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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Judiciary:*

*2-17-88*

*2-22-88*

# HOUSE COMMITTEE REPORT

(7)

Date referred: 1/22/88

FURTHER REFERRALS:

Finance

DATE: Feb 22 - 1988

The Judiciary Committee has considered HB 386

"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

**RECOMMENDS:**

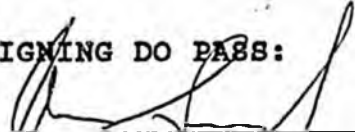
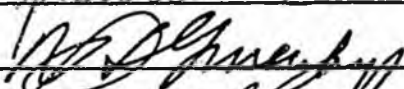
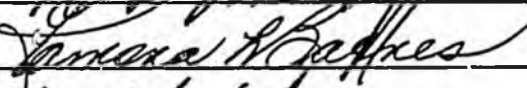
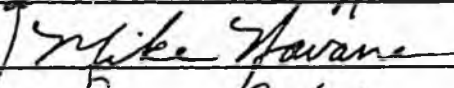
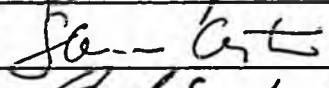
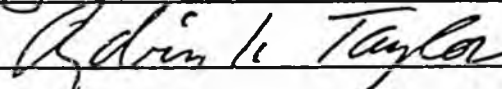
- replace with CS HB 386 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

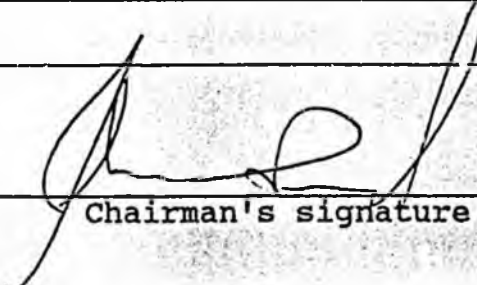
- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

  
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 Ron Ulmer  
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 J. D. Humphrey  
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 Tamara K. Baffes  
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 Mike Havens  
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 Sam Arts  
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 Edwin L. Taylor  
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**SIGNING OTHER RECOMMENDATIONS:**

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 Chairman's signature

Original sponsor: Hoffman

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 386 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to enforcement of alcoholic beverage  
7 control laws; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 18.65.085 is amended to read:

10 Sec. 18.65.085. NARCOTIC DRUGS AND ALCOHOL ENFORCEMENT. (a)

11 There is established in the Department of Public Safety, division of  
12 state troopers, a narcotic drugs and alcohol enforcement unit for the  
13 purpose of investigating and combating the illicit sale and dis-  
14 tribution of narcotic drugs and alcoholic beverages in the state.  
15 Enforcement of the alcoholic beverage control laws shall focus primar-  
16 ily on the investigation, apprehension, and conviction of persons who  
17 violate AS 04.11.010 by selling, importing, or possessing alcoholic  
18 beverages in violation of an ordinance adopted by a municipality or  
19 established village under AS 04.11.490 - 04.11.500.

20 (b) The commissioner of public safety shall submit to the legis-  
21 lature, within 30 days from the date the legislature convenes, a  
22 report concerning the activities of the narcotic drugs and alcohol  
23 enforcement unit. The report shall include, but is not limited to,  
24 the number of arrests made, the kind, amount and value of narcotic  
25 drugs and alcoholic beverages seized, the sentences received by nar-  
26 cotic drug and alcohol offenders, and an overall view of the narcotic  
27 drug and illicit alcohol problem in the state.

28 \* Sec. 2. AS 18.65.085 is amended by adding a new subsection to read:

29 (c) The Department of Public Safety may establish and administer

1 a reward program, and provide grants to municipalities and established  
2 villages for reward programs, leading to the apprehension and con-  
3 viction of persons who violate AS 04.11.010 by selling, importing, or  
4 possessing alcoholic beverages in violation of an ordinance adopted by  
5 a municipality or established village under AS 04.11.490 - 04.11.500.

6 \* Sec. 3. This Act takes effect July 1, 1988.

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5-1661B  
Utermohle  
2/22/38

Original sponsor: Hoffman

*Adopted 2-22*

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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DRAFT

IN THE HOUSE

BY HOFFMAN

PROPOSED

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 386

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the investigation of violations of alcohol control laws; establishment of a reward program to promote the apprehension of alcohol law violators; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 18.65.085 is amended to read:

Sec. 18.65.085. Narcotic Drugs and Alcohol Enforcement.

(a) There is established in the Department of Public Safety, division of state troopers, a narcotic drugs and alcohol enforcement unit for the purpose of investigating and combating the illicit sale and distribution of narcotic drugs and alcoholic beverages in the state. Alcohol law enforcement efforts shall be primarily focused on the investigation, apprehension, and conviction of persons who violate AS 04.11.010 by selling, importing, or possessing alcoholic beverages in a community that has prohibited the

**DRAFT**

sale, importation, or possession of alcoholic beverages  
under AS 04.11.490 - 04.11.500.

(b) The commissioner of public safety shall submit to the legislature, within 30 days from the date the legislature convenes, a report concerning the activities of the narcotic drugs and alcohol enforcement unit. The report shall include, but is not limited to, the number of arrests made, the kind, amount and value of narcotic drugs and alcoholic beverages seized, the sentences received by narcotic drug and alcohol offenders, and an overall view of the narcotic drug and illicit alcohol problem in the state.

(c) The Department of Public Safety is authorized to establish and administer a reward program, and to provide grants to municipalities and established villages for reward programs, leading to the investigation, apprehension, and conviction of persons selling, importing, or possessing alcoholic beverages in violation of an ordinance adopted under AS 04.11.490 - 04.11.500.

\* Sec. 2. This Act takes effect July 1, 1988.

**DRAFT**

IN THE HOUSE

BY HOFFMAN

PROPOSED

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Public Safety for a unit to investigate violations of alcohol control laws and for a reward program to promote the apprehension of persons who violate alcohol control laws; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. The sum of \$250,000 is appropriated from the general fund to the Department of Public Safety to establish a unit to investigate violations of alcohol control laws, to establish a reward program, and to provide grants to municipalities and established villages for local programs to offer rewards for information leading to investigation, apprehension, and conviction of persons who violate AS 04.11.010 by selling, importing, or possessing alcoholic beverages in a community that has prohibited the sale, importation, or possession of alcoholic beverages under AS 04.11.490 - 04.11.500.

**DRAFT**

\* Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1989.

\* Sec. 3. This Act takes effect on the effective date of an Act authorizing the Department of Public Safety to establish a unit to investigate violations of alcohol control laws, to offer rewards, and to provide grants to local governments to offer rewards for information leading to the investigation, apprehension, and conviction of persons who violate AS 04.11.010 by selling, importing, or possessing alcoholic beverages in a community that has prohibited the sale, importation, or possession of alcoholic beverages under AS 04.11.490 - 04.11.500.

## Description of Combined Drug and Alcohol Enforcement Unit

There is presently a program within the Alaska State Troopers that is responsible for providing assistance to local agencies and villages in Western Alaska with their drug enforcement efforts. The program is called the Western Alaska Narcotics Team (W.A.N.T.). One state trooper drug investigator is responsible for coordinating primarily narcotics investigations; he assists in bootlegging investigations as time and resources allow. W.A.N.T. was established in late 1982.

Based on the area of responsibility and the vast travel requirements, the W.A.N.T. trooper investigator works out of Anchorage. The W.A.N.T. area includes communities located along the Alaska Peninsula and the Aleutian Islands, and those communities in Bristol Bay, the Kuskokwim Delta, Norton Sound, Seward Peninsula, and the Kotzebue Sound. The investigator's role is to provide leadership, guidance, assistance, direction, informants, undercover agents, buy money, expense funds, and to act in undercover capacities whenever possible. The investigator's office is located at the Anchorage airport, which allows increased effectiveness in disrupting the flow of drugs to Western Alaska.

