

SCOMM

#52:20

Emmonak

Joint Special Committee On Local Option Laws

November 19, 1985

Present: Rep. John Binkley, Chairman
Sen. Vic Fischer
Rep. Katie Hurley
Rep. John Sund
Translator: Adolph Lewis
Legal Counsel: Laurie Otto

(Tape 5)

Rep.
Binkley: Good morning. (Introduction of the committee members) Explanation of the purpose of committee... (Exact words not distinguishable. The mic went bad.)

Adolph: (Translated into Yupik)

Rep.
Binkley: Some people have suggested an additional local option be added to the current list available to communities. This would allow communities to ban possession of the alcohol within that community if they so desire.

Adolph: (Translated into Yupik)

Rep.
Binkley: Again, this would only be a local option a community could choose by all the people in the village voting. It wouldn't be something the state legislature would tell the community they had to do.

Adolph: (Translated into Yupik)

Rep.
Binkley: In order for any kind of a law like that stand up constitutionally it's important, and necessary that this committee get out to the different communities around the state that are affected by these local option laws. We are to gather testimony from the people as to the extent of the

alcohol problem within those villages. We're interested in finding out what some of the problems you have in the local community. We want to know what you've seen as a result of alcohol. What are some of the deaths that may have occurred because of alcohol and the problems that it creates for your community? I'm personally pleased to be back here in Emmonak. In 1977, I lived here for several months down by Stan and Lucy at the other end of the town - by the old A.C. housing. I see many friends here today. I'm pleased to be back here in Emmonak. We welcome your testimony. If you feel more comfortable speaking in Yupik, that's fine. Adolph does a very good job of translating, and he'd be happy to translate it for us. Maybe we could begin by having the Mayor address us.

Mary Ann
Immamak:

I'd like to welcome you for coming into Emmonak. My name is Mary Ann Immamak. I'm the mayor of the city of Emmonak, as well as being a regional school board member. We do have a alcohol ban here in Emmonak. The problem is the alcohol beverage, and the drugs are always coming in from everywhere. What's really hard for the local police is it's how the law is interpreted regarding alcohol. How are you suppose to take care of a person who is drunk, and is walking the streets disturbing the law, and has a bottle in his pocket or takes it out and show it to everybody? The person know that it's there, but the way the law interprets today is it has to be open and seen. You see it's hard for the local police to take care of that as well as the public involved. We know that alcohol and drugs will never go away as long as we have that law. Even it's visible, so long as we can't see it visibly there's no way we can control. There's no way for the V.P.S.O.'s to control it.

Rep.
Binkley:

Even though you've adopted the ban on importation and sale of alcohol. You're still have a problem with alcohol. This doesn't seem to be affected then?

Mary Ann:

Because of the way the law is interpreted by the state department. If the state people would have come in before by getting the public's opinion first. Maybe it would happen different today. We're having so many problems today. If political people, senators and representatives, are representing. They should find out the

Emmonak; Local Option Hearing "3"

opinion first before they go and make the laws.

Rep.

Binkley:

I know it's been a big concern of the people in my district too. This is why I've made a personal effort to get out to the villages and talk with people and get their opinion on how these laws should be written. We're all concerned about it. That's why we've come out to Emmonak and to listen to you so we can better understand how to make those laws work for the people they were intended to help. The situation you mentioned earlier, of how the person who may have the bottle of alcohol and it's openly visible to the community and to a V.P.S.O. What you're saying is, because of the way the current law is structured there's nothing that we can do to take that bottle of alcohol away. What sometimes happens in a situation, Mary Ann, where somebody's drinking and you know they are, but nothing is done, does it usually get worse then as the night goes on?

Mary Ann:

It's everywhere, you know in all the villages. This includes young adults, high school students are very involved - obtaining and sneaking it in by airlines and boats.

Rep.

Binkley:

If you had a ban on possession of alcohol, the V.P.S.O. would be able to take the possession of the alcohol, so the person wouldn't be able to get more intoxicated.

Mary Ann:

The person who is holding that bottle knows, in their own mind that there's no way a police officer can touch me, so long as I don't open the bottle in front of him.

Rep.

Sund:

Can you give us some examples of what happens if there's an assault aggravated by alcohol? Is there a place they can go? Tell us what's involved and what happens.

