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FORT YUKON
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 18, 1985

Present:

Johne
Rep. Binkley, Chairman
Senator Edna DeVries
Senator Vic Fischer
Rep. Katie Hurley
Laurie Otto, legal counsel

Rep.
Binkley:

I'd like to open the public hearing here in Fort Yukon on Wednesday, December 18, at 2:30 p.m. If I could introduce our committee to the assembled gathering here. To my far left is Senator Edna DeVries from the Mat-Su area, Senator Vic Fischer from Anchorage, Representative Katie Hurley from the Mat-Su area, Wasilla. Legal counsel for the committee is Laurie Otto, and I'm Representative John Binkley from the Bethel area. Also as members of our committee are Senator John Sackett and Representative John Sund. I know Senator Sackett had wanted to come along but he didn't have the opportunity to come on this particular trip, and he wanted us to pass on his best wishes to the community. We'll be making a report of the concerns of the local community here and passing that on to the Senator. Also Representative Kay Wallace will be getting a report of what's taking place here and we'll share your concerns regarding alcohol with her. This is a committee that was organized to study the local option laws which deal with community's ability to regulate alcohol within their own communities. We're taking testimony around the State, getting suggestions from people as to what changes might be made in the local option laws to better help communities deal with their own alcohol problems, and also to find out what some of their problems are associated with alcohol. We invite you to step up and testify in front of the committee. We want to hear what the concerns are from the people here, find out how we might be able to change some of the laws to better help communities deal with their problems associated with alcohol. We're going to have to shut down the hearing at 4:30, which is two hours from now. We need to catch a plane back to Fairbanks and then on to our

respective homes for Christmas next week, so whoever wants to start out, come on up and tell us what you think.

Otto: Johnne, excuse me, maybe it would be helpful if we could have Jim Filip, the city manager, speak first to describe the situation in Fort Yukon. I know that recently there's been an election and they've changed their status, to put things in perspective. Maybe you can give us an historical description of the community status.

Jim Filip: My name is Jim Filip, I'm presently the city manager for the city of Fort Yukon. And the municipality of course has several interests, shall we say, in the alcoholism question or problem as it exists in the community. One, we have the citizenry that can be and has been adversely affected by abuses of alcohol. Secondly, we are in the business of selling, or were in the business of selling, alcohol through a community liquor store. So we were gathering shall we say a profit from a commodity that can be abused, could be abused, and perhaps was abused in several ways. My experience with it starts almost at the day, or at the time, when the local citizenry decided to petition the council under the local option law and to take steps to prohibit the sale and the importation of alcohol into the community. On November 6 the citizens voted here in Fort Yukon on that question. It was a close election actually. One hundred thirty-five to one hundred twenty-two, out of three hundred ninety-three registered voters. So sixty-five percent of the people in the community turned out at that election. And of those that turned out just a little bit more than half voted for prohibition. So that importation stopped on the first of the month following the certification of the election law, on December the first, just a year ago.

Rep. Binkley: Just so I understand, you allowed a community liquor store prior to that time, you voted the fourth option to ban importation and sale?

Filip: Right. And so then the liquor store was also given ninety days in which to close or until his stocks were depleted. The last day of sale was almost a year ago exactly. As I look back in my records, December 20, 1984, was the last day that the city actively sold liquor in the community. It didn't last very long because the council was petitioned almost immediately for a re-vote. There was a petition that was filed on the eighth of January and a special election was set for the twenty-second.

But it was not sufficient in terms of registered voters by one signature, so that was set back. And as the law happens to be triggered, in this case if you don't have a certified or sufficient petition, then you're held out from taking this to vote for six months. So we had then a period of six months in which no action could be taken. But in July then, at the regular meeting in July, a petition was accepted, set for election on August six, certified on the twenty-sixth of August, but this time the vote was significantly different. We had fifty-three yes votes, fifty three people were still of the opinion that the alcohol should be prohibited and the sale stopped, but one hundred fifty-eight said no, they wanted to return it to the original condition. So it was three to one, or seventy-five percent of those people voting at that second election that the prohibition should be repealed.

Rep.

Binkley:

How was that worded? Did you actually repeal the fourth option or do you institute another option?

Filip:

It just effectively cancels it. The local option law that you are allowing us to vote on as to be worded in the same language as the original proposition. And it just sets back to the voters another chance to reconfirm or to rebuke that original position.

Rep.

Binkley:

Does it go back to its original status?

Otto:

But wouldn't you then have to have two questions on the ballot? One, shall the sale and importation be banned and two, shall there be a community owned liquor store.

Filip:

Well, that gets into a different area that I'm not qualified to talk about specifically. But what gets it here is that we deal with the Alcoholic Beverage Control Board and they're saying that that is not required. They're the ones that we direct our request to re-licensure to. And so as far as I know that is not required. But we are the only one that had a community liquor store until one other community was certified this year. So it's a unique thing. Whatever you say about Fort Yukon could be considered to be unique.

Otto:

But since right now the status is you voted down the question "shall the sale and importation be banned?", conceivably other liquor outlets could be authorized by the Alcohol Beverage Control Board.

Filip: Only if it's voted on by the public again. You'd need another election for that. Because the only thing you've done is turn the light on and off with respect to the prohibition or sale and importation. That's all our city can do with this thing, and that's all that the law says we can do. But we get into the mechanics of this thing which is an entirely different thing. I've only gone through the election history here pretty much and the citizens who come out and vote for these things. Anyway, so where we're at right now is that importation was allowed to begin on September 1, but because of the year hold out now there's also an element of State law in this regard. We couldn't get a liquor license until late in 1985 so we're going to go for '86, starting January of '86. The city has not sold any liquor in 1985 at all.

Otto: But the city is going to apply?

Filip: But we're going to apply. To my knowledge now that application has been accepted and we're just clearing up the procedural details that have to do with the new license because by definition the Alcohol Beverage Control Board is saying that we're a new licensee. Not a renewal. I take exception to that. I think we are a renewal or at least a re-instatement, and not a new license.

Senator DeVries: Does it complicate the matter to have to apply for a new license versus a re-instatement or re-issue?

Filip: It's the same way as if you would have to go in with your automobile and pay your fee for the license plate. You already had one, you just give them the money and ? . But if you haven't had one you've got to more or less get a certificate of title and safety check and all these things to go through the process of it, and it does make it more difficult.

