

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

833 SCOMM30 : CONFERENCE ON ALASKA'S FUTURE FRONTIERS 1979

1 go on and on and on, but we need a comprehensive statewide
2 in convenient story and a statewide development plan. And
3 this Department of Transportation animal that we have today
4 has not done the job.

5 MR. FISHER: you weren't confining your inventory just
6 to air transportation, then?

7 THE MODERATOR: No. Now, the people in the Northwest,
8 number one -- they do not want a highway link to Anchorage
9 or Fairbanks. There would be too many pressures brought on
10 by the easy access into the area, by people that -- by
11 people that live out there that just as soon wouldn't come.

12 Why, they show up on an airplane they try and be
13 friendly and courteous and all, but by and large it would
14 be an awful lot of pressures. We know what happened to the
15 caribou herd on Skys Highway area and we know what happened
16 up in that -- up around the Tangerra Lakes into the
17 interior caribou herd and Sweet Lake and McKinley Park Road
18 there for about -- Johnny Windress Roadhouse there on the
19 ridges. Packson's Lodge. An easy access road was in the
20 herds, and the herds were "bootering." Those same pressures
21 can come with the road from Fairbanks to Nome or from
22 Anchorage to Nome or to Kotzebue. But we don't even want a
23 road from Nome to Kotzebue. We do want to see some roads
24 connecting some of our villages for service access by road.
25 Now, the roads out there are not maintained year-round.

1 God puts the snow there and God takes it away. The
2 maintenance crew goes on around the fuss of May and it goes
3 off around the first every October.

4 There's a very real need to upgrade the bush
5 airports in the State to no less than 4,000 feet and widen
6 them out.

7 We're now confronted with this factor at home.
8 This evening I had some 22,000 pounds of Parcel Post and
9 air freight weathered in at Nome that's been there now for
10 nine days. We've had good weather the last couple of days,
11 but all aircraft have been busy in an air search for a
12 missing aircraft with four people. So the air freight and
13 the mail isn't moving. We have a 2600-foot air strip.
14 They've graduated from Cessna 207 and Aero Commander
15 aircraft to twin Otters that are bringing in 3,000 pounds
16 of air freight in one clip instead of a thousand to 1500
17 pounds. That necessitates a larger vehicle to accommodate
18 that air freight. You can't leave it on the air strip in
19 severe weather. By the time you get up the airport two
20 miles and load up and come back the two miles and unload
21 and go back and get a second load, the stuff you left up
22 there is frozen, not fit to eat, not fit to sell. And you
23 can multiply that problem by every commodity out there.
24 Our bush airports are not inadequate.

25 Thank you.

1 MR. KOCSIS: Mr. Chairman. I wonder does the group
2 want to address or should they address this? It makes a
3 difference who does it. Does it all come out of the state?
4 And it goes directly to the local contracting? That's the
5 kind of decision that we're in a position to make. We can
6 make that improvement because of the money we have in the
7 state. Can we go on that lower level? How does the group
8 envision this happening? Is it going to be a master plan
9 that the State comes up with that they come down and
10 building airports for you and parcel out the money little
11 by little, or is it going to be one where the local
12 communities build the airport? I also wonder where does
13 the money come from? Is that an obligation -- is that what
14 this bonus -- not bonus -- this unexpected revenue we have --
15 is that what that money should go to? Is this a priority?
16 Should it be greater than from the Federal Government?
17 Should we go into corporation partnerships? We have in the
18 native corporation a larger source of money that we haven't
19 really interfaced adequately. Should we look to them and
20 the State and the local units, form together in that way?
21 Would the group address those issues? Or do they care to?

22 THE MODERATOR: The Federal Aviation Agency yields a
23 lot of control over airport location and design, whether we
24 like it or not. They can dictate to an air carrier that's
25 carrying mail, mail contracts, what airports to use and

1 what ones not to use. They can say to an insurance
2 underwriter and broker, "If this aircraft uses this field,
3 his insurance would be void. We just won't go along with
4 it." And that's the way it is.

5 MR. KOCSIS: Mr. Chairman, we now have the position to
6 respond. If they say this is a reasonable requirement, we
7 think the State will find it to be reasonable and chooses
8 to make the commitment, we can build you that field now.
9 That's the kind of decisions we can make. And again then
10 once they've agreed that if you have such and such a field,
11 you'll put the flight in, who builds that field? Send it
12 down from the State level or send it to the local level.

13 THE MODERATOR: It would be nice to get it on a
14 community level and get away from the State, eases
15 administrative procedures, red tape.

16 MR. SILIDES: Mr. Chairman, if I may, it depends on
17 the sophistication. I speak now as an engineer. It
18 depends on the sophistication of the State.

19 MR. SILIDES: But an airport is something else again.
20 So I think you have to look again at the specific project
21 and say to yourself, "You notice this is not part of our
22 job here, you know." Now, the link between the Yukon and
23 Koskokwim can develop. They can possibly be done by local
24 contractors for two reasons: One, because it can be done;
25 secondly, it aids the economy. An airport on the other hand

1 involves public safety. You see. And that has to be done
2 to specifications. And very rigid specifications. And
3 therefore I think the process is important.

4 MR. KOCSIS: Okay. But again I guess my question
5 would be: Who is going to be the guy that leads the bit?
6 The State of Alaska? Is it going to be a contract between
7 him and somebody that comes down and build them an airport
8 or is it going to be the people in that town making their
9 own decision to the effect that they need experts to hire
10 them?

11 MR. SILIDES: Well, Mr. Kocsis, let me approach the
12 golden rule. He who has the gold make the rules.

13 MS. BURNETT: Right.

14 MR. KOESIS: That's why I make the question. There's
15 been gold back in Juneau for a long time. I think the
16 maybe they might like to see it spread.

17 MR. SILIDES: That's right.

18 THE MODERATOR: Mr. Dahl.

19 MR. DAHL: It seems to me that there are several
20 things occurring here. Certainly it's not advisable for
21 the State to build an airport a place that's overseen by
22 the State with people that -- with contractors that are
23 chosen by the State and laid on superimposed onto a local
24 area without not just -- not just adequate or superficial
25 public response. But significant public response is an

1 example. It's north of Bethel on the Kuskokwim. They're
2 suspecting a problem now with an airport that was built
3 over a traditional cemetery. Now, that's dumb to do that.
4 And there's no reason to make those kind of mistakes. The
5 reason that those mistakes are made is that nobody asks any
6 questions. And that it seems to me that the State does
7 have the money to do that and ought to have the sensitivity
8 to deal creatively with local people to get the job. Now,
9 whether that means hiring a local contractor I don't know.
10 I'm not willing to even participate in that.

11 THE MODERATOR: We're going to have to take a break
12 for a tape change.

13 MR. ACKERMAN: Carolyn, I'd like to comment on some
14 planning zoning and changing.

15 THE REPORTER: Mr. Chairman, we have to change the
16 tape and then we'll come back to you. Please? Thank you.

17 THE MODERATOR: I certify our group is on a diet.
18 We're thinning out. Hopefully they're in the smoker or
19 whatever. Mr. Ackerman, would you please proceed?

20 MR. ACKERMAN: Oh, we were speaking of the runway that
21 was built over the --

22 THE MODERATOR: Speak up, please.

23 MR. ACKERMAN: The last legislature, I think Bob
24 expounded on it a little bit. If they don't get returns in
25 90 days, they go ahead on the process. One of the main

1 problems we found out is Fairbanks with the Department of
2 Transportation. If you don't like the project, you don't
3 get any project.

4 THE MODERATOR: That's so true.

5 MR. ACKERMAN: I think that's something we have to
6 look at. I think one of the best because the legislature
7 was a meaningful public input. However, we need to slow
8 down and look at these a little bit more and get the public
9 input and see where the needs a little bit better.

10 MR. FISHER: Isn't that the argument for legislative
11 oversight?

12 THE MODERATOR: Yes, Mr. Fisher, yes.

13 Does anybody else have any input at this time in
14 this area?

15 MS. BENNETT: I'd like to make a comment.

16 THE MODERATOR: Miss Bennett.

17 MS. BENNETT: I would like to see in trying to do
18 something different with this than has been done before. I
19 think it would be a good idea to fund research for
20 maintenance when you talk about lights on the runway or
21 communications or buildings on the runways. For air
22 transport all these things are important. People in the
23 village would be able to take care of those, and I doubt
24 that there's adequate technology now if the lights went out
25 someone could fix them. And things need to be simplified.

1 And I think that would mean a whole new system. It's
2 probably a very expensive proposition. It would be a great
3 thing for the State if special buildings were easy to
4 transport and put up lights that were easy to maintain and
5 install, et cetera. That kind of research would be good to
6 use some plan as far as air systems would go.

7 THE MODERATOR: Yes, Mr. Borodkin.

8 MR. BORODKIN: Yes, I think the villages would have a
9 final say in location of any airport built within the
10 village boundaries because of Section 14-C under the Claims
11 Act. That provision allows village corporations to make
12 reconveyance either to the municipality or to the State in
13 trust. So they'd work hand in hand.

14 THE MODERATOR: Thank you, Mr. Borodkin. Miss
15 Anasogak.

16 MS. ANASOGAK: Just a comment on what she just said
17 where maintenance part of these navigational systems would
18 come from the village. That would be where the education
19 part would come, because if we provided the kids with the
20 education, the necessary education, the vocational skills
21 to maintain these things, these kind of things, if the
22 students so desired, you could.

23 MR. KOCSIS: Mr. Chairman, we have with us two of the
24 gentlemen who wrote pages that are in front of you here.
25 if I may introduce them, Mr. Walt Parker who wrote the

1 report on air transportation is sitting here and Mr. Red
2 Swanson, Representative Swanson -- former Representative
3 Swanson who wrote the paper on rail transportation.

4 Our time is going to be limited in this room, and
5 if the group had questions and they would consider it, we
6 might have comments from them.

7 THE MODERATOR: Are there any questions regarding the
8 papers on air transportation presented by Mr. Parker or on
9 rail transportation by Mr. Swanson? Mr. Fisher?

10 MR. FISHER: I would like to direct a question to Mr.
11 Parker. He didn't cover the alternative of possible State
12 ownership of any of those bush facilities as to operating
13 airlines, say comparable to the -- maybe we ought to have a
14 State skyway system like the Marine Highway system in such
15 areas as might be. You didn't cover that. Any comments?

16 MR. PARKER: Mr. Chairman, no, I didn't raise that
17 particular option. I guess from a feeling that with the
18 stage of deregulation that the aviation industry is in now,
19 that we do need to give that a little more of a try before
20 we proceed to the next stage, if deregulation doesn't work.
21 But with so many air carriers existing in Alaska and the
22 level of competition that does exist at some level, why,
23 moving a State air carrier in there at this time didn't
24 seem like an option I cared to propose any way.

25 But one of the options that is available is to

1 provide support for operators so that they can finance new
2 equipment. One of the major problems with the industry now
3 is that a lot of operators simply aren't able to finance
4 new aircraft on three-year terms, which is what the banks
5 usually will limit them to. And if we can work out some
6 system for financing, we can probably get the right
7 aircraft in place.

8 In the other areas, though, we did strongly
9 propose that the State move into those areas that the
10 Federal Government has never moved in and is probably not
11 going to. The problem is that from the regional centers
12 out from Nome, Barrow and so on out to the villages, Alaska
13 just doesn't fit with the national air system, and it's
14 never fit FAA criteria or Civil Aeronautics Board criteria.
15 And we really do have to sit down and design a special
16 system that's uniquely suited to providing that service
17 aircraft through a system that's certifiable so that the
18 insurance liability and all those things will be operating
19 there the same as it is in any other airport, but one
20 that's tailored to suit Alaska, not trying to fit ourselves
21 into a mold that we never fit into very well. That's the
22 general thrust of the paper.