In the five years of its existence, the Western Alaska team has seized over a million dollars worth of drugs and made over 300 arrests for drug and alcohol violations in its area.

Because a single trooper is responsible for covering such a large area, he can give his attention to a certain area for only a short period of time. He must divide his efforts so as to provide, on a rotating basis, enforcement in as many different communities as possible. Generally, his concentration has been on drugs first and alcohol second. In either case, he encourages those communities with enforcement resources to conduct their own investigations with his assistance and some AST funding. Consistent and continuous clandestine investigative pressure on drug and alcohol violators is simply not possible under current staffing levels, even though such an effort is badly needed.

The alcohol problems in Western Alaska need to be addressed on a full-time basis, and in combination with full-time drug enforcement efforts. The procedures for conducting investigations for either type of violation are very similar. The best way to address this problem would be the development of a team of investigators who can concentrate 100 percent on west coast alcohol and drug problems. The

team members should be capable of working undercover either together or singly, be able to deal with interdiction at the airports, provide assistance and guidance in clandestine operations, share intelligence information, conduct training for law enforcement officers, VPSOs, and VPOs, and participate in school and other prevention programs.

A joint drug and alcohol investigative unit would support local law enforcement efforts. A no-cost alcohol and drug information hot line could be established to receive confidential tips from citizens. This information can be evaluated, and payment from a "reward fund" awarded to individuals based on their participation and the reliability of their information.

We suggest the creation of a full-time Western Alaska Alcohol and Narcotics Team (W.A.A.N.T.). We suggest the addition of two trooper investigators and a clerk typist to the existing one-trooper W.A.N.T. unit. The scope of the unit's enforcement efforts would then be expanded to include full-time ongoing investigation of alcohol violations.

The desirability of having three investigators dealing with related problems and working in the same area of Alaska was well illustrated by the recently concluded enforcement effort in Western Alaska. That effort was conducted by the W.A.N.T. unit trooper investigator, local officers, local troopers, a VPSO, VPOs, and two additional state trooper narcotics investigators temporarily assigned to assist the W.A.N.T. unit.

The following costs are anticipated (based upon the level of funding now proposed in HB 386):

Personal Services:

A. Investigator I (PFT - Range 77A)		
Salary	\$42,880	
Overtime (180 hours per year)	5,800	
Benefits	<u>18,211</u>	
Investigator I Cost		65.9
B. Investigator I (PFT - Range 77A)		
Salary	\$42,880	
Overtime (180 hours per year)	5,800	
Benefits	<u>18,211</u>	
Investigator I Cost		65.9

C. Clerk Typist II (PFT - 7A)		
Salary	\$18,540	
Overtime (120 hours per year)	1,712	
Benefits	<u>9,185</u>	
Clerk Typist II Cost		<u>29.4</u>
Total Personal Services		\$161.2

Travel:

Extensive travel would be necessary to conduct investigations, oversee undercover operatives, and coordinate with local law enforcement authorities.

In-State Transportation	10.0	
In-State Per Diem	<u>10.0</u>	
Total Travel		20.0

Contractual:

Much of the unit's activities will involve conducting undercover operations. Costs include informant pay, buy funds, and expense funds. These costs are paid outside the normal state purchasing system to assure the confidentiality of the operations.

Professional Services	38.0	
Communications (telephone, etc.)	6.0	
Printing/binding - training and school instruction material	8.0	
Miscellaneous (clothing allowance, etc.)	<u>2.0</u>	
Total Contractual		54.0

Supplies:

Office supplies (stationery, etc.)	4.0	
Professional supplies (ammunition, etc.)	3.0	
Miscellaneous	<u>1.0</u>	
Total Supplies		8.0

Equipment: (First Year Cost Only)

Desks (2)	1.1	
Chairs (3)	1.0	
Bookcase	0.4	
File cabinet	0.6	
Firearms	0.7	
Word Processor (shared)	<u>3.0</u>	
Total Equipment		<u>6.8</u>
Total Cost		\$250.0

# STATE OF ALASKA



LYMAN F. HOFFMAN  
REPRESENTATIVE

P.O. BOX V  
UNEAU, ALASKA 99811  
(907) 465-4530, 465-4453

## HOUSE OF REPRESENTATIVES

### DISTRICT 25

AKIACHAK  
AKIAK  
ATMAUTLUAK  
BETHEL  
CHITFORNAK  
EEK  
GOODNEWS BAY  
KASIGLUK  
KIPNUK  
KONGIGANAK  
KWETHLUK  
KWIGILLINGOK  
MEKORYUK  
NAPAKIAK  
NAPASKIAK  
NEWTOK  
NIGHTMUTE  
NUNAPITCHUK  
OSCARVILLE  
PLATINUM  
QUINHAGAK  
TOKSOOK BAY  
TUNTUTLIAK  
TUNUNAK

### MEMORANDUM

TO: Representative John Sund  
Chairman, House Judiciary Committee

FROM: Representative Lyman Hoffman *Lyman*

DATE: February 17, 1988

RE: HB 386/387

-----  
Please find attached the following.

Friday, January 15th issue of the Anchorage Daily News' special report on the problems of alcohol. This article describes in detail the atrocities bootleggers commit. The story of Willie Fancyboy is only one reason why this legislation should be enacted.

Proposed substitute for HB386.

Position paper and fiscal note from Health and Social Services.

Other position papers/fiscal notes have not been delivered yet.

Thank you for your favorable consideration.

POSITION PAPER  
ON  
HOUSE BILL NO. 386

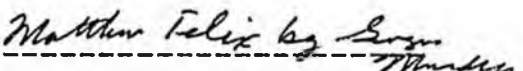
"An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

The Department of Health and Social Services is fully supportive of House Bill 386. The human and financial costs associated with illegal alcohol sales in rural Alaska are significant, and have been repeatedly documented by a variety of sources. According to the Department of Public Safety 1986 Crime in Alaska Report, 1800 persons age 18 and over, and 1039 persons under age 18 were arrested for liquor law violations. Bootlegging arrests are included as liquor law violations in this report.

Providing a financial incentive for reporting illegal alcohol sales should improve upon the present situation. Because of the vast distances in rural Alaska, the capability of law enforcement officers is limited. In hub communities the problem becomes overwhelming; bootleggers are smart, and arrests with sufficient evidence for convictions are frequently difficult to obtain.

House Bill 387 is a companion bill to House Bill 386 and will provide a \$250,000 appropriation to the Department of Public Safety to establish this program.

  
Myra M. Munson  
Commissioner

  
Matthew C. Felix  
Coordinator

2/18/88

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

**REQUEST:** \_\_\_\_\_

Bill Version: House Bill 386  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to rewards to promote the apprehension and conviction of certain offenders; and providing for an effective date."

Agency Affected: Health & Social Services  
BRU: Alcoholism & Drug Abuse

Sponsor: Hoffman  
Requestor: N/A

Components: Alcohol Abuse Grant

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Matthew Felix by George Mundell Phone: 586-6201  
Division: Alcoholism and Drug Abuse Date: 2/16/88

*(R)* Approved by Commissioner: Theresa M. Munson Date: 2-17-88  
Agency: Matthew Felix by George Mundell

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
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- Impacted Agency(ies)
- Senate Secretary

# Anchorage Daily News

VOL. XLIII, NO. 15 80 PAGES

ANCHORAGE, ALASKA, FRIDAY, JANUARY 15, 1988

## A SPECIAL REPORT

*Moving booze to the Bush can mean big profits if you know how to play the game and don't spend much time fretting about the well-being of your clientele.*

# Haven for bootleggers

By HAL BERTON  
Daily News reporter

**B**ETHEL — On a damp Sunday in October, two youthful brothers from a village along the Kuskokwim River motored up to Bethel for whiskey to drink with the second game of the World Series. To make the bootleg buy, they didn't have far to go.