Senator DeVries: When the city applies for the community liquor license, will that be a package store, is that what you applied for?

Filip: Package store only.

Senator DeVries: So then there wouldn't be available a beverage dispensary license for this area?

Filip: I don't think so, because I think the law is specific. It says this is allowed by the

community's desire to be limited to a package store only.

Rep.
Binkley: Did they vote at one time?

Filip: At one time.

Rep.
Binkley: They voted for a community liquor store and they never repealed that, they only voted in another option which would ban importation and sale, then they repealed that so you're back to the status quo.

Otto: Frankly I think that's a question that's open to significant legal difference. I interpret the law differently than they.

Rep.
Binkley: But that's the way that you're proceeding?

Filip: Right. To do it differently would be just to ask to get another election going. Are you in the business of doing something or are you in the business of holding elections? I could hold an election on this topic every three or four months, it's going to go back and forth. It gets to the place where one wonders what we're supposed to be doing.

?Audience: I just have a question. I had thought that with a local option election the application for that whole past election is being repealed, just by election. And once you repeal the local option law that ?? that applies to wine, liquor, or beer, and then you can apply for a liquor license.

Otto: I'd interpret the law the way he is.

Senator
DeVries: And is that what the ABC Board is telling you sir?

?Audience: (unintelligible)

Rep.
Binkley: Well, we're not legal experts. I guess the Liquor Control Board is the one that made that determination.

Filip: The Attorney General made that determination. The same way that he made the determination that the year holdout is the first election and not the second one. That's where I would disagree. I would think that the last election would be the year holdout. But it isn't. It's the first election. These things

are subject to a wide range of interpretation. I'm at odds with the ABCA on the question of new versus reinstatement. I had to give up because I could sit here all day and say "it's not new" and they would say "tough".

Senator
DeVries:

If you want our license consider yourself new.

Filip:

Right. So I'm considering myself new. It's a minor point but a serious one because we weren't expecting it at this particular point in time and that creates a different level of involvement, and an investment of time.

Senator
DeVries:

Can I ask you what kind of revenues in the past the community store has brought into the city. Does this go into the general fund or is it designated funds?

Filip:

It's general fund, and you could say that ten thousand dollars a month, approximatey, was up taken into the general fund, plus three percent sales tax. So in the twelve months that we were out of business we've lost by rough calculation one hundred and twenty-three thousand dollars.

Senator
DeVries:

Is that profit or is that gross?

Filip:

This would be profit. In other words this would be income significant to the general fund, over and above the cost of operating the liquor store. And the local option law caused us to reduce the number of employees in the community by three, which is about fifteen percent of our workforce. And I say that as a percentage of the workforce because, take this into your own communities and apply it to your own municipal governments, and take fifteen percent of your workers out. And that's the kind of significance that this had on the community. And that represents about seventeen percent of our budget.

Senator
DeVries:

Now were you open certain hours of the day or were you open twenty-four hours?

Filip:

It was within limits. I don't know what the limits were then, but the new limits that we've proposed are from ten in the morning until ten in the evening, Tuesday through Saturday, closed Sunday, Monday.

Senator

DeVries: Thanks. And you sell any kind of packaged liquor there is.

Filip: Well, a variety, but whatever will sell ,what the community wants.

Senator

DeVries: But it's not just beer or wine?

Filip: No, it's hard liquor too.

Rep.

Binkley: Did you see any significant change as far as drinking patterns of people in the last year?

Filip: No, because we ran into a problem of enforcement.

Rep.

Binkley: The importation aspect?

Filip: Right. There's no practical way that we can enforce the law. Matter of fact we got chased out of the airlines office because we were attempting to look after this particular problem, told that our presence was not wanted there and was in fact going to be subject to legal involvement, which never came to pass.

Senator

Fischer: Was that through your police?

Filip: Police presence, right. And unless you have probable cause, you can't really go and get a warrant and really involve yourself. What you need is a random frisk function if you're going to make this thing work such that you can pick it up. Which is anathema to most traditional democratic systems. You don't want to have to subject your person and your baggage to random frisk, but that's the only thing that would do it. So it's unenforcable in its present frame. Also we requested assistance from the State, to come in and monitor, help us with some ideas, and that letter was ignored, we got nothing from the State.

Rep.

Binkley: Now Jim, in some communities where they're having problems with the importation and sale law, they've suggested and we're considering an additional option to the local options of allowing communities to ban possession of alcohol. They feel that this will make the spirit of the law, which is really to stop the flow of alcohol into a community, more effective. They may be able to more effectively control the

alcohol by allowing to ban possession of both commercial alcohol and home brew.

Filip: I could only make a personal statement on that one. I don't think it would do a lot of good. Because first of all you would make honest people criminals if they wanted to take a drink, and the person who doesn't care will do anything.

Rep.
Binkley: Well of course now with the importation law if people bring alcohol in they're breaking the law also.

Filip: It's the same thing. I don't think that's going to do it. I think that there has to be a different approach to the problem. And I think first of all you have to define what the problem is. Maybe that hasn't been done yet well enough. This seems to be an attempt at doing something, but I think maybe it's a Trojan horse. You are putting it into the city but it is ??.

Rep.
Binkley: You mean the local community adopting their local option.

Filip: The local community.

Rep.
Binkley: Do you feel though, Jim, that communities ought to have that choice as an additional choice under the local option?

Filip: I think so. I don't think that it would hurt us particularly to do that. It just didn't work here. And I would not deny them the opportunity to put it in.

Rep.
Binkley: It didn't work because of the enforcement aspect?

Filip: I would say so.

Rep.
Binkley: But if you had more effective enforcement?

Filip: Say, one police officer for every person, more effective enforcement. That's what you're coming to. A conscience for every person and one that is bound to this thing. I don't think that is the only answer. There has to be something else. That's my personal opinion. I don't see us, even doubling or tripling the police department, as being able to close the door. Even if it was actually illegal. I

think the problem is more significant. It's more individual. And since it has to do with a type of morality question, and legislative morals, I just wonder if it isn't something that is going to be wishful thinking rather than a practical approach to a reasonable solution.

Rep.

Binkley: Do you think some control is necessary though?

Filip: I think you've got..