23 In order to provide the service and get the
24 planes in place that can do the job better than some of the
25 aircraft that are being used now, why, there would be a

1 protocol if the State were to finance such aircraft with
2 low interest loans, and that would be that the operator
3 would have to guarantee that they would stay in place and
4 serve that particular area and that he wouldn't pull them
5 out of service and send them off to Eastern Canada or
6 Nigiera or what have you every time it was a good charter
7 market somewhere else and use his old aircraft to serve the
8 bush, which we've had happen a lot of times.

9 So it's, you know, getting stability every
10 service that's critical. And service is terribly unstable
11 now. We just hired Evergreen to put a fleet into Western
12 Alaska so things are pretty good right now.

13 THE MODERATOR: Not really.

14 MR. PARKER: How long are they going to stay? Well,
15 they're better than they were a couple of weeks ago.

16 THE MODERATOR: We haven't had any mail in nine days.

17 MR. PARKER: Well, some things haven't changed. At
18 least the potential is there that you've got a better fleet
19 of aircraft than before they did that. But that contract
20 could be counseled by either party. Very short range. So
21 there's no stability in that particular service yet, nor is
22 there any stability anywhere else in the bush in the level
23 of service that's being provided.

24 Building new airports is only part of the answer.
25 Providing better communications is only part of the answer.

1 In the area of training somebody mentioned --
2 that is addressed in the paper and, yes, we've got to let
3 the 250 or so places that are served by bush air service,
4 why, ideally we're going to have somebody trained in each
5 place than can handle the radio equipment and provide a
6 certain level of maintenance there, field lighting, all of
7 those things. The personnel that mans the system are
8 always the key element. And the same way there's no reason
9 why we should continually import pilots from the other end
10 of North America to fly in rural Alaska. We've proved a
11 long time ago we can employ our own pilots adequately, and
12 it's one of the areas that we should be moving on to see
13 why we don't staff the airlines almost totally with people
14 who were born and raised in the country, because people
15 like the jobs. They're usually good-paying jobs. We've
16 had a lot of local people flying. It's just a matter of
17 doing more of it.

18 THE MODERATOR: Mr. Bradley, I believe, has a question.

19 MR. BRADLEY: Yes. Walt, doesn't your major concern --
20 it seems like -- stability -- doesn't that argue for public
21 ownership of the idea of Mr. Kocsis -- you know, to expand
22 on that. Maybe I should let Rob do that. But he was
23 arguing for some sort of centralized airport in various
24 regions over the State now listing a carrier system, owning
25 and managing, I guess charter airlines, and then going on

1 in some great cosmic idea of inter-polar flights to Hong
2 Kong and, you know, North Korea. But, you know, isn't the
3 public body the most stable, you know, because, of course,
4 that's our system?

5 MR. PARKER: Yes. If you will look at your service,
6 especially from the regional centers out to the villages,
7 it's just sort of an aerial transit system, why, in each
8 area you could just set up a transit district and operate
9 it as such, and this would be certainly a perfectly
10 feasible thing to do and well within the State regulations
11 and federal regulations. You would get into the same --
12 it's probably the only way -- you've got two ways you could
13 subsidize a system: You can either own it outright, as a
14 municipal bus system is owned and just take your losses, if
15 there are any, through the budgetary process, or you can
16 continue to use the bush operators and give them as much
17 help as possible to make them as efficient as possible.
18 But it's still that the fares and rates are too high to do
19 the job of providing economical air service to the bush,
20 why, you can actually subsidize the operation not by giving
21 the operator a fixed amount, but simply by subsidizing each
22 fare, each pound of freight with a certain amount or by a
23 certain percentage. So there's options by which the
24 problem with be approached as long as you've got the
25 objective that you want to have a lower fare level and

1 lower freight rates in the bush. Probably no matter how
2 well you do the job and how efficient you are, there's
3 going to be certain places where no amount of competition
4 or no improvement in the physical structure is going to be
5 able to get the price down. There's some places that you
6 just can't do that. So if you're going to apply universal
7 service principals the way we've historically done in
8 transportation in North America, why, you've got to spread
9 the costs somehow, and that means a government subsidy
10 somewhere in there. And, like I say, you can interject
11 that subsidy in different ways.

12 THE MODERATOR: Another gentleman has joined our group. --
13 Mr. Ackerman?

14 MR. ACKERMAN: I had one question on the air carriers
15 and the State offering airlines. I've talked to several
16 air taxi operators and one of their problems or what they
17 tell me is their rate of Workmen's Compensation insurance.
18 We've watched it -- we have just a barely adequate
19 Workmen's Compensation yet the carriers, I believe, pay a
20 50-percent rate for Workmen's Compensation. Isn't there
21 some way you could do something to help them offset their
22 Workmen's Comp rate? I believe that would eliminate a lot
23 of our air taxi operators because of that, that high overhead.
24 \$10 an hour for Workmen's Compensation. I don't want that
25 we should downgrade our superior Workmen's Compensation

1 because the air carriers can't afford to pay for it, and
2 that's what we're doing.

3 MR. PARKER: Yes, there's a whole range. Most of the
4 smaller were operators, were -- in a real cost squeeze the
5 past year with fuel prices, and that's one of the things
6 that's kept them from even considering new equipment. So
7 the economic liability in the small operators is in kind of
8 a state of siege right now throughout the State for many of
9 them. Some of them have their equipment paid for and where
10 the equipment is still adequate to do the job they are
11 making it all right. But anybody who's paying off new
12 equipment, unless he's got some really good contracts going,
13 is going to feel in a bind, some of our oldest operators.

14 MR. ACKERMAN: Have we looked at any way to offset the
15 high Workmen Compensation rates for the air Taxi operators?

16 MR. PARKER: I haven't got into that one, no.

17 MR. ACKERMAN: Like I say, I feel that they are
18 excessive. But I think our Workmen's Compensation bill as
19 a whole is barely adequate. I think if they keep
20 downgrading our Workmen's Compensation bill where the air
21 carriers couldn't afford to operate is really a step
22 backwards.

23 MR. PARKER: Yes I think that there's more positive
24 ways of approaching that one than downgrading Workmen's
25 Comp.

1 MR. ACKERMAN: I think it's something we really need
2 to look at.

3 THE MODERATOR: Mr. Pequero?

4 MR. PEGUERO: -- Si.

5 THE MODERATOR: Are you interested in maybe some input
6 in this conference with your input here?

7 MR. PEGUERO: Si. I'm a member of the public.

8 THE MODERATOR: Sir?

9 MR. PEGUERO: I am a member of the public. I am
10 interested in railroad -- in the railroad link from Canada
11 to Alaska and the freight.

12 THE MODERATOR: Thank you. We're just about to get
13 into that.

14 MR. BRADLEY: Mr. Dahl.

15 THE MODERATOR: Did you have a question, Mr. Dahl?

16 MR. DAHL: I'd like to hold it, Mr. Blodgett.

17 MR. PARKER: Mr. Chairman?

18 THE MODERATOR: Yes.

19 MR. PARKER: One point on the decentralization, which
20 has been a strong theme expressed here and one I'm in total
21 concurrence with, the decentralization of decision making.
22 It is possible to visualize transportation districts around
23 the State, especially in the unorganized world where you
24 could have a form for making those decisions locally, you
25 know, making strong decisions that wouldn't be overturned

1 easily administratively. And I think that needs to be
2 given some consideration. It's a step that keeps you from
3 having to go the whole route to an organized Borough in
4 some areas of the State, yet gives you some decision-making
5 power in an area that's very critical to all of the un
6 organized boroughs, so it's what I'd like to see pursued a
7 little bit.

8 THE MODERATOR: As my own experience in dealing with
9 the State on a State airport, federal airport, bush airport,
10 that the administrative procedures that have been
11 promulgated under the Administrative Procedures Act are
12 such that we're saddled with the same sophisticated rules
13 and regulations in the bush for development of the bush
14 airport as they are at Anchorage International airport, and
15 there are road blocks in our way.

16 MR. PARKER: Yes.

17 THE MODERATOR: And I saw it for a year in a lease to
18 build up an \$85,000 hangar. And then when they finally got
19 the lease, there were so many stipulations you couldn't
20 afford to build it. I mean, the process of building --
21 preparing to build on my own land and build my own airport
22 on my own land. That's how severe, how prohibitive.

23 MR. PARKER: Yes, I tried to make that point strongly
24 in the paper, that we don't fit that mold at that level of
25 airport, and we've got to break loose of it and the State's

1 got to show some leadership and strongly confront FAA and
2 get the necessary exemptions so we can tailor the system to
3 suit the bush airports and not try to mold them within the
4 sophisticated national system, you know, otherwise we're
5 just going to spend a lot of money to really achieve no
6 particular gains in transportation efficiency or safety or
7 anything else.

8 THE MODERATOR: Mr. Fisher.

9 MR. FISHER: A question which will lead into the
10 airport. At the present time it's my understanding that
11 the railroad owns the tugs on the Yukon River. And the
12 Yutana Barge operates them under some sort of operating
13 contract. Wouldn't that be possible or some general
14 approach like that be possible for the bush airport to have
15 the State own the aircraft and lease to individual
16 operators in the State? Now, I don't know how you're going
17 to carry that out except that that would put new equipment
18 where presumably it was needed. And my follow-up question
19 to that: Weren't we going to be into something comparable
20 to that involving any extension of railroad from the
21 present, if it's an add-on to the Alaska Railroad or if
22 it's a buy-out of the Alaska Railroad and a restocking of
23 the operating equipment on the Alaska Railroad by the State?

24 THE MODERATOR: Couldn't we do that with the Marine
25 Highway system also?

1 MR. FISHER: What?

2 THE MODERATOR: Couldn't we do that with the Marine
3 Highway system as well?

4 MR. FISHER: Yeah, if we could. I think we could do
5 it on a river highway system equipment for ferry. But then
6 that's my opinion. I was just asking the question about,
7 one, the airport, the airport and then you could go into
8 the railroad.

9 MR. PARKER: Yeah. You know, that's another
10 alternative way of handling it. Certainly it's one that's
11 been done in many other areas. And whether the State just
12 buys the equipment outright and leases it or whether it
13 does it through long-term low-interest loans, why, I think
14 the net effect winds up the same. You spread your
15 operating costs over a long enough period on the aircraft
16 acquisitions so that you're not faced with these peak fares
17 and prices. And what you're doing is using the strong
18 capital position that the State is in right now to its
19 maximum advantage in a transportation sense. People who
20 don't have the money can't do that, but the State obviously
21 does have the money and we find them in a position to
22 exercise control over the situation.

23 THE MODERATOR: Yes?

24 MR. KOCSIS: Mr. Chairman, I'm terribly to sorry to
25 announce there's a problem with the room. The hotel has

1 just advised us that we need to be out of the this room at
2 five o'clock. It's after that now. I hate to break this
3 up. Mr. Swanson is here, and I know you want to hear about
4 it. Is there a possibility that we could take him first
5 thing in the morning, Mr. Chairman, if that's on your
6 schedule?

7 MR. SWANSON: I'm not sure what's going to happen in
8 the committee we just left. There was some opposition to
9 me putting a map on and showing the people what the total
10 transportation system problem is.

11 MR. KOCISIS: We want that.

12 MR. SWANSON: Unless they disagree over there, I would
13 be just delighted to come into your committee, put the map
14 on the wall and give you a brief overlay of history of what
15 we've done in the past. Where we're going in the future is
16 going to be up to the recommendations of you people. But
17 I'm sure with that type of a map on the wall I will be able
18 to show you what transportation systems not system -- but
19 systems means in the future of Alaska. If we're talking
20 about down, right -- right down to gut economics now. And
21 the number one priority in the State today is conservation
22 in energy, all over the nation, in fact, all over the world.
23 With that map it might sound kind of far fetched to you,
24 but I can show you what we're talking about in the Future
25 Frontiers of Alaska in systems including the railroad

1 connection. I would be happy to do that. I probably could --
2 my recommendations are already in the book, so I won't make
3 those. But I think that for the information of this group
4 it would really be enlightening. It would help you in your
5 deliberations. So if I can come --

6 THE MODERATOR: We're being evicted, Mr. Swanson.
7 They surely have some responsibility to this conference to
8 provide another room facility.

