave because there was just no point in staying and trying to interview anyone. Also the children too were not inebriated, but almost every adult member was. I asked, for instance, yesterday a woman down in Chignik if during the holidays there was more of an alcohol problem and she laughed at me sarcastically over the

phone and said "Well, we always have that problem". But in honesty she did admit that it got worse during the times of Thanksgiving and Christmas. Another bush pilot that I had talked to said that he doesn't even like to go into Perryville at certain times when he knows that they just had an influx of booze. He doesn't even like flying in there. There are a number of things that I feel the State can do. I kind of correlate it to like, you like your bread and toast a certain way, you like your pabulum another way, and you like chicken a certain way. We all have different needs and different things that we want. So the focus on dealing with the alcohol problem can't be in one particular way. It needs to be multi-faceted, or multi-teethed. Every single day we, like Jack was saying, we see "Pop a pill, take a pill, take a drug at some time to feel better". Well, I think the State can do some preventative things in terms of education, using the different medias. And that's just one. Using the TV, newspapers, magazines, billboards in saying that it is OK not to drink. And if you do have a drinking problem this is where you can go. DFYS for example has had a number of ads on the TV directed at domestic violence or child abuse. And I think that type of campaign does help. It brings an awareness to people about the problem. It needs to be a constant barrage. It just can't be something that happens every couple of months, but it needs to be constantly. And I think that what the legislature can do is appropriate moneys, or divert some moneys that are now being used for after the fact types of things, such as treatment programs, that they divert some of that money into preventative type things. Because it's like Susie was saying, there is an enormous amount of money being poured into the system to deal with after the fact. Well, let's divert some of that money into prevention. Another way of dealing with it is, I can't remember who brought it up, looking into a legal detox. When someone walks through the door and/or they're picked up, a legal detoxification unit can help in that, instead of just having them stay for twelve hours and then throwing them back out on the streets so they can go drink. Once they enter that door, there are a lot of legal questions about whether you can hold people longer than that, but I think that needs to be looked at. And if they do walk through the door more than twice, that they go through mandatory screening. Once you lead someone to the water, you can't make them drink, but at the same time by exposing them to the treatment or the fact that they may have an alcohol problem, up to that point I think that's all you can do and then it's the individual's problem. I think Local Option is a good tool. I think it can be expanded upon. I also

feel very strongly that the VPSO program is an extremely good program. There are problems within that system, while there are problems within every system that we've developed. There again that's one tool that's being used but I think it can be expanded upon. I'll leave it at that because I think Trooper Reith can speak to that more, but I personally have gotten a lot of help from the VPSO program. I think it's a good one. I'm not going to say anything more. If you have any questions?

Otto: I have one question. How do you think it would affect your caseload, or dealing with juveniles, if villages chose to ban possession of alcohol, if they were allowed to do so?

K. Kaltenbacher: It would help but the majority of the drinking MCA's that I get are when the village kids. Now I've only been here a month, so.

Otto: But you've also dealt with kids in Bethel which is another area where a lot of villages have chosen to ban importation. Let's say some of the problem villages that you dealt with in the Bethel area, like Sleetmute, which I think you were referring to earlier, they've chosen to ban importation. They still have an alcohol problem. If they chose to ban possession, do you think it would affect the kids there?

K. Kaltenbacher: I think it would help.

Otto: How?

K. Kaltenbacher: Because it adds an extra tool to, either for the VPSO or for the Troopers, that they can enforce. I think a lot of the problem is dealing with consistency. There again you jump on the problem for a couple months and then you kind of forget about it. But if it's consistently enforced, and that's real hard, but at the same time, it's an extra tool that you have. I tend to disagree with Susie in that as far as Bethel is concerned in terms of the alcohol problem. Because I know a number of individuals that lived in Bethel prior to or when there were bars in Bethel. And they said the problem was far worse than it was after the bars had been closed. They said it was a real nightmare in Bethel with the bars open. So I do think that it has helped. In Dillingham, I haven't been here that long, but it's a very different community than Bethel. Really a very very different community. And

I think the biggest difference is that, like Susie was saying, is that Bethel is a hub for many more villages than Dillingham is to this area. Also there are a number of cultural differences between Bethel and Dillingham. And why Bethel got started where it did and where Dillingham, you can go back in history, they're very separate.

Hurley: Well, it's easier to get into Bethel than it is to get into Dillingham from the villages, isn't it? In the winter you can get from some of those villages by snow machine and so forth.

K. Kaltenbacher: Yes, it's much easier to get into Bethel than it is to get into Dillingham from the villages.

Binkley: Because of access on the rivers?

K. Kaltenbacher: Yes, the river road is right there and most of the villages, in fact I can't think of a village around Bethel that isn't connected to it by river.

Binkley: Okay Kent, thank you very muchh.