Rep.

Binkley: It's just a question of determining where that amount of control should be, whether it should be tighter or looser.

Filip: Yes. And then the, I think your cost benefit has to be determined in this thing too. If you invest in enforcement, that seems to be the last ?, when everything else has been tried and you don't have anything else, put another police officer on it. I think there has to be something earlier on. And I think the educational programs that are being developed are essentially more beneficial and more cost effective. Because they counter the positive aspects of the culture against the negative ones. And it gives you some benefit that way. Now who's to monitor or enforce or program these things I don't know. The school in my mind has got to take a greater responsibility, because at the municipal level it's probably already too late. And what's my role?

Rep.

Binkley: Any other questions?

Otto: I do have one. Jim, do you see problems created in Fort Yukon by people from other villages in the area that have elected to ban importation because it is a hub community?

Filip: There may be an element of it, but I think that's getting pretty much controllable.

Otto: Not real significant?

Filip: It is, I think, a fact of life, that when you go somewhere else you have a tendency to lose your inhibitions. So when you go to Fairbanks or somewhere else it might be a little bit different there than from the village kind of party, but I think the significance is probably there.

Otto: So it's being away from home than being in some place that may have different ways of regulating alcohol?

Filip: I think so and I think too that it's a matter of individual decision making. If you have a community that has a certain amount of respect for itself and the people who are in it, you'll have less trouble with alcohol. And it's an educational thing along those lines.

Otto: Okay, thank you.

Rep.
Binkley: Jim, thanks a lot. Jonathon?

Jonathon
Solomon: My name is Jonathon Solomon, I'm a City Council member, I'm also on the Village Council.

Rep.
Binkley: And you've been mayor here for years, too right?

Solomon: Yes, before now. The thing, the local option law was a pretty good idea until you get in this deal where you have to enforce it. Say Fort Yukon is unique, we're ? Because in order to control all liquor you can get it by air, you can get it by river, you can get it by land. It's pretty hard to enforce it unless we come up with some kind of law that you can work with. And that's what we run into here in Fort Yukon. All of a sudden we find out it was understood that it was going to stop the flow of liquor into Fort Yukon to begin. Well, then they come out with all these constitutional rights of people, that we are stepping over the line of constitutional rights. And that's where it became a problem. Too me it never stoped the flow of liquor into Fort Yukon. That I see. I don't know if somebody else would see it different. All it did was take revenue away from the city, and put revenue into someone else's private pocket. Because even our own police force couldn't control the flow of liquor into the city, because there were no law to look at packages within the airlines' office, or into the freight areas, which is right. Because the freight area is also the U.S. Mail area. So it's off limits to all not employed by the airlines. And all these things come up. So if you want an option, local option, you've got to put teeth into it. And it's not doing it right now. Especially for Fort Yukon. I don't know about any other villages. If there's any questions I'd be glad to answer it.

- Senator DeVries: Maybe I should ask the city manager this, but one of the other places we were, where they had a community liquor store, they would only allow a person to buy a quantity of a certain size. When you had your community liquor store was that true?
- Solomon: There's a State law, one bottle(?) of it.
- Senator DeVries: I thought somebody said that State law had been rescinded. Is that correct Laurie?
- Otto: I'm like the other fellow. I keep hearing about the State law and I've looked in the statutes and looked in the statutes and I've never been able to find it.
- Senator DeVries: You did have, when you had your community store, if there was a State law that said you could only buy two quarts or whatever, you followed that?
- Solomon: I never checked on it.
- Senator Fischer: I understand that the people voted to permit sale after the experience of liquor coming in anyway. When the people voted the previous time had they sort of expected that Fort Yukon would be completely dry? Was that the purpose?
- Solomon: I don't know about anybody else. That was my expectation.
- Senator Fischer: And it had no effect? The ban on importation had no effect on the amount of liquor in the community?
- Solomon: Yes, that's my experience.
- Senator Fischer: Were individuals importing it, most of it, all of it, or was there private sale going on in the community insofar as you can tell?
- Solomon: There's a lot of bootleggers here, I call them.
- Senator Fischer: When the city sold, before when the city had a store, was there any bootlegging going on?
- Solomon: I believe there was. It was the city liquor store, the hours are set by ordinances of the city, and it's

not that long of hours. So there was bootlegging, even when the city had its liquor store.

Senator
Fischer:

What about the problems caused by liquor. Are their significant problems here? Is there violence, child abuse, child neglect? Are there liquor caused problems now even though you in effect have a form of prohibition.

Solomon:

I don't know. I've never experienced all of this stuff. There's some of them here to testify to that, but you can ask him. He runs our alcohol center here.

Senator
Fischer:

Okay, thanks.

Otto:

What were the reasons that you originally supported the ban on importation? Why did you support that?

Solomon:

Why did I support it? I didn't support it.

Otto:

Oh you didn't. I thought you did because you were saying your expectation was that it would stop liquor.

Solomon:

Yes, that's my understanding. After it was worded on, it was you know.

Rep.
Binkley:

Thanks a lot Jonathon. Titus Peter.

Titus
Peter:

My name is Titus Peter. I'm counselor on alcoholism working for Yukon Native Health Service. I'll start off by saying that liquor store being closed has made some significant difference in my area. I've been working with these people. I've seen a lot of difference. I have sent four people to detoxification center in Fairbanks in the year 1985, the whole year. The liquor store's been closed that whole year. Previous to that there's not a month passed without me sending anyone over. Either detox or the clinic. People seem to start sobering themselves up. For one thing the liquor is not so easy to come by when there's no liquor store. There are some bootleggers. The price is so high that they can't afford buying it. A lot of them are forced to sober up. This doesn't really, it isn't dissolving the problem. There's still a lot of problem, but it alleviates a lot of problem that had existed. We have a little program which is information and referral helping. And I feel that this place is very, a necessity, Fort

Yukon. We not only serve Fort Yukon but we serve the villages surrounding Fort Yukon. One thing it does for people, it gives people an awareness of their problem. They take time of to think "my drinking is nuts." Sometimes they wander into the office and find out whether they're drinking too much or not. One thing that I know we don't need here is a liquor store. I don't see where it's helping any. I've heard phrases in the past, whenever you legalize anything it also produces a lot of problem. Right now people are saying that the reason people get so far gone with drugs because it's not legalized and they don't want to come out in the open. I don't know this is right. I'm sure people get along a lot better without booze and, if they don't booze they are a lot better off than they are when they are boozing. I don't know what is your interest, what you're trying to find out, but as long as the liquor store and alcohol's in this, just mentioned, this is what I have to say about it.