Mary Ann:

First, the young adults buy alcohol from people that are importing it. They started all over the village, and they raise more cane. We've got more young people in jail on rape or sexual abuse, and it never used to be like that. We have deaths because of alcohol and drug abuse. We have men and women with small children running away from home because of being beaten. In the families, young ladies are being raped, or their

Emmonak; Local Option Hearing "4"

father having sex and things their their daughter and sister. We're very lucky. We have the women shelter where we can send them and protect moms and small children especially. Young people under the age of 16 are always talking about how they hurt inside because of thing that are going on at home or village. All of these include sexual abuse, killings, beating - even to small children. If the law was interpreted some other way, the police would have more power to take away the alcohol. We know that alcohol will never go away.

Rep.

Sund:

On the enforcement on the bootleggers coming in, have you found it difficult in the village for people to come to the police officers to try and prosecute or stop the bootlegging?

Mary Ann:

So long as it's visible, that's the only way they can control it. Otherwise, even the guys coming and it's in the boxes, there's no way you can touch that. Not even the V.P.S.O. can touch. We even tell him that persons coming from Anchorage; he's bringing in booze or drugs, and it's in a box sealed. Even we know it's there. There's no way we can touch it. What's higher than a V.P.S.O.?

Laurie

Otto:

State Troopers.

Mary Ann:

It cost more for the State Trooper to come into the village. It should then be more controlled by the local levee. It's costing the state more money.

Rep.

Sund:

Have there been any bootleggers, bringing in alcohol, that have been brought to court cases, convictions or trials that have been doing that?

Mary Ann:

Not to date. May the answers will come from V.P.S.O.'s themselves.

Sen.

Fischer:

The people who sell the alcohol to the young people, they are breaking the law because they are not allowed to sell it to them, right?

Mary Ann:

That's true.

Sen.

Fischer:

Have any of them been prosecuted?

Emmonak; Local Option Hearing "5"

Mary Ann: Not that I know of. We have people from Sheldons Point, Alakanuk, Kotlik....

Sen.
Fischer: Who sells it?

Mary Ann: Who sell it? People from Kotlik sell alcohol and drugs. They have people here at the village who we can't touch.

Sen.
Fischer: You can't touch them because nobody will report them, or they're part of the family?

Mary Ann: Yes, the family. Even if it's being reported to the officials there's no way we can touch those person because of the way the law is interpreted.

Rep.
Hurley: The village police officers do not have the power to arrest them if they know that someone has been selling to another person?

Mary Ann: It must be visible.

Rep.
Hurley: You must actually catch them selling?

Mary Ann: Yes. Like this is alcohol, and I'm holding on to it. He must see me open it and drink it, or he must see it in my pocket. Marijuana and heroine and what you have. As a V.P.S.O., he must see me taking that. That's the only way that the police can do something.

Rep.
Hurley: The village police officer can't arrest unless he actually see somebody exchanging it.

Laurie
Otto: You have an open container ordinance here, don't you?

Mary Ann: You know we follow the State law.

Laurie
Otto: One of the problems for the village is to regulate alcohol. The State takes the position that the alcohol beverage control board, and state laws, are the only way for the alcohol to be regulated. Local municipalities are prohibited from passing laws that regulate alcohol. It's saying the state has the exclusive

Emmonak; Local Option Hearing "6"

control. Unless of course, you pass an amendment which says nothing in this law precludes in the law right now. The way it's written now, state law is the only way that you can really regulate legally alcoholic beverages. The problem is in villages. You can probably go up to anybody and ask, who are the bootleggers, and people could tell you who is bootlegging. But in order to have a case prosecutable in court, you have to prove to a jury in Bethel, which means you have to have a witness to particular sale and the evidence that it was alcohol that was sold. There's so many bootlegger cases coming out of the Bethel area. The levee approved the district attorneys office requires to prosecute a case has become very high as a result of the jurors expectation for what the cases are going to show. Lots of times you get cases that a V.P.S.O. has put together in a village that says, "I saw Mary Ann, age 15. She had a bottle and I took it away from her. She said she got it from Sam Smith." Everybody knows that Sam Smith is bootlegging, and yes, she had a bottle. But there is no positive evidence of sale. I guarantee the district attorney office will not prosecute.

Rep.
Hurley:

Do you think it's worse now, the kinds of problems with rape, incest, and abuse, since the local option law?

Mary Ann:

I think so because when you open a newspaper, you open and see somebody's name is there.