Binkley: Come on over here. How long have you been in this area?

Zach Brink: Since September.

Binkley: Do you like it here?

Brink: Yes, it's better here than it is over there. I'm Zack Brink. I work for the Bristol Bay Area Health Corporation Alcohol Program and I'd like to see the frustrations I had in my village that I see in the villages here with the Local Option Laws.

Otto: Are you from Kasigluk?

Brink: I was from Kasigluk. There are three things that I'd like to point out which are frustrating the villages here that I've talked to. I haven't been to all the villages but its the same as where I came from. The first thing is the banning the importation of alcohol in the villages and trying to enforce that law in the village. It doesn't really work out pretty well in the villages because there isn't much law enforcement. You call the State Troopers and they're busy with something else and it takes them a long time to get to that case. Where I came from we had about seventeen cases since the first of January which to date I've heard haven't been prosecuted yet. The State Troopers havent gotten to one of the cases. The other thing about that Local Option Law is that the State came up

with the idea where they were going to fix all the villages and then forget about it. They make the law and then that's it. They didn't do anything else after that to enforce it or make any more additions to the law on how the villages can enforce it. The thing is that the villages are frustrated that State Troopers are assigned one to every six villages or something like that. There isn't enough State Troopers to help them enforce the law. That's what I want to bring out to you people here today. That's all I have.

Binkley: You know Zack, I've heard the same thing in travelling around to a lot of the villages in the A.V.C.P. region. In the Kuskokwim and Yukon areas it's exactly that the people are real frustrated by the Local Option Laws in that they see that they're something that's not enforced. And one thing that the Committee's looking at that we've heard from some villages that they think would help is allowing that particular village to ban possession of alcohol. Then it would be much easier once the alcohol, a lot of times you don't see it as it comes into the community, but, when it surfaces as a problem and people are drinking then and starting to cause problems in the village then there's nothing that the community can do to get rid of the alcohol and stop the problem that's taking place. Do you think that allowing communities to ban the possession of alcohol in those communities would help?

Brink: I don't think so. It always goes back to the Privacy Act. And I don't know how, but my thinking of how this would work is the air taxis that come to the villages. Those are public carriers. Can they feel if there is a bottle in those bags before they let them off the plane? Because they wrap them in brown paper or put them in their bags and bring them into the dry villages.

Binkley: What some people have said is that once people start drinking in the community it's difficult to know when somebody's bringing alcohol in or not. But once they start drinking in the community, and sometimes it's a problem and sometimes it isn't. Sometimes people drink in their homes and maybe you'd never even know it. But sometimes people start to party in the villages and they're getting loud and getting out of hand and they call attention to themselves. Or maybe they're walking around the village with a bottle drinking. And they know that possessing alcohol within the villages is not illegal and that the local police can't do anything about it.

Brink: That's right. I think, the village where I came from, I think the possession of alcohol is illegal in the local ordinance. They make their own local ordinance that the possession of alcohol or any drugs would be illegal.

Binkley: But they can't legally do that. I guess that happens in some villages..

Brink: Well, if the municipality or the city government can do it, the village council can do it. The traditional council at home does it.

Binkley: Well, that's one of the problems that we see now, is that they can't statutorially do that, but if there were another option that a community could choose, that would be in compliance with State law, and could regulate it at that level.

Brink: I think the State law should say that possession, in all the State, should be illegal.

Binkley: Of course, the light that we're looking at it in is that of a local option, that each community gets to decide what's best for them. We're not trying to tell all the State what they have to do, but allowing each community, like Togiak for instance, if they wanted to vote within that community, or their council wanted to decide, put it on the ballot, and have an additional option. You mentioned an important point in that though, which is the right to privacy. Under the Alaska State Constitution there is an article that allows people that right to privacy. But some people think that it's more important for the good of the entire community, the public health and safety of the entire community, to go beyond that right to privacy and to transcend that right to privacy in an individual in order to protect that whole community. Do you agree with that?

Brink: Yes, I agree with that.

Otto: You lived in Kasigluk before and after the importation law went into effect?

Brink: Yes, both before and after.

Otto: Did it make any difference?

Brink: No.

Otto: Not at all?

Brink: It didn't, no.