Rep.
Binkley:

Thank you. I see you came in a little bit after we started here. Just to explain what we are looking at, we're not trying to make the determination for the community of Fort Yukon as to whether or not they should have a community liquor store or not have a community liquor store, we're simply looking at the law itself, the local option laws, and what choices communities have to make. And a lot of people in my area, down around the Bethel area, which have banned importation and banned sale, say that it doesn't seem to work in a lot of their villages. There's still alcohol coming in, there's still home brew that's generated in the village, and they feel there's nothing they can do about it. So they've wanted to add another option that would allow to ban possession of alcohol, both store bought alcohol and home brew. And they feel if they had that ban on possession, that it would be easier for them to control alcohol in their own communities. And so that's one of the things that we're taking testimony on around the State, is what people's reaction to that, are there some other ways that we might be able to change the law that would help communities and also to find out what are some of the impacts that alcohol has, what are some of the problems that it causes, particularly to people that don't necessarily drink alcohol, like maybe children who even though they don't drink alcohol, when their parents drink, how does that affect them? Are they not taken care of properly, do they not get enough sleep so that they don't do well in school? Are there other people maybe that are innocent and as a result of somebody drinking

alcohol, maybe they get hurt, maybe they're assaulted by that person who's drinking. So those are some of the things that we're trying to get testimony on. And I know that it's a sensitive issue here in Fort Yukon, as to whether or not communities should have a liquor store or not. And I think some of us are curious to see the effects that the ban on importation and sale have had, but that's not our real primary purpose in our hearings.

Peter:

I'm sure the way people drink day in and day out, it is affecting some in the family, children. I'm not at liberty to say just how it affects the family. I haven't gone into it that far. I'm sorry that I don't. I really should work with the family as much as we do with the alcoholic themselves. But we just don't have time to do that and we don't have enough workers to do it. A guy gets himself sick drinking so much and we're just involved in trying to unsick him, and that's about as far as we go. We need a lot better program ourselves. We just don't have it. We don't have the funding. And I'm sure that it does affect a lot of people. I know some people have lost jobs because of their drinking. And that's something there itself. And families have been very upset because of their family, son or daughter or spouse creates a lot of problems.

Rep.
Binkley:

One of the reasons we thought it would be good to come to Fort Yukon, is to find out, since Fort Yukon had banned importation and sale, and then they voted to change and, as Jonathon pointed out, and as Jim pointed out earlier, the people here felt that it really wasn't working, that's why some people maybe wanted to change back. And we want to know is there some way that we could change the State law that would help work better. It seems that when the people first voted and the majority of the people said we want to stop alcohol from coming in, we don't want to sell alcohol, that they made a pretty strong statement about what they felt alcohol should be in this community. But then apparently it didn't work. And maybe there's some way we could change that State law so that when communities, maybe not Fort Yukon, but other communities made that same statement to say that we don't want alcohol in this community. How we can have the State law set up so that it works better for people?

Peter:

I don't know much about laws. I do know that the city of Fort Yukon would be a lot better off without any booze. Whether that's possible or not I don't know. Because I now don't drink, I used to drink a

lot. I'm an alcoholic so I can't drink at all. And because of that I could very easily say let's just do away with it. I myself can get along a lot better without it. But there are some people who have to have it. And these are the people who want it open. Because they are used to having it in their homes and they can use it they can leave it. They are able to control it. I work with so many people who can't control it. I've seen so many people just go down the drain as far as six feet under the ground. Sometimes I feel like I'm in the wrong business. Maybe I should start a business as an undertaker.

Rep.

Binkley:

Any other questions? Titus, thank you very much. I appreciate it. Steve Ginnis?

Steve

Ginnis:

First of all, my name's Steve Ginnis and I work for Tanana Chiefs Conference, I work with all the surrounding villaes in the area here. First I would like to say that I do support the laws, the options regarding local option laws. I also support stopping the importation and sale of alcohol in the community. Although some people may argue that it infringes on some people that may drink occasionally and so forth and so on, I look at it from a different perspective. The perspective I look at it in is that I look at it as community wide. I don't look at individuals and say, well that guy has a problem and this guy doesn't and like that. I look at it from a community wide perspective. Therefore I believe that we do have a problem in Fort Yukon and we ought to address it. Unfortunately the law does have some drawbacks in it. I think one of them is just the enforcement aspect of it, the fact that you can't search individuals. The other drawback I see in it is that I think there ought to be some limit to how often petitions can be initiated to put these things back on the ballot. My experience here in Fort Yukon has been that we've gone through I guess three elections or two elections in the period of a year, which doesn't give the community time to really look at whether this whole thing is working or not. So I think that there ought to be something written into the law to at least give us a year to put this thing back on the ballot, to give us some time to see if it's working or not. The other thing I would like to say is that unfortunately here in the city of Fort Yukon, city government relies on a city-owned liquor store, which I don't support the idea of a liquor store supporting a city government. But I guess when you look at State and Federal revenue sharing monies that have come in, it's kind of difficult for those monies to support

the things that go on in this community. The other thing is that I don't think that just a law alone will address the problem of alcohol in any community. I think other programs, alcohol counseling programs, recreational activities, and things of that nature ought to be looked at too. And I think the State ought to support communities that want to go dry, with those type of programs, in terms of money. Here we're just talking about the law itself and I think it can go a little further than that. The other question that was brought up earlier was about the election itself, here in Fort Yukon, and whether that means that the city can still apply for a liquor license. I'm not an attorney or anything, but from my own point of view I really think that the issue of whether we're going to have a community liquor store in Fort Yukon or not is another issue that needs to be voted on. That's the way I feel about it. And I hope that somebody would come up with some legal opinion about it. Because the city manager himself has a different opinion and I visited him on a couple occasions and brought the subject up, and I get the same answer. So I hope that's something that will be dealt with here, or somebody give us an opinion on that, a written opinion. I guess that's about all I have to say.