They pulled up their boat on a beach littered with empty plastic bottles of Windsor Canadian and walked across a sandy boardwalk to a collection of plywood shacks and A-frame huts.

One of the two disappeared into a hut, then reappeared a few minutes later. He had a bottle hidden under his clothes, his brother said. They hopped back into the boat and turned downriver for the half-hour trip home.

Such sales are the mainstay of Alaska's bootleg liquor industry, and Bethel is its capital. Bootleggers find the city's tentative approach to prohibition — allowing the importation of alcohol, but not its sale — and its role as an air and river crossroads, an ideal climate.

The cases of liquor that arrive each day from Anchorage are sold, bottle by bottle, from riverfront shacks, the trunks of taxi cabs, abandoned freezer vans or the backpacks of teen-agers. Law enforcement

officials estimate the illegal trade at \$2 million to \$5 million a year.

"Right now we see pallets, literally pallets of alcohol arrive at the airport," said Bethel Police Chief Kevin Clayton. "We know where it's going. We know what's going to happen with it, but we're powerless to stop it."

Much of the liquor is sold to local residents or the people who visit Bethel from the villages that dot the broad delta of the Yukon and Kuskokwim rivers. Some are social drinkers, but many are binge alcoholics unwilling to wait for liquor to arrive by air freight from Anchorage. They want their whiskey immediately, and will pay up to \$40 for a \$7 bottle of it.

Other bootleggers use Bethel as a base from which to smuggle booze into villages where both importation and sale are banned. In the "dry" villages, that same \$7 bottle can sell for \$120.

Aniak, a village along the middle Kuskokwim River that also allows unlimited importation of liquor, is another distribution hub for bootleggers. Cargo and passenger planes bring in daily shipments of booze, which a half-dozen bootleggers sell to local clients or send up and down the river.



Anchorage Daily News/Rob Heilman

See Page A-8, BOOTLEG A bottle near the Bethel cemetery



Anchorage Daily News/Rob Heilman

With the village of St. Marys in the background, Francine Ella holds a picture of her boyfriend, Willie Fancyboy, who committed suicide.

# St. Marys loses a life in frustrating battle

By RICHARD MAUER  
Daily News reporter

**S**T. MARYS — Nov. 22, 1986, was a Saturday that seemed like a turning point for St. Marys.

Larry Ledlow, an Alabamian reputed to be one of western Alaska's biggest bootleggers, was sitting in jail on felony liquor sale charges. In the cell with him was his alleged runner, Paul Johnson Jr.

Willie Fancyboy, a 20-year-old with a responsible job, a future, a girlfriend and an alcohol problem he was

starting to control, had put them there.

Come the following May, everything was upside-down.

Ledlow and Johnson were walking the streets as free men, all charges dismissed because of error and inattention by officials.

And Willie Fancyboy was dead, the victim of months of harassment, of neglect by the authorities he helped, and finally of a shotgun he himself wielded.

## A PEOPLE



## IN PERIL

## TODAY

Though more than 70 villages have sought to control alcohol consumption by enacting dry laws, their efforts are often foiled by bootleggers. Our stories for the sixth day of the Daily News' 10-day series on self-destruction in the Bush examine this lucrative, underground industry, a throwback to the Prohibition era.

Reporter Hal Berton focuses on Bethel, Western Alaska's regional hub, where bootleggers operate with impunity from freezer vans, taxis and shacks around town. From St. Marys, a dry village on the Yukon River, reporter Richard Mauer looks at how the justice system completely fell apart in a recent bootlegging case, leaving one young man dead and a village strayed in its efforts to control whiskey.

Copyright © 1988, Anchorage Daily News

See Page A-10, ST. MARYS

028389



Anchorage Daily News/Bob Halonen

Brass Buckle nightclub only sells soft drinks, but it is still a major gathering place for drinkers in Bethel.

Continued from Page A-1

In both towns, the bootleggers operate just out of sight, often using "runners," some as young as 12 years old, to make the actual sales. The runners dispense bottles from small packs, then turn over the cash, minus a \$5- to \$10-a-bottle commission, to the bootleggers.

Bootleggers who sell directly to customers protect themselves by refusing to deal with strangers.

In the early '80s, some of the biggest bootleggers were ethnic Albanians from Yugoslavia.

"I remember when Albanians from Bethel came in they would buy about 10 cases of Windsor whiskey in plastic bottles," recalls Edith Turkington, a former employee of Party Time Liquor in Anchorage. "That is 10 cases for each person."

#### A BIG MARKET

"There's plenty of business for it," said one bootlegger in his early 20s who agreed to be interviewed only if his name were withheld. He is a handsome man who would look more at home on a California surfing beach than the soggy tundra of the delta. He tried a 9-to-5 job, he said, but bootlegging proved more alluring, first as a way to earn quick cash, and then as a full-time occupation. Today he peddles whiskey from a small freezer van in the seedy section of town known as Bootlegger's Alley.

"I just kind of got into this and things started working out real good," he said.

He spent on a Friday evening while at the Bethel airport awaiting a shipment of beer. The order was for another bootlegger, who planned to smuggle it into a dry village.

The young man said he



Anchorage Daily News/Bob Halonen

The party is over: A man sleeps on the floor of a house in Bethel where a party had been going on.

launched his bootlegging operation two years ago with a special introductory offer: \$25-a-bottle whiskey, which he hoped would quickly attract a core of customers. The price created "quite a bit of conflict" with other bootleggers, he said, so he raised it to \$30.

Now, in a good day, he may sell two 12-bottle cases of whiskey at a profit of more than \$500. Less enterprising bootleggers, the ones he calls "subsistence bootleggers," order only a half-dozen bottles at a time, earning just enough to support their own alcohol habits.

At first, he said, he used his van as both an illicit liquor store and a tiny, one-room apartment. But last fall he finally tired of drunken clients pestering him through the night — even after the booze was all gone — and moved out. Now he operates only part of the day from a different van. But that approach has caused him other hassles: "I've had problems with break-ins three or four times. And my windows have been shot up."

He also had trouble with alcoholic runners who drank his booze instead of selling it. Now he uses only sober ones. In early October, his three runners were aged 16, 17 and 25.

Despite the problems, he estimates he earned more than \$20,000 last year. "When I didn't drink," he said, "it was really quite profitable."

Sales of bootleg booze peak in July as hundreds of fishermen converge on Bethel to sell their catches. On the fourth of July alone, he said, he earned more than \$2,000. Demand stays strong through the summer, then drops off sharply as villagers stalk moose in September. As permanent fund dividends begin to arrive in October, business picks up again and remains brisk through New Year's.

On a typical weekend, he gathers with other bootleggers in the parking lot of the town shopping mall. They smoke, drink, talk and watch for potential clients across the street at the Brass Buckle, a low, ranch-style building that serves as the delta's only nightclub. By midnight, the Brass Buckle is jammed with Eskimo, Indian and white rock 'n' rollers.

The bar can't sell alcohol, just soft drinks, but that isn't obvious from the customers. Many are staggeringly drunk. On the crowded dance floor, two women argue over a man; across the room, two men fight over a woman, or would, if they were sober enough to manage a serious scuffle.

"It's a hot spot," the bootlegger said. "People don't go there unless they're really f---d up."

At 1:30 a.m., as closing time approaches, the action shifts outside. Around the back of the building, amid a clutter of 55-gallon drums and fuel

tanks, a young Eskimo woman sips from a cup. "I'm getting drunk and looking for a good piece of a—," she says with a laugh.