9 MR. KOCSIS: They didn't, Mr. Chairman.

10 MS. BENNETT: How can she cut us off with an hour of
11 deliberation time? It's absurd. They can.

12 THE MODERATOR: We have a good working group here.
13 We're making good progress.

14 MR. KOCSIS: Mr. Chairman, I'm totally in agreement.
15 I told Mr. Hohman it was a shame to cut us off. You know,
16 I'm sorry. The hotel is very firm about it.

17 MR. BRADLEY: Are there any alternatives?

18 MR. DAHL: Could we go to the ballroom? It's being set
19 up for supper?

20 MR. KOCSIS: Let's go in the corner of the ballroom.
21 Come on.

22 (A recess was taken.)

23 THE MODERATOR: Did anybody else have any questions in
24 the area of transportation and Mr. Parker that relates to
25 his paper?

1 (No response.)

2 Then I can only assume we're now ready to receive
3 a presentation from Red Swanson.

4 MR. SWANSON: I'll do the best I can.

5 THE MODERATOR: Please identify yourself for the
6 record.

7 MR. SWANSON: I am Red Swanson, and I was invited to
8 write a paper on rail connections. And if you have read
9 the rail report, it has a history of what we have done up
10 to date, why we started, and my recommendations of where we
11 should go, where I think we should go in the future. But
12 for the information of your committee, I might just point
13 out that when you look at the map in the book, you find
14 that the map is flat. But on the globe that's just about
15 the way Alaska sets.

16 Taking transportation costs in this day and age
17 and particularly in this point in time the most important
18 thing is conservation of energy. And that is the basis,
19 the economic base, for the recommendations that I made in
20 my paper.

21 I'd just like to talk a little bit about what
22 happens in Alaska with a railroad connection, what it means
23 not only to Anchorage and Fairbanks but what it means to
24 Savonga, anywhere on the Seward Peninsula, to Barrow to
25 Kuskokwim and all of those areas. You talk about a

1 transportation system and you talk about transportation
2 systems, which means railroads, highways, water, ferry
3 system and airways.

4 I'm going to go just briefly into our work that
5 we have done in the legislature and the studies that we
6 have made tell us these things. The cost of freight to
7 Seattle from anywhere east of the Missouri River is the
8 same as it is to Prince Rupert, is the same cost identical.
9 Now, the connection between Canada and Alaska and the lower
10 freight -- this system here is British Columbia, and they
11 have got as far as almost to East Lake with the new
12 connection. It became empowered in a political thing and
13 the stopped right there. But the point I want to make to
14 you is that the freight rate in Seattle, if we didn't go to
15 Prince Rupert, would be right here. (Indicating.) And how
16 close is that to Alaska? In our studies that we've been
17 able to do in preliminary work the cost of bringing
18 anything east of the Missouri River is somewhere between 24
19 and 29 percent cheaper to come up this railroad using the
20 cost that we had at the time we did the feasibility study
21 of \$800,000, is from 24 to 29 percent cheaper than if you
22 came through Seattle and went up this way. (Indicating.)

23 You have to bear in mind we're talking about now
24 conservation saving and saving to the people. If we
25 ordered a Cat, a Caterpillar in Champagne, Illinois, going

1 from Seattle to Anchorage or Fairbanks, we're talking about
2 at the very best a month to five weeks. If we put that
3 same Caterpillar on the railroad and took it off at
4 Anchorage and Fairbanks, we're talking about ten days to,
5 at the very most, three weeks. We would handle that piece
6 of machinery three times going this route where we only
7 handle it once going the railroad connection.

8 If you'll look at the future of what we're going
9 to do in Alaska some day, be it this year or next year or
10 the year after. But that secondary transportation system
11 totally takes us out of the domination of the City of
12 Seattle.

13 Now, those are just things that map will tell you,
14 that we've been a stepchild of the State of Seattle, and
15 the state of Washington forever and ever and ever.

16 I listened to a discussion a while ago, and we
17 were talking about -- they wanted some roads down on the
18 Kuskokwim River. No one really liked the idea of railroads.
19 But I must connect systems into this thing. If we were
20 going to do -- if we did the railroad somewhere in here,
21 we'd take off of there with an air flight into that area.
22 It would be a saving to the smallest village in the entire --
23 of all of the State. There isn't any way to dispel the
24 economic possibility that we have in that rail connection,
25 that system I should call it.

1 We talked a long time ago about the road to Nome.
2 We talked about the road from down the Cosna Peninsula and
3 that down up through Bristol Bay, into McGrath and Akularak
4 Pass. Now those recommendations were made by legislators
5 somewhere down in the past, come to the legislature, make a
6 recommendation, do a feasibility study with the Department
7 of Highways at the time because we need a road. We have to
8 get in and out of here. Those don't come from the
9 Department of Transportation. Those things come from your
10 representatives and your senators. So maybe I'm
11 instituting a little bit of politics into this thing, but
12 facts are facts, and this is the way we arrive at these
13 things. The White pass in Yukon, which is this little bit
14 of a railroad here -- (Indicating.) We're in serious
15 trouble. The Canadian government within the last month
16 told them that they were going to help them finance that
17 railroad, which is a private enterprise, to put it into the
18 biggest -- one of the biggest mineral deposits in the Yukon
19 Territory to keep that railroad going. And you realize now
20 that -- you realize from the map here that that is the
21 connection to this railroad here when and if it gets built.
22 This represents the oil pipeline. (Indicating.) This was
23 one of the proposed oil pipelines, and I had it on the map
24 just at that time just to show people

25 And this was the proposed road. It went to the

1 north slope on the railroad. (Indicating.) I put them on
2 there just so you'd be able to see them.

3 Now, there's another aspect of this, that we're
4 looking at today It's a thousand miles closer to anywhere
5 in the east or the midwest by going down this route than it
6 is coming out of here, Japan and the Far east, than it is
7 to go through Seattle. It's a thousand miles. Now, when
8 we did our studies in our conversations with Japanese and
9 Korean people, that if we did this, if this was done, how
10 much freight would go into the Midwest, into the Midwest
11 and the Southwestern markets. Yes, we'll do that because
12 we ordinarily have to go clear down around through the
13 Panama Canal. That would be really -- our conversations
14 there were personal conversations you have with people
15 representing industry. They said, yes, we could go this
16 route. And it would certainly be feasible to us.

17 When you look at Alaska and you see the potential
18 some day of all the things that we'll do -- and we're just
19 getting into the agriculture bit -- this area, this area,
20 this area, this area -- and they are are talking -- some of
21 the people are talking that farms down on the Kuskokwim
22 River -- all of that is important to our economic future in
23 a renegotiable resource. I know how, Bob, that you're
24 anxious to get out of here.

25 THE MODERATOR: No, no --

1 MR. SWANSON: I probably should just go to questions
2 and answers, if I can do my best to answer.

3 THE MODERATOR: I think so, because we only have a
4 half hour.

5 MR. SWANSON: Okay

6 MR. FISHER: I've got a question.

7 THE MODERATOR: Mr. Fisher.

8 MR. FISHER: Red, do you have the figures on the
9 comparative fuel requirements between railroad, truck --
10 air freight? How many BTU miles? How many BTU ton miles?

11 MR. SWANSON: Two years ago, we did a cost -- energy
12 cost ratio, railroads, trucks, airlines, and railroads come
13 out far the best. Five to one is on truck transportation.
14 Airlines -- there is to comparison.

15 THE MODERATOR: Any other questions? Anybody --

16 MR. PARKER: Red, do we have any existing treatise
17 with Canada that would govern the rates where they would
18 respect any rates that were just on through freight?

19 MR. SWANSON: I'll have to take it like this, Walt.
20 We -- to go back into the politics that I mentioned just
21 briefly, we were coming here on the railroad. There were
22 two large mineral deposits. The Yukon people said, "We
23 better stop here. We don't want you coming here because
24 we're not going to pay for your railroad."

25 Then when we really got to looking at it with the

1 Canadian people at the conference of which you were a
2 member Mr. Bradley can enlighten your committee on this
3 real well, the results on that conference was that we
4 finally had an idea that would work because then all people --
5 British Columbia, Yukon and Alaska -- would share in that
6 railroad transportation. It put us in a category then of a
7 position that will -- we found out from our studies was
8 that Alaska was far behind either British Columbia or the
9 Yukon government and we had to do the catch-up with the
10 survey that we just finished in the last couple of months
11 and the books are out now -- and the service is now --
12 Alaska is now on par with the Canadian government. The
13 recommendation was made by Mr. Henderson, the Director of
14 Transportation Systems for Canada, that when we caught up
15 that one of the next steps was to form an international
16 group of people that was pertinent, and the British
17 Columbia and the Yukon government and our Alaska government
18 and Washington, D.C. to come up with just exactly what you
19 asked, where were we going to go? How are we going to do
20 the international rate structure? How are we going to set
21 all the wheels in motion? What is our government is going
22 to do? Because these are always government railroads.
23 What are we going to do to make this thing -- to put the
24 thing together? That will be the next step. One of the
25 next steps. There's three.

1 THE MODERATOR: Yes.

2 MR. PECUERO: I think that it will be more easier than
3 the bundle up of the Alaska -- the gas pipeline because the
4 people in both area will benefit more direct then. I think
5 that because of that reason will be much more easier, you
6 know, the relationship to get the railroad through.

7 THE MODERATOR: Mr. Bradley.

8 MR. BRADLEY: Mr. Chairman, I'd like to ask Mr.
9 Swanson to elaborate on the steps.

10 You mentioned three critical steps that the State
11 needed to undertake. What are those points?

12 MR. SWANSON: Well, of the things that we did after
13 the conference and the recommendations made at that time --
14 we have done the first preliminary study, we did the second
15 preliminary study, which was the survey of the third
16 preliminary work -- the next step is the cost benefit
17 analysis study for the construction of this road.

18 (Indicating.)

19 Now, when you do that, the Yukon government and
20 the British Columbia government have volunteered to us that
21 they would supply to us all of the information that they
22 have compiled over the years on this rail connection. And
23 in my briefcase I have 15 different studies that they would
24 compile that information from as to help us when we do a
25 cost analysis study.

1 THE MODERATOR: Is that a centerline survey for the
2 road map?

3 MR. SWANSON: Yes, sir.

4 THE MODERATOR: It's a recommended -- well, I have to
5 tell you there were some areas -- some areas right in here
6 that they put the line, from the aerial photography they
7 settled the line. There was some objection to crossing
8 some of the areas so they just crow-hopped it over.

9 Now, there's another point in here that you must
10 realize that's probably pertinent at this time, that when
11 the Alaska Railroad was built the Congress delegated the
12 power to the President of the United States to build a
13 thousand miles of railroad in Alaska. Now, 400 some odd
14 miles have been built. So actually the President of the
15 United States, because this is a federal railroad has the
16 power tomorrow, if he so desires, to declare that a
17 corridor. Now, I was one of the people that pushed this
18 real hard. Now, we spent over a million dollars so far on
19 what we've done here. But I felt that the State of Alaska
20 was showing Washington good faith, that we just didn't want
21 another hand-out, that we thought we had a good project,
22 one that would be adapted and help the State of Alaska.
23 And that was received well in Washington because the State
24 of Alaska had gone on their own and did this.
25 (Indicating.)

1 THE MODERATOR: Yes, Mr. Hickey.

2 MR. HICKEY: Red, I'm just curious in your opinion
3 what relationship between potential tonnage cost economics
4 and the D-2 classifications that we face, particularly
5 restrictive ones, and our access into those resource
6 potential to carry. Thoughts on that.