Senator
Fischer:

Steve, you work in a number of villages. Some are dry and some are wet. Can you tell, in terms of your knowledge of the town, as to the difference in terms of the quality of life, in terms of safety of the people?

Ginnis:

Well, there is an individual here that's from Chalkyitsik, his name's James Daniel, and he was the chief at the time that the local option law was passed up in Chalkyitsik. And he can testify to what's been happening there. Up in Arctic and Venetie it's totally different in terms of how they deal with it. They don't really have a local option law, per se. It's more like the village council ordinance that they abide by, and it seems to me that they don't have any problems there. They control it right at the airport when they come into the community. I think you can see the results of it. The results of it is that people work a lot closer together. They're more like one family. Which is really positive I think.

Senator
Fischer:

Steve, there's another village in this district, Birch Creek?

Ginnis: Birch Creek is just south of here.

Senator
Fischer: Is that in your district?

Ginnis: Sure is.

Senator
Fischer: That's not dry. They allow importation.

Ginnis: Well, I knew about three years ago they tried to deal with it on a local level, through a village ordinance, and it did work for a short period of time, but I think due to the changes in the council and things of that nature, right now I think it's pretty much open. (end of tape.)
I don't have any kind of statistics to present to you, but yes I think there is quite a bit of difference in the kind of accidents that may occur in Birch Creek and what may happen up in Arctic Village. The accidents that do occur over in that part of the country I think it's alcohol related.

Senator
Fischer: You live in Fort Yukon. Why do the people vote by a margin of three to one to allow liquor again?

Ginnis: That's been mind boggling for me too. I can't really testify to why that is, but you know, when you have an election as often as we did, it confuses people I think. And I think that's what happened in this particular case is it just confused people. The other factor I guess that plays into this is people think about what might happen to the city government if the source of funds from the liquor sales weren't up there. I think that also plays a factor in how people vote, decide.

Senator
Fischer: Thank you.

Rep.
Hurley: Was the second election, maybe this isn't a fair question for you, but was that second election held during a time of year when people were out fishing or hunting and weren't in town to vote.

Ginnis: I don't think so.

Otto: Fewer people did vote in the second election.

Audience: ... fire.

Ginnis: Oh yeah, they were out on a fire when that election

took place.

Audience: The people that could have voted were out on a fire and those people that were out on the fire would have voted ...

Otto: Would have voted what?

Audience: For having liquor.

Rep.

Binkley: So it would have been a wider margin here from.

Ginnis: I understand that they did vote, they did go out there. Is that right Jim?

Filip: Absentee ballots were provided on requests. So some of those who were out on fire, true, did vote. But you're right, there were less voters at the second election than at the first. And ... to what Steve has been talking about, too many elections, people get tired of voting on the same question. And so voter apathy is part of it and the fact that fire season was also upon us was also part of it.

Otto: How long have you lived here?

Ginnis: All my life. Thirty-five years.

Otto: Why do you say that alcohol's a problem here?

Ginnis: Why do I say that?

Otto: Yes, what facts lead you to that conclusion? I don't live here, I don't know. I could tell you about Bethel, I can tell you why it's a problem there.

Ginnis: I don't think I'll comment on that.

Otto: You won't say why it's a problem?

Rep.

Binkley: Any other questions? Steve, thanks a lot. James Nathaniel. Did you come all the way down from Chalkyitsik?

James

Nathaniel: My name is James Nathaniel, Senior. I'm with the TCC, Yukon Flats Subregion here in Fort Yukon. I'd like to make a comment in regards to when I was first chief in Chalkyitsik in 1983 and 1984. And this also regards what the alcohol and drug abuse related problems in that village. What I've done is

first was about our number one priority or our number one problem within that village is alcohol. So as a new elected chief along with six other council members, we also form a women's council also. Five members on the women's council. Altogether we worked up a plan. Our number one priority is alcohol so we made that our number one fund within the village. At that time we started working on this alcohol problem. We'd written up our village ordinances. We sent them out to the surrounding villages, to Fairbanks, Fort Yukon, even into Anchorage and elsewhere. This is what our law's going to do in our village of Chalkyitsik. In the beginning we still had some problems with individuals transporting liquor to the village. And they thought that we're not going to do anything about it. So we called them into our council meeting. And we have our own court right there in the village. Two village councils and our own women's club included. And we worked with these people who violated our liquor law. We fined them and this occurred again then we transferred the whole thing over to State Trooper, let them handle it. And it's written in our government. It's written under State local option law. And I have a copy right here for anybody that wants to read it. So after a while it slowed down a little bit. And they knew that we meant business. And finding people we talked to them. And I think it's not easy to do all these things. Very hard to be a first chief but I had had experience. A lot of the complicated responsibilities they have. But if we do have a back-up, things went along very easy. And the other thing I want to point out is, when we controlled the liquor in that village I had a two year term of being a first chief. Within this two year term we as a council, women's council, local people of Chalkyitsik, we accomplished many things. Like our capital projects. We accomplished things that never occurred in the past. And I could name half a dozen things that were accomplished since we controlled the liquor. And now people do a lot of things that never has been done before. And we could control the local option laws, drug abuse. Any questions? I'd like to answer them if possible.

Rep.

Binkley: In your local ordinances, James, did you ban the possession of alcohol?

Nathaniel: Yes.

Rep.

Binkley: Okay, and then you had this published in the Federal Register too?

Nathaniel: No, just under the State.

Senator
Fischer: Could we have copies of that?

Otto: Do you have copies here or will you have to send
copies to us?

Nathaniel: I just have one copy, but I might have to run some
off.

Rep.
Binkley: Any other questions? James, thanks a lot.

Nathaniel: I'd like to say one other thing in regards to this.
I'd like to say have a nice Christmas and best of
luck in 1986.

Rep.
Binkley: Thank you very much. Mary Beth Solomon.

Mary Beth
Solomon: My name's Mary Solomon, I work for the native village
here in Fort Yukon. I wasn't too sure about what
this hearing was about, but I thought you guys want
to find out about our local option law. I know the
first election, myself I was disappointed in it.
Because I thought it would make a difference in town.
And I know it did. But also still bringing it in.
And even with that I myself drink. And if it's
there I'll drink it. If it's not there maybe I'll
crave for it and I'll go look for it, but this is
our problem, then we should be doing something about
it. And I start hearing about this banning the
possession of alcohol. Maybe that would be the way
to do it. I would support that. But I'm not too
sure if it's going to do any good down the road.
Maybe it will stop it.