- Otto: Do you think that another law which would allow villages to ban possession would make any difference then?
- Brink: I don't know. You know it's easy, like the other guy said, you can go to Bethel on a snow machine and come back on a snow machine. You can carry it into the village. I don't know what will stop it. That's another frustration that many of the villages have. They can't stop it from coming in.
- Binkley: Well I know we had a hearing out in Nunapitchuk and there were some people from Kasigluk that came over, and Atmautluak, and a lot of input.
- Brink: Yes, I'd like to see that \$50,000 come into the villages which I saw a couple summers ago. That \$50,000 to local villages that told that their village was dry. You know that act I saw in the "Drums" a couple of summers ago? No? I was thinking that the State should put in more money into what, those people have gone dry, and put an extra State Trooper.
- Binkley: Oh I know what you're talking about now. A program of allowing those communities that have taken a step, a very positive step in saying that we want to do something about the alcohol problem in our own community and we're serious about it. We want to ban importation, we want to ban sale, we want to do what we can in our own community to allow those communities some kind of funding to provide for local enforcement.
- Brink: To deal with the alcohol problem within the villages.
- Binkley: Exactly. That's one of the problems we're facing, and I'm sure you've heard it and everybody's heard it around the State, is the fact that our revenues have all of a sudden taken a nose-dive.
- Brink: Well, I guess they're going to Fairbanks and Anchorage.
- Binkley: Well, there's just not as much as there used to be and a lot does go to Fairbanks and Anchorage, and that's a constant battle that we've got in the Legislature about that. Where all the money should go, and we work real hard on that, but overall there's less money than there used to be and we're looking at ways in this particular Committee, of how we can change the laws to better help communities deal with it. Thanks a lot Zach. Good to see you again. Kathy Linz? I understand you helped do a lot of calling around and getting people lined up and I sure appreciate it. Good

to see you here this morning Kathy.

Linz:

Well I work for S.A.F.E. also, the domestic violence/sexual assault agency, and Rose gave our statistics on that, so I'm here to speak for a friend of mine who couldn't be here because of his work schedule. He was coming yesterday afternoon but he worked this morning. He was born and raised here, he's Native, and he has spent some of his adult life here, although he spent a lot of time along the Kuskokwim River as an alcohol counselor. He himself is a recovered alcoholic. The three points he wanted to make is that he feels that the Local Option Law is a little too new to judge the effectiveness and he feels it should be continued to be looked at and talked about. Two, he doesn't think the villages understand the four options clearly. He thinks it's hard for them to understand, and that the villages tend to look at them as all or nothing: either you don't drink at all, or you have a ban on everything, possession, brew in the home, everything. He says they need more education along those lines in order to be effective. The third point he wanted to make is that there's also a tendency to think that if you make a law then that takes care of the problem, and then it's up to law enforcement to play cat and mouse and try to catch people once they've broken a law. He feels it's got to be a community law, it's got to be supported by the community, it's got to be enforced by the community. Basically that's it.

Binkley:

Who's your friend, for the record?.

Linz:

his name is Louis Jones. I myself have lived here almost thirteen years. I don't have any more to add than anybody has already said, other than I see the situation as getting worse, of course. The more money there is, the more drinking there is, and we're getting more and more money. This isn't a poor community at all. And I see the situation with the young people getting much worse. The kids who used to baby-sit my children are now adults and they have alcohol problems and my suggestion, for what it's worth, would be that the adults. I've been here all my adult life and the adults have never gotten a grip on this problem, it's only getting worse. I don't know if you have hearings with the young people, but maybe that's something you need to do, is ask the young people what can we do about this problem that the adults have completely lost control of at this point. Maybe they have some ideas. I know from my personal experience, having alcohol in my home, my mother being alcoholic, it was the four children that said "We're not living like this anymore" and even

though the adults didn't want to go outside the home for fear of the neighbors knowing and all this, the children decided that they'd had it and were moving out and were going to do all kinds of things if the adults didn't get a grip on the problem. And that's basically what happened. And that's the only comment I'd like to make.

Hurley: That's why I feel the education program is terribly important. I don't think we have any questions, but I do want to say that I do think our hope is with the children. If we can somehow have an education or preventive program ...I'm sure that everyone, there's no special package. I think it needs to be developed by the individual community.

Linz: One more comment on the youth is that, besides asking them what their ideas are, we need to give them some kind of power. How that is I don't know. But they need to be given some kind of power to help with this situation. Somebody like Jack Norman would probably have a lot better idea on how to do that. I think the Natural Helpers program is real exciting. The kids need to have some kind of power so they know they have power to get control over this problem, and can actually help the adults or whatever. Their voices can be heard and have power behind it.

Binkley: Thank you Kathy. Debby Tennyson. I know you've got to run. Maybe we could get your comments real quickly here.

Debby
Tennyson: I'm Debby Tennyson. I'm the Executive Director of the Bristol Bay Native Association. I've been in Dillingham for nine years and with the Association for eight. I guess first I'd like to thank you for taking the extra effort to go to Togiak. I hope they gave you everything you thought they might. I talked to some of them on Sunday night and they were kind of curious about what you wanted to hear. I indicated that hopefully you wanted to hear whatever they had to say. I realize you were stuck there a little bit longer than usual so maybe you got an earful.

Binkley: It was a good hearing. We got a little sidetracked on some sovereignty issues, but we had a good hearing.