7 MR. SWANSON: The economics of the railroad -- It's a
8 question I can't answer here because I don't know what's
9 going to be in the D-2. So far we don't cross a restricted
10 area in that railroad connection. Now, whether or not the
11 D-2 will close off all of the Wrangell Mountains,
12 everything in Eagle, all of the potential in McKinley Park,
13 all of the potential in the Kobuk Valley, all the potential
14 in the Brooks Range, all the potential down the Kuskokwim
15 and the Yukon -- if it close -- they close it all off, then
16 only, and again only that study, the economic feasibility,
17 will tell us whether or not that we are going to exist
18 under all of those restrictions, whether or not that
19 railroad would be viable. I can tell you this and tell you
20 just straight, that in my work in talking and working with
21 people that at one time about two years ago I had been
22 requested to write a formal letter to the President of the
23 United States asking him to declare that Corridor because
24 we were that close to the Federal Government -- I mean and
25 really taking an in-depth look at that possibility. And

1 that letter would have triggered the many things. But at
2 that point in time pressure came in on the D-2 and they
3 just set it aside.

4 THE MODERATOR: Yes, Mr. Ackerman.

5 MR. ACKERMAN: What were those two lines that come up
6 on the upper right-hand side of the map? What do those
7 represent?

8 MR. SWANSON: Here? That represented one time a
9 possibility of a pipeline. And I put them on the map at
10 that time just to show the people what that route was for
11 the pipeline.

12 MR. ACKERMAN: That's not a railroad.

13 MR. SWAN: It could be cleared off the map, and I'll
14 probably take it off. This is the old original map. And
15 I'm going to say a little thing here: If some of the
16 members of this committee would like to take pen in hand
17 and come up here and sign their name somewhere, I'd be
18 happy for you to do it, because there are many signatures
19 on that map.

20 THE MODERATOR: Mr. Bradley.

21 MR. BRADLEY: I just wanted to ask Mr. Swanson what's
22 the time frame of this cost benefit analysis?

23 MR. SWANSON: Well, with the information we have now
24 and with the two governments, Kuskokwim and Yukon, having
25 the information we already have, I would stay five months,

1 well within five months.

2 MR. BRADLEY: So time-frame-wise it would be submitted
3 to --

4 MR. SWANSON: The next legislature.

5 THE MODERATOR: Mr. Jacobson, do you have any input?

6 MR. JACOBSON: Not at this time, no.

7 THE MODERATOR: Miss Bennett? Mr. Borodkin?

8 MR. BORODKIN: I was going to ask him about D-2. He
9 explained that part.

10 THE MODERATOR: Sir? I had a question, but I --

11 Your name, please?

12 MR. GOLDSTEIN: I came in late, and I apologize if
13 this has been covered already. But when I read your
14 article last night in the book here, you mentioned, as a
15 matter of fact -- can I borrow this for one second?

16 MR. BORODKIN: Yes.

17 MR. GOLDSTEIN: That you could not say definitely.
18 Well, let's see if I can find it -- where -- whether or not
19 this would be economically -- an economically viable
20 prospect.

21 MR. SWANSON: All of the indication is -- I just said
22 it a while ago.

23 MR. GOLDSTEIN: Sorry.

24 MR. SWANSON: Until we do a cost benefit analysis
25 study -- again, until we know now, we can do the cost

1 benefit analysis study of building that railroad because
2 now we know where it can go we know the terrain, we I know
3 how many bridges we're going to build. We can do the cost
4 per mile of that railroad. Then the feasibility, the
5 economics of the thing will hinge on how much freight we do.

6 I want to tell you an interesting thing. Now,
7 people will tell you that after the pipeline boom we didn't
8 haul things on the Alaska Railroad much. But this last
9 year in my paper, the figures I have, our tonnage has gone
10 up on an average for the last 12 years, has gone up every
11 year, every year, every year. You have to know something
12 about the bookkeeping type of things that they do with a
13 federal railroad. They say we're going to allot 20 million
14 or 10 million and anything it's growing to cost will be
15 over that. They don't tell you how much they took. But
16 they will tell you how much tons they've hauled. Now, our
17 preliminary study that we did in Alaska, which was the
18 small study, we only could use figures, that railroad would
19 have been just nip and tuck in Alaska.

20 THE MODERATOR: Mrs. Alexie, do you have any input?

21 MR. ALEXIE: No.

22 THE MODERATOR: Mr. Dahl?

23 MR. DAHL: No.

24 MR. SWANSON: I'd like to stress, Bob, before I quit
25 that this is not a system by itself. This is the keys to

1 all the successful systems in this state. It's really the
2 key and the help to your transportation, air transportation
3 to the bush. It's really important.

4 THE MODERATOR: Thank you. Mrs. Burnett?

5 MS. BURNETT: No.

6 THE MODERATOR: Mr. Anasogak?

7 MS. ANASOGAK: No.

8 THE MODERATOR: Well, have I cinders in my eyes, Red?

9 MR. SWANSON: Well, I'd like to thank the people for
10 the attendance. I appreciate real deeply you folks
11 listening to me. I have to say this, Bob. I don't take
12 anything from the State. I never have in all of my years.
13 I am not there to take. I have gone to give. And this is
14 a project that deeply feel that is essential and necessary
15 for the State of Alaska and its well-being. Thank you, Bob.

16 THE MODERATOR: Thank you very much. Thank you very
17 much.

18 I think that in all fairness to these ladies here
19 that are setting up that we probably should recess this
20 Alpha Committee until in the morning. And we are,
21 according to the schedule, we are to reconvene tomorrow
22 morning at 8:30 a.m. Let's see. The delegate assembly are
23 to reconvene at 8:30 a.m. in the Howard Rock Ballroom right
24 here. And then at 9 a.m. we'll continue our work group and
25 Alpha group will be in Room 311. Thank you very much.

1 MR. KOCSIS: If you have recommendations, we'll try to
2 get the transcript and get some recommendations for you out
3 of that. But if you have individual recommendations you
4 want the group to consider, if you'll write them down and
5 get them to me in the morning, we'll process and get them
6 in a form for the whole group to consider. So please feel
7 free to do that, any recommendations on anything you've
8 considered so far. I'd appreciate any thoughts you have.

9 (Whereupon, at six o'clock p.m. the proceedings
10 were adjourned.)

11 *****

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LEGISLATIVE COUNCIL, STATE OF ALASKA

Conference on Alaska's Future Frontiers

Friday, December 7, 1979

Sheraton Anchorage Hotel

Anchorage, Alaska

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Reported by: Laurel G. Barefield

CSR 3592

ALPHA GROUP PROCEEDINGS

(December 7, 1979, 9:00 a.m.)

Room 311

THE MODERATOR: If we move closer together, we'll make it easier for our reporter to record the input of this work session. We are 40 minutes behind schedule. We'll have to proceed.

Yesterday evening we finished with the presentation of the Alaska railroad systems taken by Red Swanson. This morning we're now into the area of Law and Justice, and I will start off this morning by asking for input from -- we'll begin with Mr. Alexie this morning in the area of Law and Justice.

MR. ALEXIE: Well, I think our Fish and Game protection officer in our area needs to get a little more pressure, especially during the commercial fishing periods. Well, I had a kick about the Fish and Game because sometimes they come, you know -- they come as a bullet and let the people complain without any warning and they give out tickets and tell them to come over to the court. Okay. Sometimes they don't owe us. There is something overpowered and sometimes they are too easy. Just like they haven't learned to get related with the people who are fishing or

1 hunting. I think they haven't really presented what to do
2 and what not to do. What I want is give a little less
3 pressure to our people and to themselves and explain what
4 they are going to be doing to the people. Let them notify,
5 instead of just going out and give them tickets and bring
6 them to the court.

7 And on the other hand I see it's too easy that --
8 like last year they were pretty tough. This past summer
9 they were too easy. A year before they were still tough,
10 and like there was people who were hooking. If I'm the
11 Game warden, if I have to check their -- check to see if
12 they have any sport fishing license of any kind, I won't
13 stop a solitary woman who is a couple hundred feet away
14 from the other group and give her a ticket since she's
15 quiet and tell her to come to the court and leave. If I
16 have to check, I must check the rest, too, instead of one
17 solitary leader someplace. Because that makes the people
18 have a kick, you know.

19 THE MODERATOR: Thank you, Mr. Alexie.

20 Linda Brown.

21 MS. BROWN: I read a couple of these articles and
22 looked at the statistical tables. I'm primarily in bush
23 justice because I feel that the meaning for addressing
24 certain kinds of problems are at least available, process
25 is available, in the more urban areas. And actually the

1 process isn't really available in a lot of the bush areas.
2 Some of the problems pointed out in these papers are very
3 real. I've been to a couple of bush conferences and am
4 living with some of the problems. I haven't experienced
5 them personally because I have not lived in the bush. But
6 I'm aware of them from a statistical standpoint, what some
7 of them are. And I think that we're going to have to spend
8 some money on bush justice, on criminal justice in the bush.

9 I know there are problems, for example, with even
10 getting body bags for burial. There's just not money
11 available.

12 I do have a couple of recommendations that are
13 fairly minor, considering the huge problems that exist
14 within bush justice. But one of the major problems that I
15 perceived is a lack of police forces in the bush,
16 regardless of size. It's simply not available. And the
17 training is available for the village policemen. There
18 apparently are very strict rules regarding who can be a
19 policeman and who can't, and a lot of training has to go
20 into that. I feel that the trooper academy in Sitka could
21 certainly expand its facilities to take in -- I know that
22 they have programs for village policemen. I really think
23 that definitely needs to be expanded and money spent
24 specifically in that area.

25 I also feel that there's a problem of detention

1 facilities where disorderly people or intoxicated people
2 can be detained before they create problems. Intoxication
3 in borough areas is a substantial problem, it's an historic
4 problem of long duration.

5 There are no detention facilities for people who
6 could be put aside until they are less rowdy before
7 problems actually happen. Those are two things that I
8 think would be expensive. I really feel strongly that this
9 conference has to address this issue and money has to be
10 spent in this area, because the crime statistics in the
11 bush are just terrible. I mean inexcusable for the State.
12 Thank you.

13 THE MODERATOR: Thank you, Linda.

14 Mr. Borodkin.

15 MR. BORODKIN: Yes. I'm not familiar with the bush
16 justice problems, but I do know the problems that the
17 gentleman raised here with Fish and Game. Fish and Game is
18 under the Department of Public Safety, and I strongly feel
19 that the people that's enforcing the Fish and Game laws
20 from Department of Public Safety should have specialized
21 training in Fish and Game laws and regulations that deal
22 with their respective areas that they're, you know, working
23 in. I don't know how this problem could be solved.

24 In my area, there has been people arrested for
25 certain violations, and oftentimes the arrest just does not

1 stick. They somehow -- people violating the regulations
2 and the laws find a loophole and get away with their
3 violations. So I think that they should really tighten up
4 in that area. They can do a fine job in enforcing the laws
5 and the regulations. That's it.

6 THE MODERATOR: Thank you, sir.

7 Mr. Bradley?

8 MR. BRADLEY: Thank you, Mr. Chairman. Well, I gave
9 some thought toward discussion that I had with Mr. Dahl
10 yesterday, which he said that the Brookings Institute a
11 decade ago dealt with big picture, large philosophical
12 issues and then iron those out or debated them pro and con
13 and then from out of that rose specifics.

14 So, taking a leaf from the "book of Dahl," I
15 guess, I would recommend my thought on the justice system,
16 that freedom and equality and the diversity of life-style
17 be stressed. Freedom, as we all know, is very important to
18 we Alaskans, and so probably enough said on that.

19 The equality argument or that point goes to
20 recent studies by -- oh, what's the research court system
21 called?

22 MS. BULLOCK: Criminal justice?

23 MR. BRADLEY: No, not criminal justice but -- our body
24 runs --

25 MR. DAHL: I wish you hadn't asked.

1 MR. BRADLEY: Well, anyway they've done a number of
2 reports on the incident of Alaskan natives that do time for
3 being drunk and disorderly.

4 MR. DAHL: Judicial counsel.

5 MR. BRADLEY: Yeah, judicial counsel. And it's
6 overwhelming, like a ratio of five to one. In other words,
7 if I'm caught drunk and not driving, anyway, they tell me
8 not to do it any more, and my counterpart from Kwethluk is
9 in Anchorage and he's caught drunk on the street and he
10 does five days, as an example of something like that. And
11 it's really out of round. There's no question of that.
12 Statistics prove that. And the jurists in the legal
13 profession are going to have to come to grips with it. So
14 we're stressing equality, which, of course, would take care
15 of some of that.