Otto: One of things that I've heard said about the local
option law is that it helps people who want to stay
sober stay sober. Do you think that's true?

M. Solomon: Well, for myself, I was sober for quite a while
myself.

Otto: Did the local option law help?

M. Solomon: That's probably why. And now they hold this other
election. And people are bringing it in. They're
not hiding it anymore.

Rep.
Binkley: People aren't even trying to hide it now when it comes in?

M. Solomon: No. The election already passed.

Rep.
Binkley: Thanks a lot Mary. We appreciate it. Betty Horace.

Betty
Horace: My name is Betty Horace. I work with the Upper Yukon Behavioral Health.

Senator
Fischer: What is Upper Yukon Behavioral Health?

Horace: It's to help people with alcohol problems and things like that.

Rep.
Hurley: Is it part of Tanana Chiefs?

Horace: Yes.

Otto: Is that where Mr. Peter works?

Rep.
Binkley: So you're counseling there also?

Horace: Yes. I'm the secretary/counselor trainee. I made out a newsletter and said that I didn't know if banning the alcohol from Fort Yukon did any good, but now that I've been there for a few months I can see that it did do good. When they closed the liquor store I moved out of town and I just moved back in September and in the three months I've been working at the Behavioral Health again, I can see the difference. There wasn't that many people go into the clinic and detox. And I know that there hasn't been that many accidents in town.

Rep.
Binkley: Any questions? Okay Betty, thanks a lot. We appreciate that. John Thomas.

John
Thomas: I'm John Thomas. I'm retired and I kind of misunderstood your being here. I didn't really intend to testify.

Rep.
Binkley: Well now that we've got you here.

Thomas: I've lived here all my life and I haven't seen too much difference with or without alcohol for sale or for no sale. I mean the amount of alcohol I think perhaps there was as much came in here as much as when there was for no liquor. I don't think it made much difference. I remember my father talking about during prohibition, he said it made no difference. That's all I have to say.

Senator Fischer: Just as a retired observer, do you see alcohol as a problem in Fort Yukon? Does it cause problems?

Thomas: I believe it does to a certain extent yes. But there seems to be no solution as to a law as to importation or sale or whatever.

Senator Fischer: I probably should have asked somebody else, but do you know of any educational programs in the schools or in the community to deal with other than just prohibiting things.

Thomas: I don't know if there's any, but I believe that would probably be the only solution to this problem, ? ban or importation. Seems like it hasn't made any difference.

Otto: Mr. Thomas, I've heard it said that the local option law, the ban on importation, doesn't necessarily stop the quantity of alcohol coming into villages anywhere. But what it does change is the kind of behavior that people engage in after they've been drinking, that they tend to control their behavior better when the local option law is in effect. Would you think that that is the case here?

Thomas: I don't know. I didn't notice any difference.

Otto: So you still saw people obviously drinking and obviously being in public after they had been drinking?

Thomas: Yes ma'am.

Otto: And you didn't notice any change at all?

Thomas: No ma'am.

Otto: Thank you.

Rep. Binkley: John, thanks a lot. Is there anybody here from the school district? We just had a question about any

educational program in the school district. Does anybody know? Jonathon, do you know?

Jonathon
Solomon:

Years ago ? ? within our school district. And the people believed in it so much that the city bought the system. But the teachers didn't believe in it. That's why they're not here today. It was never taught as far as I know. They have the curriculum, they have the material, it was bought by the city of Fort Yukon for five thousand dollars. The curriculum and material. As far as I know the city ? ? (unintelligible).

Shelly
Forbes:

I'd like to speak to that. I'm a teacher here, my name is Shelly Forbes. I wasn't planning on being here. I just heard about the meeting about five minutes before I came over. Are you talking about the "Here's Looking at You" program? I know that I'm teaching elementary right now and I did teach high school previously, and I believe that one or two of the elementary teachers, which will cover four of the elementary grades, do something with that program every year. And I know that the high school teachers took one whole week, at least one of those years and maybe another year, where we incorporated it into our curriculum. I believe we voted or discussed it in a teacher meeting whether we should do it over a period of time or whether we should just take a complete week out and really devote it to that, and I guess the final decision was to just take one week out. My personal thoughts on it are, one week intensified is not enough. And why more teachers aren't over here, I don't think we even knew about it, and we have to stay in the building until 3:30 and I know I asked the principal for permission as soon as I did hear about it from one of our community members to get out early. And I know another teacher asked me "would you please go over and tell me what it's about because we can't all just get out early." I had a conference period so I had free time. So I think we are interested. We need to be more so.

Senator
DeVries:

What kind of problems do you see in your classroom that are caused by alcohol use?

Forbes:

I have elementary students now and I don't really care to comment on that question.

Senator
Fischer:

But you see problems?

Forbes: Yes. Sometimes.

Senator
Fischer: Who could we talk to to find out more?

Forbes: Whoever wants to volunteer.

Ginnis: I just wanted to say that Tanana Chiefs also do presentations out to the villages, in the schools. Behavioral Health Program, and also through the Health Education Program we have.

Rep.
Binkley: Thank you Shelly. Marda Solomon?

Marda
Solomon Sr: I don't know how you got my name. That's Junior. But I will testify. My name is Marda Solomon. First of all I would like to point out to you that I don't see any drinkers here in the room. I don't think anyone here drinks right now. I'm probably the only one. So how can you have a meeting like this and have the negative aspect of it?

Rep.
Binkley: We just got as much information out to the community as we could, whoever wanted to show up and are interested.

M. Solomon: Perhaps this meeting wouldn't even occur if the first petition was circulated around which caused the voting was circulated the way it should have been circulated. Because I didn't see it. I have no idea when the petition was circulated. I didn't see it. All of a sudden I heard that we are going to vote on whether to close the liquor store or to keep it open. So I came down here and I voted. And the ballot was so stated that if you are going to vote yes you meant no. So therefore although I voted, I always wondered if I voted one way meaning to vote differently.

Rep.
Binkley: You vote yes that means no alcohol?

M. Solomon: Right. No, I don't think that. I think it was yes that we keep it open, no, yes that we close it. It was so worded.