Tennyson: That's what meetings in Togiak are like. Also there were some other villages that wanted to attend this meeting here from upriver, but because of the weather were not able to make it. I guess I'd like to address not the drinking issue in general, or social services or prevention aspects but simply reflect from what

I've seen in eight years here with the Association, in talking to the village councils, their concerns about alcohol in terms of the laws. First I'd like to state that there are at the present time, only two villages that are still using the local option. One is Togiak, which voted to ban sale and importation, and the other is Iliamna, which closed their liquor store up there. I'm not sure whether you're aware of that or not. Because they felt there was a serious problem with people coming in from the villages. Newhalen is connected by road, but also people coming from Nondalton. There was a case where a woman froze to death coming in to get alcohol at the liquor store. So they did close that liquor store. Egegik was one village that had tried and were basically out-voted by summertime fishermen from outside who all of a sudden became residents of Egegik and over-rode the vote in terms of closing the liquor store there. There have been other villages in our region, cities and unincorporated communities that have thought about going dry or looked at the Local Option Law, but really feel it doesn't work. Ekwok had voted dry for awhile, and decided to repeal the vote as much for difficulties in dealing with their village corporation's lodge. They have a lodge which is basically within the municipality of Ekwok and it certainly is serviced by the runway there. To expect rich fishermen from outside to come up and sports fish without beer and whatever is insane, and it was going to hurt their business, so that really is the only business they've got and a heavy-duty choice was made. But, as well, the enforcement of that local option is difficult. I think we also have villages that are traditionally dry. Some of them are second class cities and some of them have Village Public Safety Officers. I've talked about that issue with them. I guess what they have told me is that the system doesn't work and they would prefer to use traditional laws to indicate to their citizenry that it is dry, that alcohol is not allowed in town, consumption of alcohol is not allowed, possession is not allowed, and anything else they want to tack on, including being drunk in public, etc. When we talked about the bootlegging cases and why there aren't very many, I think you have to look at it from the village perspective. You've given people a law that says you can not import alcohol. But you've got to go through incredible hoops to find out whether they're importing it. It's like the ultimate catch-22. And from a village perspective it makes no sense at all. It doesn't really make much sense in my perspective. At this point it's just after living for years outside where people are concerned with civil rights and to such an extreme that the community's rights aren't important anymore. Well in

our villages they still feel, I think, that the community's rights are more important than any individual's rights. So to give people a law that they can not enforce, to give people a law that you know right in front of your face there's alcohol being imported, but you can't do anything about it, leads to one or two things. It leads to disillusionment with the system and the State laws, and I think our villages are at that point. And it also leads to trying to outmaneuver the law, which I think is equally as harmful. I think for instance we have perhaps the clumsiest baggage handlers in the State. Our VPSO's are often very helpful in being out at a village and out at a runway, but they have a tendency to drop boxes. And I'm not going to say which village or which VPSOs, but to have people working for the State, through the non-profits, to have them trying to participate in the system, but have to really wheedle their way around the system isn't right either. They're doing that for their community and at the directions of their council. If it were up to some of our councils, the laws that protect individuals would be completely abolished, and some people have just about said so. Trooper Reith and I have travelled and talked with councils where we have explained why you can not burst into people's homes, why you can not open their luggage, why you can not raid their homes, boats, etc., and it's still a little bit of a shock that people don't seem to understand what the problem with that is, and the more time you spend in those villages with those people the harder it is for you to figure out what's wrong with that. I think that the mayor of one of the communities in the Nushagak region explained it to me when he was talking about their choice to use traditional laws rather than State laws and have the VPSO enforce them through the State Trooper's office and the court system here. He said that the community that he lived in is his home, that his house was just an extension of that community, and that everything that went on in that community was just as if it went on in his home. He said to me, "If somebody came in your home and started drinking or taking alcohol, or taking drugs in front of your family or kids, what would you do?" Well obviously I'd kick them out of the house, that's it, the drugs go down the toilet, the bottles get busted, and he's out of my house. He said "What's the difference? This is our home." And why is it that whenever we involve the State system, what ends up happening is somebody gets arrested. We have the VPSO arrest him, not through our traditional laws, but through the State laws, they're brought to Dillingham, sometimes the case is dismissed. Sometimes there's just too many cases and Dillingham has other things