Out front, the parking lot of the Brass Buckle looks like a giant block party. "I'm on shruuums," says one woman who apparently has been eating psilocybin mushrooms. A young man standing nearby pulls out a plastic bottle of Windsor Canadian from his blue-jean jacket. When he draws a few stares, the bottle quickly disappears behind his back.

A half-dozen cabs ring the parking lot, the drivers ready to make quick runs for booze, and the ever-present, backpack-clad runners wander through the crowd.

The bootleggers stay as long as there is money to be made.

#### 'THERE'S NO FUTURE'

"People will beg you and beg you," the bootlegger said. "They pay in food stamps... everything they got. One guy gave \$65 in food stamps for one bottle." Sometimes they trade ivory.

Asked whether he worries about the ravages of alcohol on his customers and their community, he replied: "When it gets to the younger neighborhood kids, that makes you feel kind of bad. Knowing you are f---ing these kids' lives up."

Briefly last summer, he said, he feared a police bust.

Then the heat slacked off. "Bootleggers are winning the war now... It seems like nobody cares," he said.

Does he ever think about quitting? "I just got into this and things started working out real good." He thought about it some more. "This is so easy... But there's no future."

#### 'THE BUSH AIR COMPLEX'

Carl Berger spends much of his time trying to heal the wounds caused by alcohol. The Yukon-Kuskokwim Health Corp., which he directs, provides suicide prevention and rape counseling, and helps villages cope with accidental death and acts of violence.

From the second-story window of his riverfront office, Berger can look down at the beachfront conglomeration of A-frames and shacks with a reputation as one of the town's most notorious bootlegging sites.

Locals call it "the Bush Air complex" because of the air taxi headquartered there.

During the fishing season, Berger recalled, he watched in frustration as village selmers, their pockets stuffed with cash from salmon sales, lined up to buy bootleg whiskey and then scattered up and down the river to drink.

Some headed down the beach toward the neighborhood of state Sen. John Binkley, a forceful

See Page A-9, BOOTLEGG

**BETHEL**

POPULATION: 4,462, including Yukon Selmers, Aleut, Chukchee and others.

DESCRIPTION: Located 90 miles from the mouth of the Kuskokwim River and 400 miles west of Anchorage, Bethel is the hub city of Western Alaska. The first trading post on the site was opened in the early 1870s. The Lutheran Church set up a mission in 1885 and constructed the first Bethel after a scorched-earth fire destroyed the original post. Fishing and transportation are major industries.

MAPS: Alaska Department of Communications, Planning & Cultural Affairs; THE BUSH AIR COMPLEX: COURTESY OF CARL BERGER

spokesman for local option laws that allow voters to ban alcohol. Others milled around the health corporation building. "It got to the point where we had to hire security so that people could get in and out of the building without getting harassed," Berger recalled.

The complex sits on a half-acre of land owned by the Moravian Church. The Moravians came to Western Alaska in the 1830s and helped found Bethel. The federal government deeded 129 acres of land to them in 1911. A church was built on one part, a school on another. Some of the land has been washed away by the river; much of what remains is being "held in trust for the Native people," according to Kurt H. Vitt, director of theological education for the church.

For the last 13 years, a portion of the "trust" land has been leased to Ron Peltola, the 44-year-old proprietor of Bush Air. Peltola has been charged with flying booze into a dry village and is awaiting trial. He has a history of problems with authorities.

In 1974, he pleaded guilty to a misdemeanor charge of selling wild game illegally and was fined \$2,400. The state temporarily shut down his charter operation in 1985 because he lacked the required insurance.

Last year, his pilot's license was permanently revoked for doctoring his medical records, according to the Federal Aviation Administration. On June 22, he pleaded no contest to a misdemeanor charge of harassment for repeatedly threatening to kill a police officer.

The Moravians first gave Peltola a 10-year lease in 1974, according to court records. He built a plywood shack to serve as an air taxi office, and a collection of other shacks and A-frames, some of which he later sold.

When the lease expired in 1984, the Moravians sued to evict Peltola for non-payment of rent. So far they have been unsuccessful.

#### 'ONE-STOP SHOPPING'

In the meantime, the complex has developed into a base for bootlegging, according to Berger and Bethel Police Chief Clayton. It is the base for one of a half-dozen major bootlegging operations in Bethel, Clayton said, with revenue estimated at more than \$100,000 a year.

Because the beach at Bush Air is one of the few breaks in a riverfront largely walled off by old cars and metal pilings, it is a favorite pull-in spot for villagers arriving by boat. The beach also serves as a waiting area for charter passengers traveling to or from nearby villages.

"It was easy to get customers, when you knew (Bush Air) could give you a bottle and fly you," said Simon Brown, a state trooper who investigated Bush Air. "This was one-stop shopping."

On Aug. 2, troopers, with the aid of an undercover agent, busted Bush Air. They seized Peltola's floatplane and arrested him on



The riverfront complex that includes the office of Bush Air is a hotbed of bootlegging, says Bethel Police Chief Kevin Clayton. Anchorage Daily News/Bob Hallman



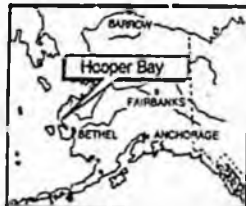
The Moravian Church has been trying to evict Bush Air owner Ron Peltola from its property. Anchorage Daily News/Bob Hallman

misdemeanor charges of importing alcohol into the dry village of Tuntutuliak and enlisting a minor to aid in the crime.

The minor was a young female employee of the air service. She told Trooper Brown she went to the Bethel airport to pick up liquor and delivered it to Peltola, who handed it over to Joe Newman, an occupant of an A-frame next to the Bush Air office, according to an affidavit by Brown.

Peltola instructed the employee to send any liquor customers to the A-frame. Brown said she told him. After the booze was sold, Newman brought the money to her, and she put it in a Bush Air money bag.

Bush Air still has a



floatplane, and the charter service is open for business. Peltola spoke indignantly of his arrest, and flatly denied the employee's statements to police. He said passengers may have carried liquor on his planes, but he didn't know about it.

Peltola sold two of the three A-frames in May 1982, according to Peltola and his

attorney. Some huts may be used for bootlegging, Peltola said, but they have no connection to Bush Air.

#### \$120 A BOTTLE

Hooper Bay, a community of 776 people spread along the Bering Sea coast, is one of more than 30 villages along the Kuskokwim River that prohibits the importation and sale of alcohol.

But the prohibition, rather than stemming the flow of liquor, has merely altered its course by creating a powerful economic incentive for bootlegging. A bottle of whiskey that sells for \$7 in Anchorage or \$40 in Bethel can sell for \$120 in a village like Hooper Bay. As a result, subsistence or professional bootleggers bring booze into virtually every village — by snowmobile or skiff, in the baggage of air charter passengers, or in a concealed package through the U.S. mail.

In Holy Cross, a village on the lower Yukon River, bootleggers use private planes to fly in liquor shipments from the nearby wet village of Anvik, or smuggle it in on cargo flights delivering groceries and other essentials. "We get it every Friday. . . . There'd be a lot of repacked boxes for people," said Bill Turner, a convicted Holy Cross bootlegger who recently went through an Anchorage alcohol rehabilitation program. "Like, it might be a milk box or an egg box. And it'll be all taped up so you can't get in it real easy. And inside the egg box would be booze."

Where cash is scarce, drinkers often turn to sour-tasting batches of home-brew made from crackers, yeast, sugar and fruit cocktail.

Last summer in Hooper Bay, a teen-age boy killed himself during a game of Russian roulette, and four

other youths attempted suicide, according to Ed Graham, the principal of Hooper Bay High School. Only one of the attempted suicides was directly linked to drinking, Graham said, but "without any question, the real problem is alcohol."