Rep.
Binkley: We've heard that other places, that the question on the ballot is confusing.

M. Solomon: And our ? mentioned twice that one village is making that local option work. And I don't know if they're

trying to let you hear what you want to hear. Because I've heard otherwise. I've heard that it's been a problem in that village. And I know a woman that's going back to Chalkyitsik, she's waiting for money to buy liquor to carry back to the village. When the liquor store was closed, once a month you have people that get a pension check. Since they can't get booze here they go out to Fairbanks. There were two elderly women that chartered a plane from here to Circle to get a load of booze. And they don't get that much money. But since they charter a plane they get more booze than they would if the liquor store was open. If the liquor store was open they would go down and get a bottle, perhaps get another one tomorrow, get another one tomorrow, but as it is they get a load, a load of booze, and they bring it back and that load of booze will probably last a little more than one bottle would. Not one person can drink that much. I've also heard of a person that got a fire check, he couldn't find a bottle here and his check was twenty-four hundred dollars, something like that, so he took it over to Fairbanks. His parents had to pay his way coming back. So I feel no solution of keeping the liquor store closed. The only solution there is, we have drinking problems here in Fort Yukon just as well as any place else. Probably in your location, probably in your city, wherever you're at, it's always been a problem. United States government tried prohibition. They couldn't make it work. The only ones that we have hope for are those that are going to school now. Those that haven't started drinking yet. If we can educate those younger people then we may do what we need to do. If you stop having or failed in importation of liquor, in not keeping any at home, there are some of us who are going to be buying bottled? There are substitutes that we can revert back. And that's all I can say. We do have a problem. I can't see how you're going to keep liquor out of Fort Yukon. You have a village ninety some odd miles upstream that you can reach with a sno-go or a motorboat. Are you going to stop each sno-go that's coming into the village, each motorboat that's coming into the village? There's no way you can do it.

Rep.
Hurley: What village is that?

M. Solomon: Circle.

Rep.
Binkley: Any other question? Marda, thanks a lot. Glad we had a chance to talk to you even though you didn't

sign up.

Titus

Peter:

I think one thing, Circle is importing a lot of booze. I know one person that blew four hundred dollars to charter a flight to Circle. Then he got up there he found out that he only had enough to travel. So he came back with one bottle. If the liquor store were open here he would have bought probably a case and could have been drunk much longer.

Rep.

Binkley:

Is there anybody else who wants to testify?

Bessie

Biederman:

I will. My name is Bessie Biederman.

Rep.

Binkley:

There's some Biedermans up in Eagle I know.

Biederman:

I used to stay there. I work for the elderly program here in Fort Yukon. I was born and raised here. I'd just like to say one thing. Every time there's a meeting they're always talking about liquor, in the villages and towns. As far as I know liquor ain't the only problem. Too much liquor and dope like they call it. Grass, speed, the people get all of it, goes to their head. So I don't think it's liquor mostly. I see a lot of people, I don't say I don't drink on the weekend, but people got to learn how to control their drinking. That's their main problem. That's what they have the alcoholism program for, is to talk to people, to learn how to control their drinking. They have to have the willpower to do it. Nobody can help them. When I used to stay in Fairbanks one time I volunteered to be a counselor, an alcohol counselor. And I helped probably somebody you know, I used to ? ?, from Eagle. He had a drinking problem. And I went to Juneau one time, he called me up, said he got on a drunk after I left. So I told him I'd talk to him when I got back. So when I got back he was on drunk. Took me a while to sober him up, put him in detox. And one day I found him in a bar drinking. He said "How do you drink and just walk off, leave it?" I told him I knew that nobody can help you but yourself. I said I can, I'm your counselor, but you've got to have the willpower to do it. And he was working at Tanana Chiefs. I told him someday I said, you go to a bar, have a beer, tell yourself you're going to leave it. So he said he'd try that. And it worked. He was so happy. Because I told him nobody can help you. I don't care how many programs they go to, they've got to

have their own willpower, to control their drinking. And that's the problem with the people here or anywhere else. People, when they go, if they have alcoholism program here, they have movies and tell them, they think somebody's going to help them right there if they go to the clinic. Sure they help, but the person that's got to control their, you know, have the willpower, control their own drinking. I tell a lot of people that, even my own daughter, my son. They've got to have the willpower, I can not, nobody can do it.

Rep.

Binkley: No magic, right?

Biederman: Right. So you know, there's drinking everywhere. I drink. I drink on weekends when I'm not working. But then ?(unintelligible). But really it's the people got to have their own willpower to beat this thing. So that's what I want to say.

Senator

Fischer: So we have to teach people how to drink rather than...

Biederman: Well, they've got to learn how to control their, run their own willpower, is what I'm trying to say. And on top of that, like I said, liquor ain't the only problem, it's when they smoke and start taking all that other junk. I know a lot of it's here in town. And that really goes to their head.

Rep.

Binkley: Do you think we ought to let villages try and control the alcohol within their own villages?

Biederman: I don't think that would work. I see it here. When we tried about two years ago, and after they closed the liquor store, people were going over to Fairbanks or every check they made, then two weeks back, they'd find it, they can not stop it. It's better I think if they just have it open and people know it's there and they wouldn't crave for it, go look for it. They know it's there and they know at any time they want a drink they can just go down and buy one, instead of making charter planes and go into Fairbanks and all that.

Otto: What do you do for the elderly program?

Biederman: I'm new at it. I'm trying my best. I'm still learning myself. I take them to lunch in the daytime, up at the lodge, then I answer the phone and they need rides we have a bus I call on the C.B. and

take them to church, like I took them to the Native Festival in Fairbanks, and we're having a big meeting next year.

Otto: So you kind of help coordinate the logistical problems for the elderly as opposed to doing counseling.

Bieiderman: No, I don't do the counseling.

Otto: Okay, thank you.

Rep.
Binkley: Okay, Bessie, thanks a lot. Good to meet you.

Rep.
Hurley: I have a question. I don't know who could answer this but I forgot to ask it, about young people, problems with young people under legal age drinking. Is that a problem here?

?Audience: There are quite a few young people drinking. I guess they are a lot of times getting booze ??.

Rep.
Hurley: Is it different now when the store is closed than when it was open?