that they're concerned with. The State doesn't look at our villages problems as priorities. And he said to me "Maybe they're waiting for our village to be as bad as Anchorage because what they really want is to try murder cases, not bootlegging cases, not alcohol cases. Those cases are expensive to handle, the systems can get swamped with them and they just aren't a priority, but they're a priority for that community and what they're saying to us is why should our communities become so out of control that you are looking at homicide cases, that you are looking at serious problems, when what we're looking at right now is the fact that a community should be a good place to live where people are happy with one another, they shouldn't be drunk, they shouldn't be fighting, they shouldn't be bootlegging, when we say that there's no sale they shouldn't be bringing alcohol in? We're trying to keep our community better than your communities are and the State just doesn't want to help us do that." That's really disillusioning to me. When I'm talking to those communities about those problems, I see their point. All of us are getting frustrated with the court systems, and we're seeing people let go for murder. There's kind of a joke in this region that it's better to be tried for murder than killing a moose out of season. The priorities in the court systems have just changed, and they're not with the concerns of the people in our villages. I don't like to think that what we're pushing our villages for in this region is to opt for tribal laws that are untried, may not work. But almost, I would say, half of the communities with VPSOs, and we've got fifteen villages with VPSOs, have talked to me about whether traditional laws under tribal court systems will work better for them. And I've said the same thing. I just don't know. For one thing you have a person who's employed through a State system one way or another and I suspect that the State will not smile upon their VPSOs enforcing traditional laws that basically violate the Constitution. And the answer to that is "Will they ever know?" And I don't know. And I don't really want to find out. I think what I've said to most of those communities is I'm not sure that we all want to be the test case. I'm also not sure that traditional law allows you to violate basic U.S. Constitutions. I think Constitutional laws are people's rights or State rights. Again, do we all want to end up in the Supreme Court? Probably not. I guess that I feel that if there is a possibility for some of the laws of the State to work for our communities, and work for the individuals in them, then we ought to give them a try. If there's a way that we can give those communities more freedom to do what they think is right for their communities, then

we should give it a try, just like we gave local option a try. It's not that that whole concept is a failure, it's just that a lot of the surrounding problems with it overwhelm the good part of the law. If banning possession would help our Village Public Safety Officers enforce that law a little bit more and keep their communities a little bit drier without giving up on the State system, then I think we ought to try it. If there's a way to really re-examine some of the laws that, and I feel funny saying this, but protect individuals to such an extent that the community's rights are violated. Maybe we ought to look at those. I'm not a lawyer and I don't know what those are. I only know that you can't tell people that there's a law that shouldn't be broken and then make that law impossible to enforce. And I also think that the State needs to show those villages that their concerns are high priority. Help them work out those problems. Like I said, I really don't want our villages to be forced to move towards sampling traditional laws or tribal rights when their only purpose is to try to keep their communities healthy. You mentioned something about violating individual rights. I guess that our villages might feel, and I think I do, that most of the communities around here, and not just in Dillingham, but those villages, you go to by choice. If you're not brought up there and born there and work there and have chosen to live there, you're going in by choice. And I think that's the same as any travel. If we go to another country with very different laws, we follow those laws and we accept them, or we choose not to go. If we're not thrilled about the way they treat you in Iran, we don't go anymore. And I think if you don't like the way they feel about alcohol in Togiak, don't go. And if you don't want to abide by the rules in that community that say we don't want you to drink, then find a job someplace else. I think that those communities have those rights and the State ought to help them preserve that, because our own communities, if those are the standards we're using to tell those communities, you should be like Anchorage and Fairbanks and Juneau, then I think we're fooling ourselves and we ought to do everything we can to insure that they have those local community rights. If we don't, they're just going to take them in their own way or fashion and in the long run it's not going to help. And we're going to look back and say, if we'd only tried a couple more things, this might have worked out a little better.

Hurley:

Could you tell me the names of the villages that are traditionally dry?

- Tennyson: Manakotak, which is a second class city. Twin Hills, which is near Togiak. There are a few that the elders still think it's dry--New Stuyahok, the elders consider it a dry community in a sense, and when things get out of control there, it is the elders that will talk with the people who are abusing the social fabric of the town. I'm trying to think of some more. Kaliganak is. I think that maybe Kokanak. There are a couple on the other side of the river. I'm not sure, partly because I've dealt with it in those communities that have Village Public Safety Officers, where there's a conflict when I've asked for a list of the local ordinances, or local regulations that a Village Public Safety Officer is required to enforce. And when I see that they are supposed to be enforcing a dry law and it's not dry, then I feel I need to talk to them about what they're doing. The other laws that say no swearing on the C.B., or everybody has to drive on the right side of the river, that's not such a problem, and the VPSO is welcome to go ahead and enforce those. When they want to arrest or put in jail somebody for drinking or they want to have Lew come and help with the arrest when he can't, because it is not through Local Option, then I become concerned about it and talk with them about it.
- Hurley: Do you think it's the elders' influence, or do they have strong church influence in those communities that are dry traditionally?
- Tennyson: Now that doesn't mean that it's always dry, or there are no alcohol problems there. In a couple of those communities there's a fairly strong church influence and some of the punishment for violation of those laws includes church, which I think is after jail, and being hauled in front of the council on the theory, I haven't pursued it, but I assume that damnation is a lot more impressive than jail. But there's a strong church influence and the community is much stronger as a community, as a feeling that if you don't like it here leave. And that everybody has to work together and live together happily. And there's a stronger bond among people as a community.
- Binkley: Debby, I just want to say I really appreciate your testimony and a lot of things that you've mentioned here today I think you've hit right on the head from some of the things that we've started to gather from talking to a lot of the local villages and I really appreciate it. One quick question. You mentioned that Ekwok is an example of a community where there's a conflict within the community and I know the present statutes state that it's a five-mile radius within

which this Local Option would occur. Would it be any help for the community of Ekwok if you could change the geographic boundaries of that to maybe only include a portion of that community rather than where the lodge might be closed.