"Everybody in the village is affected by even one single drunk," he said. "The village is so small and so close that every little incident has an effect on everybody."

Much of the hard liquor sold in Hooper Bay is imported by homegrown entrepreneurs lured by the easy money. While fishing, firefighting and basket weaving all provide some income, much of life is still subsistence hunting and fishing. So when someone needs a new snowmachine, bootlegging is a quick way to raise the cash. A bootlegger can buy a round-trip ticket to Anchorage, party in the city for a few days and still turn a profit on the trip by bringing home a single, 12-bottle case of whiskey purchased for \$86.

Other village bootleggers go only as far as Bethel, where an established bootlegger will, for a fee, order booze from Anchorage and have it delivered to the airport. From there, it can be concealed in luggage and flown into a dry village.

Once in a dry village, bootleggers offer liquor to a select group of customers, or use runners to peddle it. A case of whiskey can be sold in a half-hour or less, according to one part-time bootlegger. Sometimes, the last bottle in a shipment is auctioned off to the highest bidder.

The bootleggers "know the people who like to drink," said one 30-year-old resident of Hooper Bay, "and they know the power of the craving. They know people need it."



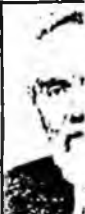
Bill Turner, a convicted bootlegger who went through an alcohol rehabilitation program, says getting booze into the Bush was no big problem. Anchorage Daily News/Bob Hallman



The Bush Air complex with the Yukon-Kuskokwim Health Corporation in the background. Anchorage Daily News/Bob Hallman

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DR. ROBERT G. O'CONNEL, Alaska Psychiatric Institute, an expert on alcoholism and self-destructiveness among Natives

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ROY HUHDORF, president of Ozo Pagan Inc., Alaska's most prosperous corporation

Additional series stories on following pages.

In a part of the state where bootlegging is rampant and prosecution often ineffective or non-existent, the case of Fancyboy and Larry Ledlow is more than the story of a tragic young man who fell apart under pressure, or of a middle-aged man who got lucky. It is an illustration of the frustrations faced by the people who want to combat the effects of alcohol as an agent of death and despair in the Bush.

"It's demoralizing the community, because nothing can be done," says St. Marys Mayor Andrew Paukan. "We know who the people are, but we can't get them."

Ledlow, a pilot with his own plane, is chief among them, Paukan said.

St. Marys is a regional hub on the Yukon-Kuskokwim Delta, a village of 563 people with a huge barge dock on the Yukon River, a jetport five miles out of town, two general stores, a three-man police force, one state trooper and a courthouse staffed by a part-time, resident magistrate.

It is also a place where the sale and importation of alcoholic beverages have been banned since a village-wide referendum on Sept. 22, 1981.

"I don't miss any chance I get to flaunt that law, because I don't believe in it," Ledlow says. "No matter what the authorities do, attempting to enforce importation, you can't take just a small area, like the village of St. Marys, and surround it with a barbed wire fence and keep all the avenues of approach out. When people want it, they'll find ways to get it."

**'EXCITING DAYS'**

Six months after the charges against him were dismissed, Ledlow was wintering with his family in a small town near Montgomery, Ala., while others were taking care of his business in St. Marys.

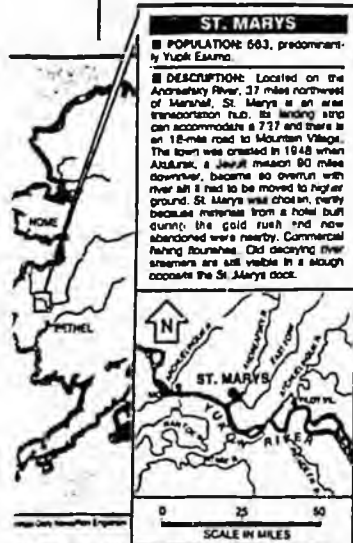
In a telephone interview, he said the charges against him were unjustified because he doesn't sell booze. But over the years, his name has been associated with whiskey.

Ledlow, 55, is the son of a Baptist minister. Both his parents are teetotalers. He arranged to be interviewed at a pay phone so his parents wouldn't overhear him talk about whiskey and his troubles with the law.

He first came to Alaska during the post-war years as an Air Force signals specialist. As a civilian, he followed the military White Alice communications system to Aniak. The place was booming and wide open, two conditions that appealed to Ledlow.

"Yeah, those were exciting days. When I first came there, there was only one or two marshals for the whole area. I tell you what, a man could do about anything he was man enough to defend his ground on."

That's just what he was doing in 1959 or 1970, when a preacher armed with a movie camera tried to get evidence he was bootlegging. Ledlow had just returned from a booze run to the Red Devil liquor store upriver when he saw the preacher "tip-toeing" around his plane, trying to film the liquor inside.



Larry Ledlow's home in St. Marys

Anchorage Daily News/Bob Hallinan



St. Marys Police Chief Bob Bullard with evidence seized when Larry Ledlow was arrested.

Anchorage Daily News/Bob Hallinan

"I went out and hollered at him. When I saw what he was doing, I was going to get the camera and bust it up. I started chasing him and he took a swing at me with the camera, and the strap on the camera broke from his wrist. The camera hit the ground, so I gave it a couple kicks and figured that was probably good enough."

Ledlow moved to St. Marys in 1971. He set up an air taxi service and eventually a commuter airline to Bethel. The Internal Revenue Service seized his business in 1983 for failure to pay taxes. He hasn't worked a regular job since.

On July 2, 1985, just before the big Fourth of July weekend and the usual drunken bashes that accompany it, a cargo supervisor at the Sealr terminal in Bethel noticed some damaged baggage come off a flight from Anchorage. There were five large Styrofoam containers labeled frozen foods, and they were checked by a passenger flying on to St. Marys.

Three of the containers were smashed. The supervisor looked inside. They were filled with R&R Canadian whiskey, one of the popular Bush brands. He called the troopers.

**SMUGGLING CHARGE**

Ledlow turned out to be the passenger who had checked in the whiskey, but he denied it was his. The troopers didn't believe him, and he was charged with smuggling liquor into St. Marys, a misdemeanor punishable by up to a year in jail.

The trial was originally set for Nov. 12, 1985. But Ledlow complained of ailments and the trial was reset and reset again. On Oct. 15, 1986, the charges were dismissed by the district attorney's office when, two days before trial, prosecutors realized they didn't know how to find one of their main witnesses, an ex-trooper.

People in town marvel at the luck and economic well-being of a man whose sole apparent business is a one-car taxi company and some rental property. Said Bob Bullard, the village police officer: "He has no employment, his wife doesn't work. They just put new siding up on the house. He owns his own plane, a (Cessna) 207. He just remodeled the apartment. He owns six houses, including his own. In '85, he went overseas to visit some relatives, and he took his whole family there."

Ledlow acknowledges his reputation as the biggest bootlegger on the Yukon Delta. "I go about my business and let those rumors go right on over my head," he said.

He agrees that he seems to be well off for someone who doesn't work. He says the airplane belongs to his brother-in-law, though his brother-in-law doesn't have a pilot's license. Ledlow attributes his well-being to frugality, "a subsistence-style life," and state assistance programs that subsidize energy consumption for Bush residents. Because he still owes about \$70,000 to the IRS, he said, he wouldn't provide any details of his personal finances.

"It all just adds up from all over," he said. "I always got some kind of little something going on."

**SETTING UP A BUST**

The authorities in town suspect Ledlow made as many as two booze flights a week, bringing in five to 10 cases of whiskey at a time, perhaps from Nome or Galena, maybe from as far away as Anchorage. At \$60 a bottle, the going price in St. Marys and surrounding villages, that would produce a gross weekly profit of \$3,000 to \$6,000.