?Audience: I think it is.

Rep.
Hurley: There's more drinking or less?

?Audience: There had been more before. There's not quite so much now. There are other things than alcohol. The question was asked, does ?? make much difference than ???. It seems to me that liquor is very little different. They do both have problems. Arctic Village doesn't have much alcohol problems, but they do have drugs. The kids seem to, somehow, seem to quieted down a lot, not so rambunctious, and ??

Sharon
Smyth: I guess I have a question more than anything. I'm Sharon Smyth and I'm the magistrate here, I've been magistrate for about six and a half years, and my question is, a person who is working, they have children and they have insurance that covers different things, maybe it's a good insurance that covers some type long-term counseling or something where a child could be sent to one of these rehabilitation centers for maybe six months or so, whatever it takes. If it takes thirty days or six months, whatever it takes, the insurance would cover

it, you know, for something that's worked in the past. But what about the people that don't have this type of insurance, what can they do? Can they get any kind of long-term, the State doesn't seem to get involved?

Reo.

Binkley: I think the State does have treatment programs. Maybe not in Fort Yukon itself, probably in Fairbanks.

Sharon

Smyth: Well, they say you have to send them to the nearest hospital. The magistrate can't do much. The magistrate can, well, relatives, close friends can have someone come in on an emergency basis, temporary, forty-eight hours, maybe five days. The doctor examines them.

Rep.

Binkley: Just to a detox facility rather than rehabilitation?

Smyth: Yes.

Rep.

Binkley: Jonathon? Have a seat.

Otto: Can I ask the magistrate a question first please. I'm just interested if during the time the importation law was in effect, the ban on importation, did you have any charges filed at all under that law.

Smyth: Yes.

Otto: How many, do you know?

Smyth: We've had five bootlegging charges and four importation charges.

Otto: Were all of those cases prosecuted or were they dismissed.

Smyth: They were all dismissed except one that's pending.

Otto: They were all dismissed by the Fairbanks D.A.'s office?

Smyth: Yes.

Otto: Do you know the reason?

Smyth: I guess you would have to ask him, although the reason that was put on the dismissals was that rule 43.A, the interest of justice.

Otto: And the one that's pending, when's the calendar call on the case that's pending?

Smyth: I believe it's March.

Otto: Do you expect that case to also be dismissed when it comes up for calendar call.

Smyth: I don't know.

Rep.

Binkley: Sharon, thank you. Jonathon.

J. Solomon: I'd like to speak now as an individual. I joined the sober people in August. It seems to me that everybody testifying, I know for a fact, from experience, like the girl that just testified before me, you can't join any court, that practiced controlled drinking. I tried that a lot. I find that don't work. That's why I joined the sober people in August. You talked about Arctic Village versus Birch Creek. In Venetie those people they own their land pretty ???. It's just like you owning a lot, me owning a lot in Fort Yukon. I invite you into my yard and the only way you will come in is you will be sober. You can control your own lot, you can control your own home. And this is the way it's controlled in Arctic Village and Venetie. They can demand that they search your luggage. If you don't want them to search your luggage you leave on the same plane, which you can't do in Birch Creek or Fort Yukon or anywhere else. And they're always using this example. And it's wrong. I support what my counselor said. That there is less drinking because they can't afford it. They be sober that way, I don't know. Legally, ?, questioning the ballot. it is no business how ~~the~~ ballot is worded or how it is worded only in Fort Yukon. So not bearing on this, why it was worded, or how it was worded. Or who gets the liquor license.

Rep.

Binkley: The only thing we might want to do is if we could preclude confusion on the future, if we could maybe rewrite it so it is clearer for everybody to understand in the future.

J. Solomon: The legal question always comes up, how come the city's going to get the license and all that stuff. My question is if it wasn't on the ballot. The only question on the ballot was if there should be importation of liquor or not.

Rep.

Binkley: I agree Jonathon (end of tape).

J. Solomon: The one that took place in August was a rescinding vote. Since you're a legal aid, now you decide. People repent of their action that took place in December.

Rep.

Binkley: Jonathon, you're absolutely right, this committee had nothing to do with that. We're just curious more than anything else I think, and that's the reason we were asking about it.

J. Solomon: I think this committee, if it was true, put teeth into the law, and put in their a clause, personal possession of liquor should be or not be a law, where the importation is voted on. And this committee should advise the State, make a recommendation to the State, that when the village becomes an option law village, it does everything in its power to educate that village of what they were about, and how they should run their program. They should be funded by the State. The State, ever since this option law has become law, has cut our alcoholism program in half. Every year they're cutting it. The city of Fort Yukon put fifteen thousand dollars so that alcohol program in this city serving the surrounding village can operate. Every year it puts in fifteen thousand to help Upper Yukon Development Health Service. It's not up to the city to do, it's up to the State, because that's their laws. Until we do come up with it, Fort Yukon sits here. The north riverbank of this city is the city limits. You go out there in the middle of the Yukon and you can have all the booze you want. You say this that possession of alcohol is illegal within the city limits. You can sit right across the river.

Rep.

Binkley: I think it's written out, a five mile radius from the post office. Do you think that's something that ought to be changed Jonathon?

J. Solomon: I think the option law should also define the area. Even if it's not the city area, if it's an area that can be controlled.

Rep.

Binkley: Any suggestions as to how big it should be?

J. Solomon: It should be looked at. That should come through your area. You should ask these questions. How big an area should it be? ? we have planes lining down

here that serve booze.

Rep.

Binkley: Float planes or ski planes, sand bars or something?

J. Solomon: No, the planes.

Rep.

Hurley: The commercial planes are allowed to serve liquor?

J. Solomon: Commercial planes are allowed to serve liquor, and the airplane that lands here is in city limits.

Rep.

Binkley: Kind of ironic isn't it?

Rep.

Hurley: But the five mile radius is just set by the Alcohol Beverage Control isn't it? Is it in the local option?

J. Solomon: Yes. That's the problem. River is seven miles wide. They can have booze all around. It's only one minute right by snow machine, two minutes by boat.

Rep.

Binkley: Any more questions? Jonathon, thanks for both your questions. If there's no further testimony we'll go ahead and close the public hearing here in Fort Yukon. Thank you very much. We really appreciate everybody coming out and testifying. Merry Christmas too.