Tennyson: Possibly, but with the Local Option Law as it is though, the real problem is that the runway that services that lodge is in the middle of the village and if the runway is the key factor to stopping alcohol.

Binkley: Of course the importation, which we all seem to agree on, there's a lot of troubles with the importation aspect of it. But if there were one of banning possession, if the community could choose that option and have a different geographic area than just a five-mile radius from the town, would that be something that may assist the community of Ekwok?

Tennyson: I think in Ekwok's case and in any of those cases, to design laws which allow enough flexibility so the community can have a law meet their needs, and I think a number of people here have said that each community is different, and that might hold true of Ekwok, it might hold true of other communities that have lodges in them, or have heavy duty fishing businesses, that there's a way of exempting or of designing a law to meet that particular city need, or village need for those unincorporated communities.

Binkley: So the suggestion would be when we do look at specific legislation, to draft that in a manner that, speaking to the geographic area, that we allow as much flexibility for a community as possible.

Tennyson: Yes, I think so. Also this is also your tour through Bristol Bay, but if you are ever able to come back, you're certainly welcome to hop on a plane with me and go to some of the villages upriver or around the Nondalton/Iliamna area, where they've had a number of problems, mostly alcohol, and quite a few alcohol related deaths. And Ekwok, as you mentioned, that's a good example. A woman was beaten to death and alcohol was involved while the village was dry, in the village. And the Village Public Safety Officer was aware that they were drinking. There was nothing he could do. He had checked on them earlier and probably feels a certain amount of guilt still because he could see but he couldn't do anything. And then it was just too late.

Binkley: And if they had had a local option banning the possession he may have been able to go and confiscate

the alcohol in that situation and possibly diffuse it it.

Tennyson: If the law is broad enough to allow that, and I'm not sure what's being suggested. But again, the law isn't going to work unless it's flexible enough to allow people to carry it out. I think that the Local Option Law and the Search and Seizure Laws that we have make it really difficult. I know that we had a special class on search and seizure and had the VPSOs from Ekwok and Togiak here as well, and Gene Murphy, who was then District Attorney that was traveling around the rural areas, I haven't seen him for awhile so I guess he's someplace else, but I think he was floored when Captain Aneluk from Togiak, one of the VPSOs, asked him how you go about arresting somebody when your brother is sending the booze to Togiak in your name and you're the Public Safety Officer. And you know that's happening and how do you make a search? And even the D.A. was sort of floored. The problems are just enormous. Thank you.

Binkley: Thank you very much Debby. We're getting tight on time. We've got two more. State Trooper Lew Reith and then we've got one more, the Magistrate.

Lew Reith: I'm Lew Reith, the State Trooper from Dillingham. I've lived in Dillingham for four years and I've been a Trooper for sixteen years next month. I'll try to be brief since you're running out of time. I thought it might be of interest in some of the manners that people have found in villages to get around the Local Option Law. The favorite one of course is to take your bottle into the grocery stores here in Dillingham as they're packaging your groceries up, just reach over and stick it into the box of groceries. It gets sealed, it's in an N & N or A.C. box or Paul's box and it goes to the village. When it gets there the VPSO stands there and maybe there's twenty grocery boxes on the airplane. What's he going to do? One of the more ingenious ones that we've seen, and of course if I had seen it I could have done something about it. Something a person told me about, there was an individual sitting on the front steps of N&N here a couple of years ago, right after the Local Option Law was passed in Togiak and he had a bag of rice in a cloth bag. He was out there scooping some of the rice out just so he could get his bottle down in it and he had his needle ready to sew the bag of rice back up and put it with his groceries. They also like to take, some of the ones that are already drunk, they'll dump out a bottle of Ivory Liquid and put their liquid in the Ivory Liquid bottle. One of the better cases we made lately and I believe we had a conviction, was the