Ledlow is hard to bust, Bullard said, because he only sells through intermediaries, and they sell only to people they know.

That's where Willie Fancyboy fit in.

On Nov. 19, 1986, St. Marys then-city manager, Gary Oba, got a tip from the vice mayor, Wilfred Stevens, that Ledlow was off on a booze run. Oba told police officer Bullard, who drove to the airport and confirmed that Ledlow's Cessna was gone.

Bullard passed on the tip to Trooper Craig Macdonald in Bethel.

That night, Fancyboy was busted for consuming alcohol as a minor. Sometime before daylight, Ledlow's plane landed at the airport.

Macdonald flew to St. Marys. He met privately with Fancyboy, and asked where he got his booze. When the conversation was over, Fancyboy had agreed to make a buy for the police.

The operation was set up for that afternoon. Bullard hid in the magistrate's office, across the street from the house of Paul Johnson Jr., 25, a suspected runner for Ledlow. Macdonald stationed himself on a hill. Another officer watched Ledlow's place.

Fancyboy had \$60 in marked money when he walked into Johnson's house at 5:40 p.m. Johnson took the money, and said he would get the whiskey, according to affidavits. The police watched Johnson get on his three-wheeler and drive over to Ledlow's house. He walked inside, then came out carrying a camouflage pack. Johnson drove back to his house and handed Fancyboy a bottle of R&R.

Two hours later, Fancyboy bought a second bottle from Johnson, the police say.

Ledlow and Johnson were arrested the next day and charged with two felony counts each of selling liquor to a minor. Ledlow also was charged with importing alcohol into a dry village. They spent two days in jail before making bail.

Normal police procedure is to conceal the identity of the "buy agent" in narcotics or bootleg busts as long as possible. If Johnson or Ledlow had any doubt about who turned them in, it would have been erased when they were handed the criminal complaint. The police agent was identified as "W.F." Fancyboy's picture might just as well have been pasted to the complaint.

Francine Ella, a junior at the Catholic Mission High School, was out of town on a school trip when the bust occurred. When she returned, she didn't understand why people were saying bad things about her boyfriend Fancyboy.

"They were the guys who are friendly with Ledlow. They'd say things like, 'You're going with a narc. How could you do that?' I wouldn't say anything. I'd just walk off."

They were saying it to Fancyboy's face, too.

But it was more than just words. Fancyboy's snowmachine was vandalized. First the wires were ripped out. Then, in succession, the windshield was smashed, the seat cut, his helmet stolen.

Fancyboy wanted it to stop. He talked to the St. Marys magistrate. Can I change my mind about testifying, he asked. He called up Ledlow. I'm sorry, he said. He spoke to Johnson. I recognize, he said.

But mostly he wouldn't talk about it, not to his girlfriend, not to the people at work.

**NO PLACE TO TURN**

Before the bust Fancyboy thought poorly of himself, his girlfriend said, and he withdrew deeper with each passing day.

No one offered him counseling, and because he lived in neighboring Pitkas Point, he didn't have the protection of St. Marys police. Fancyboy was struggling with alcohol too, Francine said. Still, he held a responsible job — assistant grocery manager at the Yukon Traders general store.

At the same time, the bust was starting to go wrong. In January, the police and

witnesses assembled in Bethel for a session before the grand jury. The troopers were seeking a felony indictment against Ledlow and Johnson.

"Everyone was there and was sober," Macdonald said.

But five minutes before the case was to be presented, District Attorney Bryan Schuler walked into the room and announced that it would be prosecuted as a misdemeanor, Macdonald said. Schuler gave no reason, he recalled.

In a recent interview from his new home in Honolulu, Schuler said he couldn't remember why he reduced the charge.

The case went back to St. Marys, and the DA's office promptly forgot about it.

Magistrate Denise Beans, a non-lawyer, re-arrested the pair on the misdemeanors on Feb. 18. She set a trial date in April. She didn't realize that April was too late under Alaska's speedy trial rule.



Willie Fancyboy

Beans said she thought the speedy-trial clock started ticking when the pair was arrested on the reduced charges. No one told her she was wrong — that the clock starts with the initial arrest, in this case, November. When the defense attorneys brought it up, it was too late to fix. The charges were dismissed April 20.

"We should track those kinds of things, but we were handling 1,300 cases a year," Schuler said.

Ledlow said he would have won the case anyway. There was no evidence he sold whiskey to anyone, he said.

In an interview, Johnson said he was drunk and couldn't remember what happened that day.

#### A DEADLY OUTBURST

On May 2, Wilfred Stevens, the vice mayor who provided the tip on Ledlow, committed

the crime of manslaughter. Stevens had been severely depressed since his brother Eddie drowned the year before. Eddie's birthday would have been the next day.

"It was hard on Willie," Francine said. "After that happened, he hardly ever talked."

Two weeks later, on a night that was supposed to be a celebration, a grand reunion for graduates of the St. Marys Mission School, Fancyboy got terribly drunk and frightfully angry. He shoved his girlfriend into the dirt, went home and threatened his family with a shotgun. Then he turned the weapon on himself and blew out his guts.

How much of a part did the Ledlow bust play in his death? The troopers, police and officials who have an opinion say it played a role, but no one knows how much.

Ledlow blames Fancyboy's death entirely on the police. "They forced him into doing something he didn't want to do," he said. "They should have put him in a counseling program and accepted the fact that he's underage. They ultimately caused him to get in such a mental state that he ended up committing suicide."

The failure of either of the Ledlow cases to even reach trial has proved frustrating for St. Marys officials. Bethel-based troopers say the problems encountered in St. Marys are repeated all over the huge region they patrol.

Trooper Simon Brown, who investigated Fancyboy's death, said most agents used by police to buy alcohol and drugs don't understand the depth of the problems they will face, even if those problems are explained beforehand.

"A lot of men I talk to, they'll never talk to a cop again after they make a buy. It turns them off to police, to the whole system, and we lost them."

#### PROBLEMS IN DA'S OFFICE

Macdonald said police agents frequently are harassed by the subjects of a bust, or their friends who no longer have a source of liquor or drugs. "They're well aware that if they can keep the informant from talking, they can walk." Law enforcement in the Bush is so thin that there is little protection for an informant who remains in a village.

Other followers of the case harshly criticize Schuler, who held the post of DA from February 1985 until he was caught shoplifting more than \$100 worth of stereo tapes on



Mayor Andrew Paukan: "We know who the people are, but we can't get them."



Anchorage Daily News/Bob Hawley

A mistake by Magistrate Denise Beans resulted in freedom for Larry Ledlow.

July 2, 1987. The city of St. Marys twice complained to the attorney general's office about his conduct in office, but got no serious response, said Mayor Paukan and Gary Oba, the former city manager.

"There was a consistent dissatisfaction with his reluctance or refusal to prosecute cases coming out of St. Marys," said Oba, now in the foreign service of the U.S. State Department. "In the early stages, it seemed to be friction between Mr. Schuler

and our police officer. We worked with Mr. Bullard and attempted to get him to follow the procedures that Mr. Schuler set down, and it didn't seem to make any further difference."

Schuler seemed to demand such high standards of evidence gathering that he would take only sure cases, "nothing that would require any effort to prosecute," Oba said.

The problems in the DA's office were not lost on

criminal defendants.

"You see, these people are getting smart," Ledlow said. "They know now there's only so many cases that can be tried in the Yukon-Kuskokwim Delta. And so they're entering a plea of not guilty, no matter whether they're guilty or not. This puts a further load on the district attorney's office. If they end up with the ones they can plea bargain away, well they do, and the ones that they can't, a lot of times they go and dismiss them, and the ones they can take to trial, they do."