16 Diversity, I think, is important, because what I
17 may care to do -- and this is getting back to the late
18 '60s, early '70s, concept of freedom that doesn't impinge
19 on anybody else's freedoms, or doesn't have any negative
20 impact. It's argued that I should be able to do, if it has
21 no counterproductive, no negative impact on your lives. So
22 I guess enough for my broad philosophical statement. I
23 think those points are very, very important because as we
24 have influxes of people, most of us are from somewhere else
25 and we're happy to be here. And if we don't cherish

1 diversity and be tolerant and stress tolerance of people's
2 life-styles, why, we're all going a generation down the
3 line, 50 years down the line be just a New York City or a
4 New Jersey or something like that. Mind you, I've never
5 been to any of those states. I'm real provincial. But
6 what I know and what I've seen through the media and
7 reading I don't want to -- I don't want to end up like that.

8 Some specific, I think, examples that I might
9 share, just some thoughts, would be in the area of -- as an
10 example, the area of some tender, sensitive issues that we
11 have in the State like Fish and Game issues, subsistence
12 versus cash economy-type of thing. There's not as much you
13 can do with statutory requirements, about hook size, and
14 nets and fishing times and stuff like that from a
15 conservation standpoint. You sort of have to lock those in
16 and then enforce them equally and fairly.

17 But we have the capability in this state that
18 most countries don't have and no other state in the union
19 has, and that is the ability to put out through television
20 and radio some social messages. It seems to me that as an
21 example for Fish and Game most of the statutes are probably
22 reasonable. And we have regional Fish and Game Boards and
23 an overall State Fish and Game Board. But it would seem to
24 me that the State could spend some of its dollars -- not
25 too much -- in putting together programs stressing the

1 reasons for conservation, the reasons for having the laws.
2 The only reason the laws are there regarding Fish and Game
3 matters are to conserve the fish and to conserve the game
4 so that 50 years from now your children can enjoy a
5 subsistence life-style of catching those animals or, you
6 know, getting them and selling them, making a living from
7 them.

8 Also in the -- another substantive area is
9 abortion. While this State, through polls, has shown
10 overwhelmingly that this State is not prepared to roll back
11 on its position on the abortion issue, on the other hand, I
12 mean, life is pretty sacred, and it seems to me that this
13 could also be stressed by the State not to get into the
14 areas of religion, I guess -- keep that separate, naturally,
15 as our tradition has it. But to stress the sanctity of
16 life and that one ought to -- I mean, frankly you don't
17 have to forego sex because we all know now you just should
18 be maybe a little careful about cranking out kids because
19 they might not be wanted and then, frankly, the woman
20 nearly exclusively has to take on that responsibility of
21 aborting a child. And I don't think any of us would wish
22 that decision on our daughters.

23 Certainly I'm as modern as the next person, and I
24 personally believe that that responsibility resides in the
25 woman. However, it's a very sensitive issue and one that's

1 not going to go away. It's going to -- it's going to be
2 with us now probably forever. And that is an area I think
3 the State could do less to particularly handle.

4 In other words, not to tamper with the law, people
5 weren't prepared to do that. But on the other hand it
6 should be discouraged, the cranking out of children that
7 individuals aren't prepared for for one reason or another
8 to give birth to and then bring up. In other words, the
9 sanctity of life argument.

10 And another sensitive issue is the classic
11 pulverizing, hateful issue of drugs that's with this State.
12 And then I'll conclude, Mr. Chairman, because I know I've
13 rambled on for a long time. But there's -- most people
14 don't subscribe to escapism or taking any sort of liquor or
15 drugs to escape from reality. That's not good. We
16 wouldn't counsel our children to do that. However, what's
17 the other -- you know, what is the way to discourage that?

18 Well, you can put people in jail, but then that
19 gets into the equality argument, you know, who does time
20 and who doesn't do time. The black kid, or the Eskimo that
21 might do time, the lawyer's child might not. They might
22 put out 3500 bucks and get inferred imposition of sentence
23 or not stand trial for whatever quantum of drug, whatever
24 type of drug and thus they're not penalized. So there's
25 inequality there and there's injustice involved in that.

1 And so the State on the one hand should be discouraging the
2 consumption of any type of drug.

3 As Miss Brown knows -- because she was involved
4 in the Liquor board, and as all Alaskans would know for any
5 length of time, alcohol as well as other drugs are real
6 discouraging in our culture, in our state. But there's a
7 fine line from freedom and freedom of choice for adults in
8 all these things. But the State, I think, has the
9 responsibility to assert itself and say you ought not to do
10 this. We're not going to put you in jail. It's not a good
11 idea and -- there are ways of drafting these advertisements,
12 not only through the school systems but just by the State
13 itself, I think.

14 I guess with that, Mr. Chairman, I'll shut up.
15 Thank you.

16 THE MODERATOR: Thank you, Mr. Bradley.

17 Miss Anasogak? We're in the area of Law and
18 Justice. I'll come back to you after we go around, the
19 rest of the way around --

20 MS. ANASOGAK: Okay.

21 THE MODERATOR: -- the table to my left. Mrs. Bennett.

22 MS. BENNETT: It's "Ms." I don't really have anything
23 to add. I don't have any expertise at all in this field
24 except for my feeling that a modern communication network
25 is essential in this area as well as the others that we've

1 talked about as far as response in times of trouble and
2 things of that kind.

3 THE MODERATOR: Thank you. Mr. Stump.

4 MR. STUMP: I have a couple of points I'd like to
5 stress regarding law and justice. I think my first one
6 deals with the role of the State, the role of -- in the
7 lives of the individual, our private and personal lives. I
8 think I disagree with Mr. -- at least the way Mr. Bradley
9 stated that the State ought to tell us what we should or
10 should not do regarding our own private lives and what not.

11 I think that there's too much opportunity in the
12 laws now for the state to -- and I think Mr. Bradley would
13 agree with this -- for the state to unequally and unfairly
14 or selectively prosecute people for a wrong act, activities,
15 victimless crimes, if you will. And I think that in
16 directing the State away from control over the individual's
17 personal lives and to focus only when people's actions
18 affect other individuals and not in the sense of how they
19 affect them in a broad general sense. I think I agree that
20 alcoholism is a problem in the State, but I think that the
21 State should avoid creating a law based on the lowest
22 common denominator and making laws for the problems that
23 end up infringing on the rights of the individual and his
24 personal life. And I think that we have to be very careful
25 to, if we want to maintain the freedom of our people, then

1 we have to be very careful about getting in and having the
2 State make social justice that, in effect, dictates to the
3 individual how or how he should not behave.

4 And obviously, that's not to be interpreted to
5 say that the State, you know, has no control over -- or
6 should have no control over people who harm other people or
7 harm other property. But to say that the State should be
8 telling us what we should and shouldn't do as far as our
9 personal goals in life and our personal attempts to
10 establish reality or to escape it or whatever, I think, is --
11 creates a real problem and infringement on the private
12 rights. I think that's sufficient.

13 THE MODERATOR: Thank you.

14 Mrs. Bullock.

15 MS. BULLOCK: Bob, I don't feel that I can make any
16 comments about the justice system. I just don't have that
17 sort of background. I agree with you that they certainly
18 need some help in the villages. The situation has been
19 pretty bad, as we all know, out there. I don't know how
20 this can be solved without an extreme amount of cost, but
21 it is a problem that needs to be addressed, and some
22 solutions should be resolved on this.

23 THE MODERATOR: Thank you, Edith.

24 Mrs. Burnett.

25 MS. BURNETT: Yes, I'd like to take a 180 degree turn

1 from what Linda Brown and Mrs. Bullock have said. I think
2 the only thing that's going to work to the satisfaction of
3 all the people of Alaska is not to continue the way we've
4 been doing it, which is increased money, more law
5 enforcement, more rules and regulations. We need education
6 and preventative measures. And we -- I've been working a
7 little bit with the FNA in Fairbanks on alcoholism and he's
8 just done a marvelous job recently on commercials on TV.

9 MR. DAHL: What is FNA?

10 MS. BURNETT: Fairbanks Navy Association. They have
11 the alcoholic program. And they've been working with the
12 school, and the answer is not more policeman to pick drunks
13 up off the street. It's an endless cycle. The -- and we
14 all recognize that. But the film that we just saw on this
15 alternative education is what we should focus on. I really
16 hate to see any more money spent for incarceration, for any
17 facilities. We're destroying people. We're not helping
18 them.

19 But education and changing of attitudes -- I
20 think it's interesting that this gentleman over here
21 touched on, you know, the State's role in changing maybe
22 attitudes or regulating. And I think if we could just get
23 away from that and educate people as to the options. The
24 option to unwanted pregnancy is either an unwanted child or
25 an abortion, but the -- that is not the option. The option

1 is the responsibility of both parties to what the results
2 are. And only through, you know, really understanding this --
3 there's so many areas of this.

4 Child abuse is very high in the military because
5 of their perception of discipline. We need to change our
6 definition of discipline. Discipline is teaching. That's
7 the correct definition. We have -- we need to really
8 explore this area. It's -- I know nothing about justice as
9 far as in our courts. I don't think we have it there. I
10 don't think we'll achieve it this way. I think we can only
11 achieve it by changing our attitudes and developing
12 alternatives.

13 MS. BROWN: Very good.

14 THE MODERATOR: Thank you Mrs. Burnett.

15 Mr. Ackerman.

16 MR. ACKERMAN: I'd agree with Mrs. Burnett, but I also
17 agree with Miss Brown. I was in Galena and there was a
18 construction worker there that went berserk, and there was
19 absolutely no restraint at all. I called the State
20 Troopers. This was 3 in the morning. I mean he went
21 berserk. He come over and so there's three of us holding
22 this guy and finally, you know, after a half hour, he
23 hasn't shown up. I go get him out of bed. He comes over
24 and says, "There's nothing I can do."

25 The only thing they had was a heavy equipment

1 shop, and he handcuffed him to the Catapillar, and the guy
2 just bashed his head. So there was absolutely nothing he
3 was really willing to do. Finally we did get him to
4 handcuff him to the bed, and we stayed there up until the
5 morning and we got him out of town. You know, but you do
6 have a problem in the bush. These things happen.

7 I think Miss Burnett is right. We have to do
8 other things. but in the meantime we do have problems in
9 some areas.

10 And I'd also like to agree with Bob. You can
11 have justice if you can all afford it. You know, it's as
12 simple as that. Prepaid legal services for minor
13 violations, you know, traffic tickets and things like this.
14 Just minor violations. And we do have some kind of
15 representation and could --

16 I've been thrown in jail for a parking ticket
17 that the City couldn't find. I had to get a bail bondsman
18 to bail me out because I didn't have the \$200 cash in my
19 pocket. And if I carry \$200 and go into the legislature,
20 I've got a real problem there. I'm a real suspicious
21 character.

22 But, no, they come got me out of bed at nine
23 o'clock in the morning. I had a City officer there with
24 his hand on his pistol, and the kids really thought it was
25 something, you know.

1 But I think one of the things that we need is a night
2 court system. It is really hard for a working person to
3 take -- you get a ticket maybe, it's 20 or \$30. You have
4 to pay it. You can't afford the 100 or \$150 it takes you
5 to go down to court. And also it -- to serve on a jury
6 during the daytime is next to impossible for a working
7 person. If you had a night court -- and we've got a big
8 backlog. And there's no reason why we can't double shift
9 them and we can't do that. People would be able to serve
10 on the jury and we'd be able to have the trial. You could
11 have one of your peers on it. And I think this is
12 something that we really have to look at. And that is at
13 night court where people can afford justice.