Seven Up bottle with whiskey in it. Of course we all know Seven Up's clear, but when the VPSO saw brown liquid in it, we made our case. Should have used a Coca-Cola bottle. They take them and put them in boxes of frozen meat, things of this nature. One of the more serious problems that we're having, and I don't know what the Legislature can do about it, because we're talking about Federal mail, and we're talking about U.S. mail, which is kind of sacred cow stuff. They (end of tape). A recent case in Togiak, a box came into the Post Office, the box was broken open and the postmistress could see that there was liquor in the box. She called the postal inspectors, they allegedly told her "dump it out and don't tell the Trooper". I haven't been able to talk to her, somebody she told told me, it's all hearsay, but it's interesting at best. An incident that happened to me either last summer or the summer before, I was out at one of the air services and they were unload the mail to take to Togiak and somebody said "Come here Lew, look at this". And there's two boxes sitting there plainly addressed to Togiak and there was something leaking out of one of them onto the floor. I stuck my finger in it, smelled it, liquor. Now I know that I'm not allowed to touch the mail. So I didn't touch it, I called the postal inspectors and said "We've got this situation, there's two boxes going to Togiak and they have liquor in them". It took about three calls to convince the postal inspectors to call the local postmistress here to go out and seize the boxes, which she did. I might add, the local Post Office here is extremely cooperative with the Troopers and the City Police as best as they can within their regulations. She went and got the boxes, the postal inspector called my boss in Soldotna, filed a complaint against me for reading an address off a box without the permission of Sacramento. That's the problem. The stuff comes in the mail, and what am I going to do? Drugs are the same way. Drugs are even more of a problem, but we're talking about Local Option, we'll try to stick to that.

Hurley: But isn't it illegal for the Post Office to accept liquor?

Reith: If they know it's liquor. These are all well camouflaged boxes. You don't get a box that says Seagram Seven on it full of liquor. They don't do that. The ones that I wasn't allowed to look at were wrapped in plain brown paper with no return address, and they were not shaped like liquor boxes. They were as I recall, the postmaster told me later there were three bottles of vodka in it. So it was a box just big enough for three bottles of vodka. They won't

accept it if they know what it is, but it's well camouflaged. Spoken earlier about the five cases of importation that have been made this year, and that maybe it's not too much of a priority. Well I can assure you that it is a priority with me and with my officers in Togiak. I cover eleven locations, eleven villages here, and I only have one that's dry anymore, that's Togiak. So having made five cases in Togiak, with the inherent problems of relatives and search and seizure and everything, I believe we've gotten a conviction on all five of them. I don't think that's too bad, and I think it shows that we do have a priority in doing the best we can. In all this area, I have eight VPSOs that work directly through me, I think we've got a fairly good program going and if we had more villages that were dry, I think you would see more cases. It's been mentioned that education is a good idea. I can't stress strong enough that that is the answer. But I think you're looking at one to two generations down the road. If you start now with the kindergarteners and you start teaching them about alcohol and the effects of alcohol and the problems, eventually it's going to help. But you take the thirty-five or the forty year old man or woman in the village that's already the drunk, you can educate them forever and it isn't going to make any difference. I don't think there's anything to be gained in particular by that. I think it's our responsibility though in these villages that, if the majority of the village wants to be dry we need to help them do so. And I think banning possession in public is a big step towards doing that. But it has to be written in such a way that the mere intoxication, catch the drunk staggering around the street, that's enough to prove possession. I wouldn't want to see a law so restrictive that says we've got to catch them with the bottle in their hand to say they're in possession, because we're not going to do that. There's nothing more frustrating for me than to go to Togiak in the summer, during fishing season, which I do quite a bit, and find drunks staggering around everywhere and there's nothing I can do about it. And the same with the VPSOs down there. They're faced with that all the time. The mayor or the councilman or anybody calls up and says "So and so's staggering around drunk out here". And unless he's adequately drunk for a Title 47 pick up, there's nothing they can do. So then it comes back the VPSOs won't do anything about the drunks. I think there's a lot of Constitutional problems with saying that drunk in private residences is going to be illegal. Or excuse me, possession in private residences is going to be illegal. But I think that there's ways around that. I think that, for example, if I get a call that