Schuler said his office went from a three-attorney staff in 1985 to just himself in 1986. That made a tough job tougher.

"We had historically about 10 times the national homicide rate. We had no roads. Not only did a lot of our witnesses not speak English, a lot of jurors don't speak English. It's not their fault, but it's not exactly like being in rural Indiana," Schuler said.

For the St. Marys residents trying to follow the example set in 1981 by Patrick Beans Sr., who initiated the movement to make it a dry village, the recent past has been filled with frustration.

"We'd like to see it dry, but the bootleggers are bringing the booze in," said Mayor Paukan. "We're helpless in getting the bootleggers caught because they're so smart. We're frustrated about the law. We can't do nothing."

## State law allows communities to restrict flow of booze

By DON HUNTER  
Daily News reporter

Carrying a hip flask of brandy — or any kind of liquor, wine or beer — into many Alaska villages can get you up to a \$1,000 fine or a year in jail.

The penalties are the product of a decade of legislative wrangling with Alaska's No. 1 rural public safety problem: alcohol abuse and the self-destruction it brings to Bush villages.

In 1980, lawmakers passed a bill that allowed villages to control alcohol use in four ways:

- The community can select a particular private licensee to sell liquor;
  - The village government can set up a government store to sell liquor;
  - The village can forbid the sale of alcoholic beverages, but still allow liquor to be brought in for private use; or
  - The village can vote to prohibit both the sale and importation of alcoholic beverages.
- In 1986, the law was expanded. Now, villages can vote to forbid even the

possession of alcoholic beverages.

To date, more than 60 villages have prohibited importation of alcohol. At least eight — Anaktuvuk Pass, Atkasuk, Fort Ledge, Gambell, Mekoryuk, Nulqsut, Nunipatchuk and Togalak — have gone dry. An exception is made for wine for religious purposes, but even that must be limited and closely controlled.

Once a village votes to ban alcohol, the state Alcoholic Beverage Control Board, which regulates alcohol sales in Alaska, cannot issue, renew

or transfer a liquor license to the village, or to an unincorporated area within five miles of the village.

Violations of the local option laws are Class A misdemeanors, punishable by a maximum sentence of a year in jail and a \$1,000 fine.

The crime escalates to a Class C felony, however, if the importer or seller brings more than 12 liters of liquor or wine, or more than 45 liters of beer, into a dry village. Class C felonies carry penalties of up to five years in prison and a maximum fine of \$50,000.

Violating the possession ban is a civil offense — similar to a speeding ticket — punishable by a fine up to \$1,000. The violator may pay off the fine through community work at a rate of \$5 an hour.

Subsequent convictions for the same offense are still misdemeanors, unless the amount of liquor involved exceeds the 12-liter ceiling.

The local option law also allows the state to seize cars, boats, airplanes or any other equipment or materials used to make, transport, sell or store liquor.

### ALCOHOL IN ALASKA: A CHRONOLOGY

■ Late 1700s-Early 1800s: Initial contacts between Natives and Russian traders and American whalers, who often use alcohol as a trading commodity with Alaska Native people.

■ 1867: The United States buys Alaska from Russia.

■ 1884: The First Organic Act specifically prohibits the importation, manufacture and sale of liquor in Alaska. But in practice whites do not prosecute other whites for violations. The Alaska Commercial Co. continues to trade liquor for furs and successfully undermines the prohibition by withholding supplies from enforcement personnel.

■ 1885: A territorial Indian police force is established to promote "cleanliness, sobriety and good order among the Indians."

■ Late 1880s: For whites, prohibition is replaced by high license fees, but Natives, intoxicated persons or habitual drunkards are still prohibited from buying or selling liquor.

■ 1915: The territory of Alaska votes approval of the "Bone Dry Law," primarily because of the problems of Natives. The same year, the

territorial legislature passes a law making it a misdemeanor to sell or give alcohol to a Native.

■ 1919: The National Prohibition Amendment passes. It forbids manufacture, importation, exportation, transportation or sale of alcoholic beverages anywhere in the United States.

■ 1933: National prohibition is repealed. The 1915 territorial law forbidding the sale or gift of liquor to Natives remains in effect.

■ 1953: Federal laws prohibiting drinking by Indians are abolished. (From the purchase of Alaska by the U.S. in 1867 until 1953, alcoholic beverages were banned in villages; Alaska was treated as an Indian reservation.)

■ 1980: The Alaska Legislature passes a local option law that allows villages to vote to prohibit the sale of alcohol; prohibit the sale and importation of alcohol; limit liquor licenses; or limit alcohol sales to community-owned liquor stores.

■ 1986: Legislature passes a law allowing villages to vote to impose a complete ban on alcohol.

### A PEOPLE IN PERIL: SERIES AT A GLANCE

Sunday	Atkasuk, the village that endured a terrible series of suicides
Monday	Death and despair reach every corner of Alaska.
Tuesday	Rage and alcohol turned this 15-year-old boy into a multiple killer. A death brings temporary harmony to Sleetmute.
Wednesday	Fatal Alcohol Syndrome victimizes the unborn.
Thursday	The legal river of booze to the Bush. Nulato's effort to restrict the flow of booze.
TODAY	Willie Fancyboy, Larry Ledlow: One is dead, the other a free man. How bootleggers get booze to the Bush.
Saturday	Venets has fought the importation of liquor for years. Three communities — one wet, one dry, one demo.
Sunday	For 12,000 Native residents, Anchorage is a different village. Five lives that show the diverse experience of Anchorage Natives.
Monday	"Closest sobriety" keeps Kake a troubled town. Alut Laka and the long, hard road to sobriety.
Tuesday	A sobriety movement grows throughout Alaska.

# Bethel Judge Gail Fraties gives sympathetic advice to the accused

by Michael Fagan

Superior Court Judge Gail Fraties offered many alleged bootleggers and drug dealers in court last week what can be safely and conservatively described as a considerable amount of sympathy for their new plight.

## Analysis

Last week's defendants are those arraigned Feb. 2 and 3 as a result of the recent law enforcement sweep staged here in Bethel.

Fraties mentioned more than a couple of times his brush with the law (he talked in court of his DWI conviction two years ago), his problem with alcohol, and his confidence in the state-appointed defense attorneys.

Further, Fraties offered a liberal amount of unsolicited advice to the defendants about how to interpret the cases filed against them by the district attorney's office.

One well-placed individual close to the court calls Fraties' monologues "gibberish."

The monologues are known to not be restricted to these most recent cases. The 'parental talks' are known to have been voiced by Fraties since he's been on the bench for the past several months.

Following are verbatim

quotes and paraphrased statements offered by Fraties in his courtroom on Feb. 2 and 3, the days when most of the alleged Bethel bootleggers and drug dealers were being arraigned.