Rep.
Hurley:

Did you have a time when alcohol could be sold openly in a store where people could buy?

Mary Ann:

No, never like that.

Laurie
Otto:

What kind of problems are in the schools with children's parents not taking the best care of them? Do you have a problem with children not going to school?

Mary Ann:

They're late and sleepy. They're embarrassed because dad was drinking last night. These children go through a lot of emotional and physical - that really affects them.

Laurie
Otto:

How long have you lived in Emmonak.

Emmonak; Local Option Hearing "7"

Mary Ann: Most of my life.

Laurie

Otto: Do you see families that have particular serious problem? Do you see those kids getting into trouble too?

Mary Ann: They do. They follow their parents footsteps. As parents, they are the teachers. The parents are the ones that give them advise. We never stop to think that we affect the children. We as parents never stop to think that they're the ones that introduce the alcohol to our children and how do we beat our wives.

Rep.

Binkley: Adolph will be translating this. Speakers, please speak louder so the audience can hear. Thank you, Mary Ann. I appreciate it.

Rep.

Binkley: Maybe you could just talk to us about the alcohol problem here in the village from your perspective. The V.P.S.O.'s and seeing the problem with it and that you encounter.

Chris

Wasuli: My name is Chris Wasuli. I'm the V.P.S.O. in Emmonak. With our problems here, alcohol is a problem. However, there's been a decline. Most of the problems are participation from the other village members with helping the V.P.S.O., and the police dept. in the help of enforcing these laws. Most of the complaints we get are, this guy is coming into town on such and such a time and date. We tried to get more information, but they don't want to help us out any more. Other than their name and when they're coming in. That hampers our efforts in trying to enforce this law. We've tried asking individuals. If they could help us out in making buys or trying to get information. We run into this all the time. Most of the time we get our information when it's too late. Someone will call in and say he came in yesterday or something.

Rep.

Binkley: How about Chris, some of the problems you actually see the typical problem? Crimes that are related to alcohol.

Chris:

The majority of the crimes are alcohol related. Off the top of my head, the problems we have

Emmonak; Local Option Hearing "8"

would be less if we didn't have alcohol.

Rep.

Sund: Going back the last 3 or 4 months have there been any assaults that have been related to alcohol? Are there any major crimes that have occurred, sexual assaults, rape, homicides, suicides that are not alcohol related?

Chris: I'd say not to many because it's only when people are intoxicated.

Rep.

Sund: When you get into a case like that what physically happens? You're called out, what do you do with the offender?

Chris: Mostly arrest him, and take him to the court system.

Rep.

Sund: You have a court system?

Chris: Yes, here in Emmonak with a magistrate. Let him go through the court system. Let the courts handle him. We really have repeated offenders after the first or second offense. We ask the magistrate, and he will not drink alcohol during that period of time.

Rep.

Sund: Most of the offenders, is there an age class? Males certain ages?

Chris: Males between 19 thru 27 or so.

Rep.

Sund: Do you have any opinion of why that is?

Chris: It maybe because of a lack of jobs, nothing to do. Just the hardships of living in a small community with no jobs available. Nothing to look forward to so they turn to alcohol.

Rep.

Sund: How many arrests do you have in a week that is alcohol related right across the board? All crimes?

Chris: About 4 or 5.

Rep.

Sund: Is it on weekends or does it make any difference?

Emmonak; Local Option Hearing "9"

Chris: Sometimes it is, but mostly on weekends we make these arrests.

Rep.
Hurley: Do you have a suicide rate among young people?

Chris: No.

Rep.
Hurley: There is a high school here in Emmonak?

Chris: Yes. So far there's only one suicide here in Emmonak that I can think of. Maybe our enforcement is showing its effect on these people. We let them know if they get drunk, and cause any problems, we let them see we're doing these things out there. But there's a problem. There's always a possibility of these things happening here in town.

Sen.
Fischer: You said you didn't have time to prepare a report on alcohol related problems. Is it possible you could write a very informal report and send it to Rep. Binkley, so we could have it on record?

Chris: Yes.

Rep.
Binkley: Thanks, we really would appreciate it. Chris, the question I've got to you heard Mary Ann's testimony. She was talking about the situation where somebody was drinking in the community and it was openly visible that they had a bottle of alcohol. Under the current ban on importation and sale, there's nothing you can really do when you see someone with alcohol in the village because you didn't actually see it in the village?