14 THE MODERATOR: Thank you, Mr. Ackerman.

15 Mr. Dahl.

16 MR. DAHL: I appreciate the comments of the group. I
17 want to just mention a couple things. First of all, there
18 was an approach. I'm a little concerned, and I'm not as
19 concerned about it this morning because I see us dealing
20 with the problem, but I was concerned yesterday after Mr. --
21 after Red Swanson's presentation that we're really putting
22 the cart before the horse, if you'll excuse that cliché,
23 because we're dealing with solutions before we really have
24 defined the problem.

25 And I think that that's an important area to

1 recognize, because if you deal with solutions before you
2 deal with problems, to really understand what those
3 problems are and the breadth of those problems and the
4 philosophical base that has to go into that problem -- once
5 you have determined what the solution is you have limited
6 your understanding of the problem.

7 MS. BURNETT: That's right.

8 MR. DAHL: Once you have determined your ends the
9 means are established, or vice versa. I'm not saying that
10 very well. But I think we need to see what problems we
11 have and really carefully define them. Before we start
12 looking very seriously at solutions.

13 In terms of Law and Justice, we've talked a lot
14 about the criminal calendar and about the problems with the
15 criminal justice system. Certainly there are justice
16 problems in the State. Our Attorney General in an article
17 has stated that Alaska is the only state to abolish plea
18 bargaining. I think that's constructive. If none of the
19 other states have adopted plea bargaining maybe he's
20 discovered something that we haven't discovered. And that
21 is that plea bargaining is a good thing.

22 It is true that more cases are brought to trial
23 and the results of prosecution have been reasonably good.
24 What the Attorney General does not state in his article is
25 that the civil calendar has suffered terribly as a result

1 of that. To try to get a dispute before the courts of this
2 State is a major production because the criminal calendar
3 takes precedence.

4 And for a person with a legitimate grievance
5 against another person or against a government agency or
6 against a corporation -- to get that dispute before the
7 courts in this State is virtually impossible, not just
8 expensive. It's incredibly difficult.

9 I've got a case that's been put off in Dillingham
10 for three years. We've been ready to go to trial on this
11 for three years.

12 THE MODERATOR: A civil action?

13 MR. DAHL: A civil action. And every time we get
14 there the judge says either "I don't have any help, I
15 don't have a clerk in Dillingham, so I'm not prepared to
16 try that case today, because I need someone else" or "I'm
17 sorry, I've got a major felony that I've got to try and I'm
18 only there for a week."

19 And he's there every three months for a week.
20 Well, okay. When does this guy get justice?

21 I think that's a problem that we've got to deal
22 with. And I think we -- as much as I appreciate personally
23 and professionally the skill of the Attorney General, I
24 think this is a problem that we have not faced in this
25 State, and I think we've got to face it.

1 When Judge Moody presided in Superior Court,
2 Judge in this district -- he says we need more judges, and
3 we need them yesterday, and that's true.

4 You can't have a night court with the present
5 number of judges. It's not possible. These guys are
6 overworked. Their calendars are incredibly difficult.
7 They do not have enough time to spend doing the sort of
8 work that a judge really has to do in order to make sound
9 intelligent correct decisions. Okay. That is a problem.
10 Civil disputes are not being heard. We need to work out
11 solutions for that problem.

12 Another serious problem that has to do not so
13 much with the court system but with our whole approach to
14 justice -- I'm talking about civil justice now and not the
15 criminal side -- and that is that the small dispute simply
16 doesn't have a chance in our system. Now, we have -- we've
17 come a long ways by increasing the jurisdictional limit in
18 the Small Claims Court from 1,000 to \$2,000. That's a
19 major step. But there needs to be, it seems to me, some
20 way that the person with a relatively small dispute -- and
21 I don't care what the jurisdiction is. It might be 5,000
22 and it might be still within the relative -- and still be a
23 relatively small claim, according to the -- compared with
24 the size of the claims that reach our court systems.

25 There needs to be some way, there seems to me,

1 that that guy with a small complaint can get assistance and
2 can get his dispute heard. He can't afford to come to me.
3 He's got a complaint for \$2,000. He's going to come to me
4 and he says how can I get this guy to get out of this
5 apartment? How can I get this guy to pay his bill?

6 Well, by the time he talks to me and by the time
7 I file the complaint and do all the things that are
8 necessary I've eaten up the cost of that thing. And it's
9 not worth it to him. That is a problem that we need to
10 deal with. And I think that's -- those are the concerns
11 that I have in this area, Mr. Chairman. I appreciate that.

12 THE MODERATOR: Thank you, Mr. Dahl.

13 Mr. Vogler, are you prepared -- or would you at
14 this time make a --

15 MR. VOGLER: My name is Joe Vogler. I was
16 admitted to the Kansas Bar in June of 1934. I've never
17 practiced law but I've watched the legal system. And I
18 have watched protection of property, of life, totally
19 disintegrate in America where the people are now doing it
20 themselves. We've just got a young man -- two of them --
21 shot in Fairbanks by private individuals. We have a decay
22 in our moral fabric right now that is very, very tragic.
23 The teaching profession is certainly bearing the brunt of
24 very, very disasterous forms of retribution.

25 Ten years ago, they were telling the people, the

1 children, to do their own thing. They're doing their own
2 thing in the schools now. They're raping, beating, robbing,
3 maiming and killing the teachers. I don't know where we
4 start, but I think we're most fortunate in Alaska to -- at
5 least in the native culture the home is still a sacred
6 thing. It's gone completely to hell in the white people.
7 And that's where this thing has to start off. There has to
8 be a respect for person and property, because you can hire
9 judges -- we already have more attorneys in the United
10 States and Alaska than any other nation in the world. But
11 we're a lawless group.

12 I'm awfully tired of hearing all about the rights
13 that people have and absolutely no distinction made that
14 with every one of these rights there is a duty. I have a
15 right to be on the highway, to expect one-half of the road,
16 and I have the duty to see that I stay on that side of the
17 road. I have the duty to give another man his half of the
18 sidewalk. I have the duty to live up to my word, my
19 written word, my signature. I think that we all owe a duty
20 to our civilization, to our country, to our fellow citizens.
21 And this is where we have gone -- the churches are in
22 politics. They're in everything else except where they
23 belong in teaching morality. The teaching profession is
24 going into the business of indoctrinating people for the
25 socialistic life.

1 The legal profession has made things as
2 complicated as possible. They win many of their lawsuits
3 by procedural means and just delaying the thing. Thus,
4 everybody that knew anything about the deal is dead.
5 They're disgusted, like this gentleman just said, because
6 the costs are so great that you can't do anything about it.
7 I don't know what we can do about it. Of course, I'm the
8 guy fighting for independence because I think a lot of our
9 social and moral decay comes in here from the Lower 48.
10 They're beyond help. And we'll be damned lucky if we'll be
11 able to do anything for Alaska.

12 The first thing I would suggest is: We elect our
13 judges, our attorney generals and our magistrates. And I
14 have the written word from a man that I regard as perhaps
15 the most gifted man of all time. That was Thomas Jefferson.
16 This 1816 letter to a private friend -- you can get it in
17 book just out about the essence of Jefferson by Martin, if
18 you believe in history -- in which he wrote to a friend and
19 said when we were drawing up the constitution we were
20 following uncharted water.

21 We made a terrific mistake when we made the
22 judges subject to appointment. We should have made them
23 elected. You'll get some sour apples, ladies and gentlemen,
24 in an elective process, but I'll tell you one thing: They
25 don't get the idea they're God Almighty, sacrosanct above

1 the people's will and you can't pitch them out. This, I
2 think, is the first order of business, if you would
3 straighten this mess out.

4 This was a plank in the party of the Alaskan
5 Independence Party in '74. It was there in '78. And, if
6 we're forced to go into the race again, it will be there
7 again. There's also a committee in Alaska to do just
8 exactly that. And this would be my recommendation, if
9 you'd start to clean up this mess; that you make these
10 positions elective. Thank you.

11 THE MODERATOR: Thank you very much, Mr. Vogler.

12 Mr. Fisher?

13 MR. FISHER: May I respond? I'm sorry. I wasn't able
14 to stay here, but -- my name is Jim Fisher and I have been
15 at various times in the practice of law. I'm no longer
16 practicing law. I have some understanding of some of the
17 problems that do exist with the legal system having
18 experienced the frustrations myself and on behalf of
19 clients.

20 I would like to remind those who get caught in
21 that system that that system occurred when the ordinary
22 social means for resolution of disputes breaks down. Now,
23 what we need to do is to accept responsibility for our own
24 acts as much as possible to resolve those disputes to the
25 utmost we possibly can when we get involved in the legal

1 system. There have been some attempts to do that with some
2 of the smaller claims and in some of the villages. If you
3 can resolve those disputes before you get into the legal
4 system then you do not have to contend with the
5 frustrations that are almost absolutely inherent in a
6 situation that tries to cure something rather than prevent
7 it. And I think there are efforts along those lines. I
8 don't think they're very well understood. I don't think
9 they're understood by lawyers. They may not be understood
10 by the communities that attempt them, but they are
11 techniques that have been used in, you know, -- by the old
12 people in the villages. The villages used to resolve many
13 of their own disputes with community pressure, which still
14 exists. And if there was a greater encouragement of that
15 community concern, you're going to control things a little
16 bit better.

17 I know a teacher once who said he could keep
18 order just by the way he scowled at certain kids in town.
19 And, that is the way that hopefully, in rural areas, that
20 kind of encouragement instead of totally ignoring that --
21 the ability of the people to handle those things for
22 themselves -- that ought to be encouraged.

23 The election of judges appears to me -- or the
24 election of the District Attorney appears to me to be kind
25 of a single answer to a very complex system. It's a

1 complex question, and I really don't think it's going to
2 resolve any of these problems. In effect what it amounts
3 to is we've got to accept and encourage more responsibility
4 for our own actions. And how we do that in as mobile a
5 society as we are I'm not quite sure. But I think that's
6 what we've got to do. I think it can receive some
7 governmental help, and I'm not sure exactly how the
8 governmental help is going to encourage us to do that.
9 That's all I have.

10 THE MODERATOR: Thank you, Mr. Fisher. We'll take the
11 break while the Court Reporter changes the tape in her
12 machine.

13 (Short recess.)

14 THE MODERATOR: We will proceed.

15 Is there anyone that has not had an opportunity
16 to have some input into this area that we have under
17 discussion now? Mrs. Anasogak.

18 MS. ANASOGAK: Right now the problem that I face in my
19 village is the lack of communication and transportation in
20 order to get some law enforcement into the village whenever
21 a crime is committed. And not only that, the lack of
22 support to our local village policemen within the village
23 and also to be able to pay that policeman adequate monies
24 to protect the village is another area that needs to be
25 resolved. And the whole area of crime again comes back to

1 the area of education.

2 There's a lot that you can do in preventive
3 measures. Don't wait until that time. Isn't crime
4 prevented when he's young, his forming years. Sure, a lot
5 of our responsibility as parents is in the home. But the
6 school plays another important part of that child's
7 education. And to prevent it, especially in the area of
8 alcohol and drug abuse you see an awful lot of that in
9 villages. Alcohol is something that is a big problem in
10 the village. And more and more drugs are coming into the
11 villages. The small villages. Even now it's beginning to
12 be a big problem. And our young kids are getting into it
13 whether we like it or not. We're sure we could go out and
14 say -- tell our children, "Don't drink," or "Don't smoke
15 pot," or "Don't take any drugs." But they're not going to
16 really listen. They're going to experiment, and that's
17 where education comes in, is to teach our children. If
18 they're going to drink at least teach them what alcohol
19 does to you and to your system, to your body. And the same
20 way with drugs.

21 THE MODERATOR: Thank you, Mrs. Anasogak.

22 Is there anybody else, the lady on your right,
23 please?

24 MRS. BOSTON: I'm Lillian Boston, and I'd like to
25 address the problem of violent crimes against woman, of

1 which I was one.