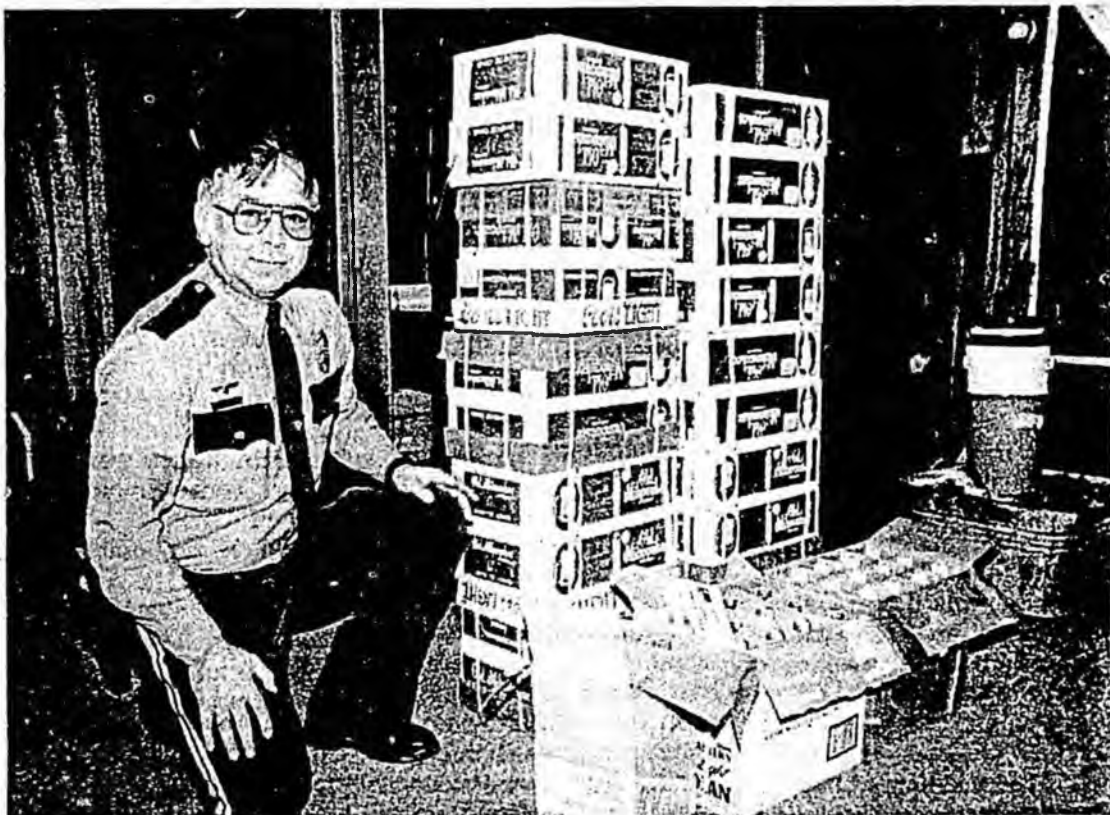
Before a 19-year-old defendant, in context about the importance of appearing in

court upon being released on his own recognizance: ". . . Well, let me tell you something. You know, a class A misdemeanor is no joke. I've been arrested and convicted of a class A misdemeanor. But you can survive it all right. There's not going to be all that much of

problem in your life."

Before a 22-year-old defendant: "You can survive a class A misdemeanor all right. I've been arrested and convicted of one of those myself, and I didn't enjoy it,

See FRATIES page 26



## Yet more booze seized

Seized from the Bethel airport on the evening of Wednesday, Feb. 3 was the above-photographed booze and beer, amounting to 28 bottles of liquor and 20 cases of beer. The alcohol was destined for Larry D. Stanley, who was arrested on the day before during the big law enforcement sweep here of bootleggers and drug dealers. Stanley was charged Tuesday morning with one class C felony and three Class A misdemeanors, all linked to the sale of alcohol. The booze was discovered to be coming in to Stanley after police officers found a money order receipt during the Feb. 2 search of his hospital housing apartment. The seized alcohol will be used as evidence to support criminal charges already filed against Stanley. The alcohol had been ordered at a cost of \$510; sold here, it would have brought an estimated \$1,540.

TUNDRA DRUMS THURS FEB 11<sup>th</sup>

# FRATIES from page 4

but I survived it."

Before a group being arraigned: "You trial rights will be jealously preserved by this court and the attorneys that practice before it. You're not in a position to judge the strength of your own case. You're presumed by the law to be innocent until proven guilty, and it's not easy to prove people guilty."

Before a group being arraigned: "Guilt or innocence in the eyes of the law is not whether you actually did the act you're not supposed to do. By legislative mandate, it's whether or not the DA can prove you did it. A

person can have done all kinds of things in their life, but if the DA does not have the evidence against you, then in the eyes of the law you're innocent of crime. You are certainly not guilty."

Before a 20-year-old defendant: "I don't want any one to get the idea that a Public Defense is a second class lawyer. (The public defenders) are very excellent."

Before another 20-year-old defendant, Fraties asked the defendant about the identity of his father, naming a specific individual.

Said Bethel Public Defender Brian Easton to Fraties:

"This case is one of 40-some that the state troopers are milking for all the publicity they can." Responded Fraties: "I care less about what the papers say. Papers had a field day with me two years ago when I was busted for DWI, convicted and sent to jail. I mean, what more have I got to lose? If somebody is going to say I'm easy on bootleggers, who cares? At my age, why should I fear what a newspaper is going to say to me?"

In a later arraignment, Fraties said that it is the "absolute truth" that anything that the defendant says to anyone can and will be used against them in trial.

And in yet a later arraignment, Fraties commented to Easton about the state troopers having reportedly

seized a defendant's hearing aid: "They always grab the glasses and the hearing aid, you know that."

Said Easton to Fraties on another, later occasion during an arraignment: This "whole matter is a farce blown way out of proportion by the troopers and the press. The troopers will be the laughingstock of Alaska if they don't make all this stick." Responded Fraties: "Your client is my fellow citizen. I don't give a damn how the troopers (unintelligible) or what the newspapers do. If somebody's unfair to him I'll deal with it."

During a hearing not related to the bootleggers' trial, but also deliberated on one of those two days, Fraties offered the following comments:

Referring to the alcoholic, "Their story is my story. .

. . . I feel a lot of compassion (for the defendant). . . . I've attended dozens of AA (Alcoholics Anonymous) meetings with many Public Defender clients. . . . I am presently surviving alcoholism. . . . If I miss an AA meeting I'm in trouble with my own sobriety. . . . I'm not just some *Kass'ag* (his emphasis) that's telling you to go to AA because I think it's for your own good. I'm an alcoholic who goes to AA myself. . . . You're an alcoholic just like I am. . . . We've saved a lot of lives. I like to say 'we' when I talk about AA."

## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HOFFMAN

NAME: DON STURLOCK  
TITLE: PROBATION OFFICER

ADDRESS: PO BOX 1694

CITY: BETHEL, ALASKA

ZIP: 99559

PHONE: 543-2056

BILL NO: SB 51

SUBJECT: SALE OF ALCOHOL IN LOCAL OPTION AREA

MESSAGE: THIS BILL WILL NO DOUBT CAUSE MANY OF US IN THE CORRECTIONAL  
FIELD TO BE OUT OF WORK, BECAUSE 90% OF THE CRIME IN THIS  
AREA IS SOMEHOW ALCOHOL RELATED. HOWEVER, I WAS LOOKING FOR  
A JOB WHEN I FOUND THIS ONE. KEEP UP THE GOOD WORK!!

POMID: 05162414

DATE: 02/12/88

TIME: 16:24:14

LIONAME: BETHEL LIO

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ELLIS  
GRUENBERG  
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KOPONEN  
PHILLIPS  
BARNES  
COTTEN  
NAVARRE  
SUND  
TAYLOR  
ULMER  
BINKLEY

## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE HOFFMAN

NAME: DON STURLOCK  
TITLE: PROBATION OFFICER

ADDRESS: PO BOX 1694

CITY: BETHEL, ALASKA

ZIP: 99559

PHONE: 543-2056

BILL NO: SB 371

SUBJECT: PROHIBIT ALCOHOL DELIVERY TO NONLICENSEE

MESSAGE: THIS BILL WILL NO DOUBT CAUSE MANY OF US IN THE CORRECTIONAL  
FIELD TO BE OUT OF WORK, BECAUSE 90% OF THE CRIME IN THIS AREA  
IS SOMEHOW ALCOHOL RELATED. HOWEVER, I WAS LOOKING FOR A JOB  
WHEN I FOUND THIS ONE. KEEP UP THE GOOD WORK!!

POMID: 05162746

DATE: 02/12/88

TIME: 16:27:46

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