Chris: Yes.

Rep.
Binkley: Do you think it would be advantageous or would it help the alcohol in this community if you had the authority under a local option law to confiscate that liquor that somebody had? And take it away from them?

Chris: That is something I've thought about. A lot of time they're out there with their alcohol walking around on the streets. They sometimes openly carry their bottles mostly intoxicated at the time. They don't know what's going on.

Emmonak; Local Option Hearing "10"

Rep.

Binkley: But there was nothing you could do in that situation under the present law.

Chris: What we do sometimes if they're really intoxicated, there's a possibility he may pass out on the street at 3:00am. and nobody would find him till the next day. We take that into consideration too.

Rep.

Binkley: Sometimes he may have gotten to a state where he maybe a danger to himself.

Chris: Yes.

Rep.

Binkley: If it's not to the state it was just somebody starting to party or drink the alcohol. There's nothing that you can do in this situation.

Chris: Most of the time we can just give a warning. Be careful and stay out of trouble.

Rep.

Binkley: Do sometimes those situations progress in your absence then? You track or you may go some place else. Does that then sometimes progress, and then ultimately end up in a violent situation sometimes?

Chris: Yes.

Rep.

Binkley: So it maybe if you could stop it at the point before it progressed, that you maybe able to prevent some tragedy?

Chris: Yes.

Laurie

Otto: What are the most bail conditions that the magistrate gives to people who have been convicted of alcohol related offense - is to not possess or consume alcohol, is that right?

Chris: Yes.

Laurie

Otto: Does that help from keeping those people out of trouble?

Chris: Yes, it does. It gives them something to think about. The magistrate will give him the

Emmonak; Local Option Hearing "11"

conditions...

(Tape 5, side 1 ends; side 2 begins.)

...as I was saying the magistrate will tell him if you break any of these conditions of probation of your release or whatever, there could be a warrant for your arrest.

Laurie
Otto:

What do you do if you see somebody with alcohol or is consuming it? Has those conditions that the magistrate gives to people who have been convicted of an alcohol offense and condition?

Chris:

Most of the time we get a hold of the probation officer in Bethel, so we write a short report and wait for their answer.

Laurie
Otto:

What if it's somebody on a misdemeanor probation from the magistrate? If a person is convicted, let's say of D.W.I. with a fourth degree assault - that's a misdemeanor - and the probation officer in Bethel doesn't have anything to do with it.

Chris:

We have the magistrate summon him to court.

Laurie
Otto:

So you the magistrate?

Chris:

Yes.

Rep.
Hurley:

Are you the only police officer in the village?

Chris:

There are two of us here in town.

Rep.
Hurley:

Is there any kind of organized recreation for young people in the village? What do they do for recreation?

Chris:

We have arcade, dances, and that's about all we have for the young people here in town.

Rep.
Linkley:

Chris, thank you very much. Martin B. Moore?

Martin B.
Moore:

(Yupik Speaker) That lady that's sitting there, Katie Hurley, does everything she can to help all of us over here. I'm speaking on her record.

Emmonak; Local Option Hearing "12"

The next person over here... (Begins to talk in Yupik, then speaks English)...they're here again to help us with one of our problems. One of our biggest problems. That's alcohol and misuse of alcohol. Senator, Rep. Hurley, Binkley, and Sund.

Rep.

Binkley:

Could you please move up to the mic?

Martin

Moore:

You asked why is it a problem. You were wondering why? I think some of the native leaders are beginning to understand why, and try to address some of the problems. I just want to prove to you that we have leaders all over the state that have gathered and have addressed some of the issue problems of 1991. We have tried to discover some of the reason our younger native people are killing themselves. It is a fact. A lot of people here, more than 1 person have drown in this river - Yukon - because they were using alcoholic beverages the wrong way. There's people that have committed suicide in this town. They've testified to it because of the wrong use of alcoholic beverages. The people who commit incest in here maybe she could testify. Some of the problems that were addressed in the court system hearings. We do have a problem. We had a murder in this town. We have 640 some people here. We have bootlegging here. People selling alcohol with out license. We have people sitting here who make home brew besides bootlegging. Some of the problem areas is with some of the values, culture, and tradition is not with people any more. No sense of value any more. They don't 100% depend on subsistence fishing. There's a lot of subsidy on welfare. There's no jobs around here so what is the future of a lot of these young people? They don't really have one. The true values of the native cultures are almost non existent. Right now this document before me is trying to use the elder people to try and vitalize to come back and tell the state this is the way we use to do it. These were your traditional values. This is what you made you survive when you had such a hard time, much harder than what you have today. If you had t solve those problems before anybody came here, this is compared to that problem. It's much more easier to handle provided that that person or these people here. The authority to control some traditional culture native way of values for preceeding to go on with their lives. I think it's very important. I know how some of the