2 Two years ago this man ran me off the road in
3 Eagle River by the bridge. So he runs me off the road, you
4 know, where the bridge is at night so nobody could -- the
5 people on the highway couldn't see that I was down there.
6 And he proceeds to beat me horribly, and thankfully I went
7 into shock because I couldn't feel the kicks or anything.
8 So I kind of flopped around and acted dead and he left. He
9 had a notebook, an address book that fell out of his pocket,
10 and I wasn't discovered until seven hours later, by which
11 time I had frostbite and he removed my driving gloves and
12 my boots and I had to have multiple amputations. And at
13 the time, my husband was working on the pipeline. I've
14 been married for 12 years, and I can realize what problems
15 the police probably do have, you know, in cases like this,
16 but it took them -- this happened in November, and they
17 didn't even pick him up until April, although they knew his
18 address. I spent so much time trying to convince them that
19 I didn't know the man and I had never seen him before. And
20 as a result I was in the hospital for five months and he
21 was in jail for three. And, you know, he had -- I was in
22 isolation. I couldn't even read a newspaper or even touch
23 the television set because you have to be kept very still.
24 But what was ironic is, you know, he went to jail and he
25 watched television and had access to a library, and I just

1 didn't think it was fair.

2 And the State statutes are such that the judge's
3 hand were tied. So he only got three months, and they
4 didn't even recommend that he get a psychiatric evaluation.
5 And my husband had to get me -- I started -- it was so
6 traumatic that I knew I was losing grip on reality, so I
7 asked him if he would get me a psychiatrist. And I had
8 seen him for 90 days, every day, and that's the reason why
9 I could handle it now.

10 And since this time, I've discovered that there's
11 a lot of woman that this has happened to. As a matter of
12 fact, my own cousin was found in July, over by the Fortress
13 Ridge, killed, and they -- the police know who did it, but
14 they can't get the evidence together to prosecute.

15 So I really think that the laws should be changed.
16 or made stiffer.

17 When the DA's office sent to the FBI for this man's
18 criminal record it was three pages long, all assault and
19 battery, different states. So, apparently, I wasn't the
20 first one. So, that's all.

21 MS. BURNETT: Excuse me. Is this man free today? Is
22 this what you're saying?

23 MS. BOSTON: Yes. And as a result, if it even gets
24 dark I don't drive my car. I take a cab to this day, you
25 know. And he's still here in Anchorage, and I hate to go

1 shopping alone. You know, I'm so afraid I'm going to bump
2 into him. We were getting some strange phone calls, but we
3 called the police and we had our number changed and the
4 calls stopped, and I'm sure it was him calling. But, like
5 I say, you know, I'm not the only one. That's been
6 happening all over the State. You read the paper and
7 somebody's being found on Highland Drive or something like
8 that.

9 THE MODERATOR: Thank you very much for your input.
10 It's very beneficial.

11 Mr. Kocsis?

12 MR. KOCSIS: Yes. I've practiced law for about 15
13 years on and off, and what I'm hearing around your table is
14 you're all talking about how the system can respond. I
15 suggest that you take a close look at this system,
16 specifically at lawyers. We rely on them for a lot of
17 things I'm not sure we should.

18 I do not find in the Constitution, a constitution
19 based on the concept of equal justice under the law. I
20 don't find lawyers written into that. Lawyers have written
21 their own role in this system, and I think everybody --

22 I think you might want to take a look at what
23 that role is. Lawyers have created it. They have insisted
24 it. They must been there to interpret a series of rule.

25 The purpose of the criminal law and one of the

1 differences between our system of law and other systems in
2 the criminal area, at least, is ours is all written down.
3 Every person is supposed to know what he is prevented from
4 doing, and they're supposed to know what they're required
5 to do. But somehow, the lawyers in this State -- and I
6 have to be one of them -- we've interposed ourselves and
7 we've told you you really don't know what it is you're
8 supposed to do and we will interpret it at a very high cost.

9 The law school professor explained it he said a
10 couple hundred years ago when we invented that system, we
11 translated everything in Latin and we lawyers have been
12 charging you ever since to translate it back. Well, that
13 may be a little extreme, but it's in that area.

14 I am not convinced -- and you might want to
15 consider the possibility that we ought to as a legislature
16 and as a people be able to write laws, directions to the
17 society, that are clear enough, that are concise enough so
18 that every person entitled to an education under our system
19 and hopefully are getting it -- every person ought to be
20 able to read it, know what's required, and they ought to be
21 able to go before the lawgivers, the judges in the State,
22 and be able to tell his story and know where he stands and
23 have that story listened to without the interpreter.

24 I want you to perhaps look at that kind of thing.
25 Do not be caught in this system. If you allow it to go on

1 lawyers will continue to impose upon you. This is our life
2 blood. If it gets real simple, you don't need a guide.
3 Just please think about that a little bit.

4 I agree with Mr. Dahl and Mr. Fisher, alternative
5 methods of dispute resolution. In New York City, for
6 example, you have in the Jewish community the Hasidim
7 courts which are nothing other than a group of Jewish
8 people who have agreed to live by a certain set of rules,
9 to accept the laws given by their own internal lawgivers.
10 They were Perhaps on a village counsellor type of concept.
11 You are in the community, you are subject completely to the
12 dictates of what that community says. When you violate
13 their laws, they will deal with it. We don't need a
14 complicated system. I don't think I'll belabor the point
15 any more. But there's going to be a bill, for instance, in
16 the next session in the Legislature about deregulation of
17 the Bar. Right now, in order to practice in this State,
18 you must belong to something called the Bar Association and
19 you pass a Bar examination and they police their own
20 members. A lot of our problem, I think comes from that. I --
21 I'm not assaulting the Bar, but I ask you to look at the
22 fox in the hen house kind of a theory. It's lawyers
23 looking at lawyers. It would be the same as any group
24 looking at itself. Are you really getting the kind of
25 examination you need? Examine very carefully, the role of

1 the lawyer in this -- you may want to make some
2 recommendations about what that is. I am not convinced --
3 having practiced law, I'm not convinced any one of you is
4 not able of going before a judge and explaining your case.
5 You ought to be able to do that. If you want, if the
6 criminal gets off and the lawyers are necessary to expedite,
7 the system would automatically break down and just become
8 gobbly-gook. You better examine the rules that you're
9 living under. Don't tell me that the lawyers are necessary
10 to interpret it. Change the rules so that we can all
11 understand them. You may want to make recommendations in
12 that area or not, but I hope you'll address that. Thank
13 you.

14 THE MODERATOR: Thank you, Mr. Kocsis. Representative
15 Jack Fuller. Do you care to have any input in the area of
16 Law and Justice?

17 MR. FULLER: Well, as you know, the bush has been
18 doing a lot of work on this bush justice. I don't have
19 anything strong to come out with right now, Bob, but I'm
20 deeply concerned with it, and as most of us members are,
21 problems we have with the bush. And certainly I think I go
22 along with Mr. Kocsis' -- his idea of being able to tell
23 your own story without an interpreter. I think it has a
24 lot of value to it.

25 THE MODERATOR: Thank you, Representative Fuller.

1 MR. FULLER: Thank you, Mr. Chairman.

2 THE MODERATOR: At this time I'd like to make my input.

3 I finished three years of law by correspondence.

4 I am not an attorney. If I had served my own personal
5 selfish interests when I was in the Legislature I would be
6 a practicing attorney today. I had that opportunity as
7 others did. Others took that opportunity. I elected not
8 to.

9 I authored and introduced legislation in the
10 Legislature. The Alaska Bar Association held their
11 convention in Juneau, and the Board of Governors of the
12 Alaska bar asked me to come in and talk to them about my
13 legislation. The bill had been referred to the -- it was
14 not referred to the small judiciary committee of which a
15 well-known Ketchikan attorney was the chairman. Rather I
16 had the skids greased. It was referred to state affairs.
17 But under Mason's rules some fuller action evolved, and the
18 bill had an additional referral to judiciary. When it got
19 to there it got a pocket veto. However, the Board of
20 Governors assured me that they would strengthen their
21 grievance committee, and they did. They also assured me
22 that anyone that failed to pass the State Bar exam or had
23 failed to pass the territorial Bar exam three times could
24 never take that examination again.

25 They assured me likewise that while we would have

1 reciprocity with other states -- and for the layman
2 reciprocity is where, if an attorney has been admitted to
3 the bar in California, for example, he can then, therefore,
4 transfer and practice law in Alaska, or conversely, an
5 Alaska attorney could go to California and practice law
6 without taking that respective State's Bar exam. But
7 anybody that failed to pass the exam three times -- if they
8 went to another state and passed it and we had reciprocity
9 with that state the record would stand, he could not enjoy
10 reciprocity.

11 I'm now aware that there have been some
12 violations of that agreement, people that had passed the
13 bar exam in other states and had failed to pass it here are
14 now permitted to practice law in the State of Alaska. I've
15 been made aware that people had a fourth chance to take the
16 bar exam in this State. On the other hand, I'm aware that
17 some people that had failed the third time have sued in the
18 State with the viewpoint to having an opportunity to take
19 the Bar exam again. And I'm not aware of any state that
20 has prevailed. It's a fox-in-the-henhouse situation, the
21 way it is today, as far as the Alaska Bar Association and
22 policing themselves goes.

23 In the area of bush justice, law and order in the
24 bush, I've noted progressive improvement. I'm inclined to
25 be impatient. But, on the other hand, based on the 1970

1 the bush area of Alaska -- the educational value of our
2 people in 1970, was fifth grade. And 6 percent of the
3 people had college degrees. Most of those people were
4 teachers, fish and wildlife biologists and those types.

5 The past 10 years I feel there's been substantial
6 improvement in bush justice. I am impatient. It's a
7 training process of people on the community level. The
8 magistrate system has had a really rocky time because the
9 people that have been appointed, applied to be appointed
10 magistrates and have been appointed are people that,
11 unfortunately, by and large while they're since r, they're
12 very ill-equipped. And you couldn't bring these people in
13 overnight to dispense justice in the bush and do it fairly.
14 It's a people input thing. Is it fair? Magistrates that
15 are related to probably everybody in the village directly
16 or indirectly -- second cousins or great uncles or whatever --
17 and culturally our family ties are very great in our bush
18 communities. The family group is extremely close. There's
19 a deep respect for the family structure.

20 In the area of drug abuse, it is substantially
21 accelerated in the villages. It's running neck and neck in
22 many villages with alcohol. The educational system, when I
23 was a youngster, taught us what 3,000 years of drug abuse
24 had done to China. Our textbooks no longer teach that.

25 In rearing my own family my wife and I taught our

1 son how to drink, how to handle alcoholic beverages. We
2 had wine at dinner, we'd have a cocktail on in the evening,
3 and, to the best of my knowledge, I doubt if he consumes
4 equivalent to a case of beer a year. I'm very thankful for
5 that. It's a process -- a learning process that's
6 important both in the home and in the school. You cannot
7 legislate morals or personal behavior.

8 The quality of the judges across the street that
9 I recognize is improving. I feel we have substantially
10 better quality judges on the bench today than we had 10
11 years ago. The courts are very lenient. There's -- you
12 recognize this, Representative Fuller, in the disposition
13 of cases at Nome. They're lenient to a point of
14 frustration for the people involved in law enforcement.

15 I've identified the problems, but the answers?
16 We all have to work at it collectively. We -- all of us,
17 friends and neighbors. I believe in salvaging people just
18 as we salvage aluminum containers, old tires or whatever.
19 Recycle them. Rehabilitation, I believe. I have nothing
20 further on this.

21 MR. ACKERMAN: Mr. Chairman?

22 THE MODERATOR: Yes.

23 MR. ACKERMAN: I have one comment I'd like to make, a
24 Fish and Game I overlooked.

25 I think, you know, in the area of Fish and Game

1 we have a state job requirement that disqualifies many
2 qualified Alaskans from participating that have the best
3 interest in State game and management and protection and I
4 think this is the area we really need to look at. Our Fish
5 and Game management -- we disqualify Alaskans that have the
6 best interest in management and protection of resource.
7 And that's what we're doing. Primarily our Fish and Game
8 people are people that come from out of state, and they're
9 not familiar with our problems and so don't have the same
10 concerns with them that we do. And it isn't just fishing.