there's a loud party and I go to somebody's house and I walk in and there's cocaine laying on the table, even though I have no probable cause to go in and look for the cocaine, I'm there legally. I can take that cocaine. I think it should be the same, the law should allow for the same with alcohol. If myself or the VPSO is there legally for another reason and he sees the alcohol he should be able to seize it and there should be able to be charges filed if he can determine whose it is. I don't know if we'd get away with it, but a nice law might be that the owner of the residence or the renter or the responsible occupant is responsible and we could charge him with possession. I don't think we'd get away with it, but it's an ideal. Your legal adviser there is laughing. Some of the other problems we have, I'm sure you must have heard this in Togiak, is the air taxis bring drunks into the villages. I'm sure somebody mentioned that, it's something you always hear. In defense of the air taxis, I've spent quite a bit of time talking with all of them and I think they're trying a lot more than they used to. I'm not saying they're giving it their best shot, but I think they've done a lot better than they did. We've only made one case on an air carrier since I've been here for bringing a drunk into a village. That was filed through the FAA and again we didn't get a lot of cooperation. The next case that comes along we're going to file under the State law that prohibits that, and I think we'll get a lot further. But the air services are trying. One of the things I think they have to try harder on, there's a federal regulation that says the pilot can do anything necessary to insure the safety of his flight. The favorite excuse I get from a pilot who brings a drunk in somewhere is "Well he was sober when he got on the plane. He must have had a bottle in his pocket and drank it on the way". I'm not saying that they're going to frisk everybody that gets on the airplane, but any pilot that's flown here any amount of time knows who the offenders are and maybe he's going to have to check for the safety of the plane. Because we had an incident here a couple of years back where a plane had to come back here and land because the drunk kept trying to climb out on the wing. And this is a drunk that had been supposedly sober when he got on the airplane, got drunk in route and he caused a lot of problems and could have crashed the airplane. So I think the pilots need to pay more attention, but the owners of the air taxis have gone a long ways in cooperating with us. I've had calls from the air services that they suspect somebody's there with liquor. I've gone out and I've made some cases right at the airport for attempted importation because of the cooperation of the air services. So regardless of

what you hear, they're not all bad, but on the other hand, I think there's more they can do. One more point that I think would help tremendously in the villages also. When we charge somebody in the village, there's a lot of times, especially with the money crunch, I'm not here to beg for money, that's not my job. But due to the money crunch and due to maybe the lack of severity of a crime we don't arrest them and bring them to Dillingham and throw them in jail immediately. Wee'll issue a summons and they'll appear at some later date. I think that it would be a big step forward if the court system had the means to go the villages and hold the arraignment and maybe even hold the trial right in the village. If you bring Johnny Jones in from say Togiak (I'm making up names as I go so I don't upset anybody). If we bring him before Dillingham and we go in the courtroom and there's nobody present but the Magistrate and myself, it's no problem for him to get up and say "Your Honor, I'm not guilty". If you take him into Togiak in the gymnasium and set up court there and the whole village is watching, it's going to take a lot of guts when he did it and half the town saw him, to get up and say "I didn't do it". The village will see what happens. They will see the results of the court. The wrong-doer will reap the punishment of his wrong-doing in front of the whole community. I think that would be one of the biggest steps, along with banning possession, that could be done to help the problem. I know you've got to go so.

Binkley: Thank you very much. If we could have real quick, Geoff Comfort. If you could just give us a couple of, real quick, we've got to catch a flight that leaves at twenty after, and I guess it takes about ten minutes to get out to the airport.

Comfort: Geoffrey Comfort, I'm the Magistrate from Dillingham. Alcohol problem in this community and in other Native rural communities is an immense problem and I know you've heard all about it and I'm not going to go into it. Ninety-five percent of the cases I see are alcohol related. I've seen three or four or five maybe importation cases. The cases are not more

because it's so difficult to gather the evidence and prove the case. I've had VPSOs call me up and ask for search warrants when there was no probable cause to support the request for a search, so I've had to deny those requests. I agree. To make the law enforceable, you have to do the possession aspect of it too, you have to be able to charge a person with a crime if he is in possession in public. I don't think you can go into the home. I think there's Constitutional problems. But I think you have to expand the Local Option Law into possession as well as importation. Because it's too difficult to prove importation cases. I agree with Trooper Reith that it's probably a good idea to take the court system to the community when there's a charge in that community, so that the system can be seen by the people so that the impact of the sentence, whatever it is, can be seen by the people as well. I don't know what the Legislature's done about holding the bars liable. It's my recommendation that they hold the bars liable for civil negligence as opposed to criminal negligence. I think the bars have been getting away with too much. I think they should be responsible for what they serve people and I think that they, for too long in this community, have been serving people who are intoxicated. I have not seen one charge against a bar in the two years that I've been Magistrate in this community and yet ninety-five percent, as I said, of the cases filed in court are alcohol related. If you got rid of the alcohol problem in this community, you could cut the police force from eight to two, you could cut the court system personnel to probably the Deputy Magistrate and that's all. You could cut our caseload down to fifty-sixty cases a year, something like that. Right now it's up to seven or eight hundred because of the alcohol problem.

Hurley: If there's anything further, could you send it to Laurie, that you didn't get covered. I hate the fact that we have to rush this, but if you'll keep in touch with her if you have any other thoughts.

Comfort: Are you dealing only with Local Option or with all alcohol?

Binkley: Just Local Option.

Otto: But it's all tied in.

Hurley: Sure it is. Anything about the need for what the Alcohol Beverage Control Board can do, I would really be interested in having that.

Comfort: Well, the Alcohol Beverage Control Board is in my opinion real ineffective. There's been all kinds of complaints against bars out here and nothing's happened as a result of those complaints.

Hurley: Send me a letter.

Binkley: Geoffrey, thank you very much.