11 I think our state job requirements in all areas
12 disqualify qualified Alaskans from doing something that
13 they have a vested interest in. And I think this is an
14 area we really need to look at in Fish and Game.

15 THE MODERATOR: The administrative rules and
16 regulations under the Administrative Procedures Act have
17 created that where they --

18 MR. ACKERMAN: Well, we really need to look at it. I
19 think there's -- we have to make some changes, you know, in
20 our procedures in this area, and I think in all our State
21 jobs. Because we do have qualified Alaskans that have a
22 vested interest in many areas that are disqualified by the
23 procedures from doing the job.

24 THE MODERATOR: There's another area that I'd like to
25 touch on that -- you jogged my memory on this, Mr. Ackerman.

1 Under the Administrative Procedures Act and
2 personnel rules and regulations, when there are job
3 openings the State is required to advertise these positions.
4 And numerous people apply for these positions, but before
5 they're ever advertised the positions have already been
6 filled by people in-house. And it is a waste, it's
7 deceptive, and this practice is carried on very avidly in
8 the Department of Fish and Game.

9 The Fish and Game people -- not just the Fish and
10 Game enforcement agents in the Department of Public Safety
11 but the Fish and Game people, Fish and Game biologists have
12 a very real tendency to hassle the people in the bush.
13 They have a very negative attitude, tunnel vision, if you
14 may, toward our people. Our people are game users, and by
15 and large for the most part the conduct of our Fish and
16 Game people -- or in the area that I live in -- is that of
17 preservationist, not conservationist. I profess to be a
18 conservationists. My interpretation of conservation is the
19 orderly utilization of all of our renewable resources on a
20 sustained yield basis for the utilization of man for all
21 time.

22 In the area of nonrenewable resources, recycling
23 wherever possible.

24 The State Department of Fish and Game and the
25 Fish and Game enforcement people in the Department of

1 Public Safety are a very real thorn in our side. And
2 Representative Fuller has been involved with it in virtually
3 every community he's been in this past year. I think you
4 might want to touch on that.

5 MR. FULLER: I might make a comment on it, Mr.
6 Chairman. I've seen -- experienced some of the frustration
7 in the formation of the subsistence section, and there are
8 people that have background and experience but not the
9 degrees that we have tried to put in some of these slights.
10 The only slights in the subsistence section were on the
11 helper category. And we've already had some turnover. I,
12 myself, made some recommendations not just from my
13 experience but from the people that represent the area.
14 The man that was hired was hired because academically he
15 looked the best. This was a native, incidentally. However,
16 he's no longer there. But I recognize this from just my
17 specific experience. And I go along with Mr. Ackerman. I
18 think that hopefully the Legislators can do something about
19 giving us some direction, because we do have the people
20 that are qualified. And I think there's a lot more than
21 just the academic ramifications. There's inspiration and
22 dedication in which many of our people have. And I think
23 we're just losing a great resource that we're not taking
24 advantage of.

25 THE MODERATOR: Thank you, Representative Fuller. The

1 body will now proceed to the area of communications.

2 Mk. KOC519: Mr. Chairman, excuse me. I'm sorry to
3 interrupt, sir. We have, speaking of communications,
4 behind you -- part of the record we're making of this
5 proceeding is going to have some television coverage of it,
6 some videotape coverage for it. In order to set up and be
7 ready when they go perhaps a five-minute break would be in
8 order, see they could be right on line, if that wouldn't be
9 presuming, sir.

10 THE MODERATOR: It is now eleven o'clock. We will
11 proceed in five minutes.

12 (A short recess was taken.)

13 THE MODERATOR: Come to order. We'll proceed into the
14 areas of communications. We have the benefit of the
15 presence of Walt Parker, who is from Lake Minchumina,
16 author of a paper on communications, here to open and give
17 us some highlights of his paper in order that we, then, may
18 proceed in an orderly fashion with our input and any
19 questions that we may have to poses to Mr. Parker. Walt
20 Parker.

21 MR. PARKER: Thank you, Mr. Chairman. That was a nice
22 introduction. Not too many people remember I'm from Lake
23 Minchumina.

24 Anyway, the communications paper was cast very
25 much in light of what's possible in the next 10 years and

1 what needs to be done. I didn't get very futuristic in it
2 because I didn't want to blunt the effect of what I really
3 feel needs to be done and concentrate on the rural areas
4 because that's where the basic problem is.

5 We've got the international and service to the
6 other states pretty well up to speed and the cost factors
7 on that are going to be handled within a national context.
8 So there's -- we don't have the effect there that we have
9 on our own rural system. It is pretty much up to us what
10 we do with it. And the paper simply recommends upgrading
11 that system very quickly using the concept of the small
12 earth stations as the back bone of doing that. The main
13 thing is to free up the communications jam that exists in
14 most of the rural areas there now.

15 I just recommended one more channel of television,
16 because I couldn't identify any particular need for more
17 than that at this time. And the main area of concentration
18 was in telephones, conference circuits, data circuits and
19 so forth which has not happened. A large percentage of the
20 people in Alaska have television reception capability right
21 now, various grades. But there's a substantial number of
22 them that are still having to communicate by bush phone or
23 an old Northern High Frequency rig that they may or may not
24 be able to get parts for much longer.

25 So the next thing I tried to float a few concepts

1 out on was how do we finance all of this? Well, compared
2 to costs now days because of the energy situation
3 telecommunications is becoming more and more of a better
4 buy compared to -- as a result of transportation in many
5 areas. And in order to bring the rural system up to speed,
6 we're not talking about massive sums of money. But if we
7 have to load all those expenses on the rural rate base, as
8 you well know better than anybody else in Alaska, why,
9 you're going to continue to have relatively insupportable
10 telephone bills in the hush. So

11 one of my long term dreams, and one I put in the
12 paper is to simply approach our interstate communications
13 by treating the State as a single area and spread the long
14 distance costs for calling within the State across the
15 whole state. One of the other options to that, of course,
16 is just to expand the districts within the State. But
17 unless you're able to spread the costs in some manner, why,
18 of course, the rural telephone user is always going to be
19 faced with a very high cost of service. I don't see any
20 other way out of that. And I'd sure be interested if
21 anybody else could come up with any concept.

22 They are still dealing, of course, with the
23 Federal Communications Commission, as you are well aware of
24 putting more of our Alaskan telecommunication expense
25 spreading those over the national rate base and we don't

1 know how we're going to come out over that. Because as far
2 as our interstate costs, why, that's the most innovative
3 and far reaching concept I was able to come up with at this
4 time.

5 And I didn't get into communications in its
6 broader sense of involving the media or any of that aspect
7 of it, so I just deliberately left that out of the paper.
8 But I did try to point out that from my feeling the level
9 of service we're going to provide in education and the new
10 rural education administrative area schools, level of
11 service we can provide in health to the health aids and to
12 the level of service we can provide to local communities in
13 helping them have more support services immediately
14 available and bookkeeping and the whole range of things are
15 directly tied with the quality of telecommunications system.

16 And I always felt for the last 30 years and feel
17 more strongly all the time that the one area where we can
18 substantially upgrade services across the whole wide range,
19 why, makes fairly minimal inputs in un money at this time.
20 The smaller stations I've always regarded as a great breakthrough.
21 They made financially possible to do some things that were
22 very difficult to finance before. So the other aspect of
23 financing is, in addition to spreading the cost of private
24 phone service over the rate base and a little broader than
25 we do now, why, state dedicated lines for education, for

1 health services and so forth -- if the State is picking up
2 the costs for those lines, of course, that's another means
3 of spreading the cost of service over the entire state.
4 And so I put some loose concepts in the paper also. That's
5 about it.

6 THE MODERATOR: Thank you, Walt.

7 Mr. Borodkin.

8 MR. BORODKIN: Yes, here about six years ago I was
9 living at Kotlik, and my wife and I was radio operators,
10 the kind of radio Mr. Parker is talking about, a two-way
11 radio. And since we left telecommunications has come into
12 that village. They now enjoy a telephone that can bring
13 any word throughout the world. They also have a
14 television. So I'm really pleased with the kind of
15 services that's getting out to the village as far as
16 telecommunications.

17 One thing I would like to say to you is: I hope
18 that the State continues to fund the demonstration project.
19 Another thing is that we also enjoy throughout the bush a
20 hot line that's connected with Anchorage Alaskan Native
21 Service Hospital. You can pick up that phone, and it's --
22 you can get through day or night. And at the same time you
23 can communicate with any of the villages. What it is --
24 it's sort of a round robin deal that is open. Once you
25 pick up that phone, it transmits throughout the whole

1 network, among the bush hookup through the earth satellite.

2 MS. BULLOCK: It's an open line?

3 MR. BORODKIN: It's an open line. What it is, is it's
4 a hospital related open line. And it's a vitally needed
5 link, and I certainly would like to see this continue.
6 It's been the greatest thing that ever happened in the bush.
7 Thank you, Mr. Chairman.

8 THE MODERATOR: Thank you.

9 Linda Brown.

10 MS. BROWN: I don't have any information on the
11 technology that's involved with Mr. Parker's plan, what's
12 really going on in the area of communications. I recognize
13 there's a need for continued funding for this kind of thing,
14 health hot line you know, that is extremely helpful in
15 areas that don't have doctors.

16 We talked yesterday about the need for public
17 television use in public for educational television to
18 augment educational benefits. And I think the funding
19 should continue. And I'm going to support these concepts
20 of increased communications in the bush. And I think it's
21 necessary. Thank you.

22 THE MODERATOR: Thank you very much, Linda.

23 Mr. Alexie.

24 MR. ALEXIE: What I would like to present is: I came
25 from where telephones are not dependable, so I think in the

1 future we'll have communication or communications improve
2 so we can talk to our friends or have emergency calls
3 quickly instead of getting held up someplace.

4 The telephone system is very important because
5 everybody in the villages are separated from the main town.
6 This is very important to have.

7 THE MODERATOR: Thank you, Mr. Alexie.

8 Miss Anasogak.

9 MS. ANASOGAK: Yes, the communications throughout
10 Alaska is very important. We do have one telephone right
11 now in the village, which is great when it works. And I
12 work as a health aide, and in my clinic I also have a radio
13 that's connected to the hospital and also a telephone
14 that's a direct line to the hospital, which is fine when
15 they both work. And I'm in one tight spot when both the
16 radio and the telephone is out because of whatever and I
17 need to get ahold of the hospital because of an emergency
18 and I can't get through.

19 I don't know what kind of system that -- when it
20 was the no-plank service, when it was under the direction
21 of Ramon Guiea -- he has a really good communication system.
22 I guess his agents in the village -- they all have radios
23 connected to them. That is one radio system. And I wish
24 my clinic had a set up like that. Anyway, when I transmit
25 over the clinic radio to the hospital anybody in the

1 village can pick up my transmission on their AM/FM radio.
2 That really shoots down radio, and in the end I get the
3 bulk of this, I get falsely accused of whispering to my
4 patients, this patient has so and so. Simply because
5 people are able to pick up my transmission over the radio.
6 And that's something that I don't think is fair. Something
7 should be done. And which is why I prefer the use of the
8 telephone over the radio. At least the telephone has a
9 much higher frequency that can't be picked up over the
10 local AM/FM radios. And I, for one, am looking forward to
11 the time where we can have reliable communications
12 throughout the State of Alaska and elsewhere. Thank you.

13 THE MODERATOR: Thank you. Representative Jack Fuller.

14 MR. FULLER: I would just like to back up to what
15 Georgianna has said. I worked with the North Sound Health
16 Corporation as Chairman of the Board for over a year, and
17 this was a real problem, confidentiality, and one of the
18 handicaps is the mechanical difficulties in the amount of
19 time that the telephone is in operation.

20 When I go over as Chairman of the Board there was
21 no logs kept, so the only thing the people could tell me is
22 that we had bad results. And we kept a log, and it's still
23 being kept, and that's a matter of record. But just to
24 give you an idea of how bad it was there was only a couple
25 of villages that were about 75 to 80 percent effective, and