Emmonak; Local Option Hearing "13"

people in different cultures. The China Towns in San Francisco, and the China Towns here those people live and survive in any environment because they have their own self-respect. They have their own values and they work together among the U.S. government or any people. They survive because they still have their values. They're respected by governors, by congressman, by anybody. I think for the native person not to have that respect. To see some of the problems we have for example: bootlegging. Who doesn't know who it is? They feel helpless. Somebody is selling alcoholic beverages around here - who is going to do it? An officer? The council members that are elected to make laws here going to do it? No, they're helpless. I've been in there. I know. When you have a problem and then to State Troopers to the state government. They're not here - they've got to call him in. They don't see the problem everyday that we have. I sometimes, particularly think they don't care. I think if some of the authority was put back to the elder people to correct some of these problems being able to the police officer - having the power to confiscate when he sees the alcohol. Regardless of his constitutional rights. This is going to be a problem, so I go in there and have the authority to take it away. I think that would be one of the ways to resolve the problem. I see that you could probably write a law which says do that and do that. But I think the problem should be resolved at the community level where the people know how to handle who they are.

Sen.

Fischer:

Martin, what authority does the village need? For instance, if a village knows who the bootleggers are, what authority would the city need, or the elders need to deal with the bootleggers with the problem of alcohol?

Martin:

I haven't thought of just exactly what that problem would be, but we've talked about some of those problems. We hadn't had a conclusive answer to that, but we're also looking ourselves - some of the leaders are. This issue of 1991 has brought focus some of these problems that are occurring. A lot of native people are saying the land to which they knew a long time ago has a lot of value in it. Their houses have a lot of value in them. They haven't come out to say just exactly just what that power should be here.

Emmonak; Local Option Hearing "14"

Sen.

Fischer: Ok, Martin. If you had the power, locally the authority, would the community deal with the violators who are members of the families? Would the community be able to deal with those?

Martin: Senator, we had not too long ago, a board that was convened by the state to deal with the village problem areas that they were a board.

Sen.

Fischer: Rural development board?

Martin: No, it wasn't that. It was a board that was created for a temporary. It doesn't exist any more.

Rep.

Hurley: That taskforce that the governor had on alcohol?

Rep.

Binkley: There's an alcohol taskforce in Bethel.

Martin: No, it was given to a local village. They call it the problem board or something.

Rep.

Hurley: They used to have that under the community of regional affairs.

Martin: Once be for the problem was over they'd take that person right there and they counseled him privately.

Rep.

Binkley: Would the ability for the counsel to ban possession of alcohol in the community help?

Martin: They've tried that. I can't see how that would help?

Rep.

Binkley: Well, right now you can't ban possession. When you were talking about that situation where somebody had alcohol....

Martin: You have to stop and ban the alcohol in my opinion. It's not the answer to the problem.

Rep.

Binkley: That may give the counsel some more control. That's certainly not the entire answer, but if that authority was invested in the counsel...

Emmonak; Local Option Hearing "15"

Martin: In the counsel? Right, I think that would probably be the direction of solving the problems. Giving that authority to the counsel to control the use of alcoholic beverages. The native people respect themselves too. They know where the problem area are, and if that authority is given to the people here, they probably could handle it a lot more easier than the outside. You see, it's our problem, we ought to deal with it.

Rep. Sund: Some people were saying that alcohol was linked to employment. If there was more jobs it seems that it would be less of a problem than when there was fewer jobs. Is that your case here in Emmonak?

Martin: I think it would have some improvements, but total employment wouldn't be the answer in my opinion. I'm just speaking on my own. The native culture is mixed with hunting and working. It's going to take a while for that complete cycle to change for employment living only. It still exists here. 100% employment here years round, 8 hours a day - some people aren't used to that. So, it isn't the complete answer.

Rep.
Binkley: Thank you, Martin. I appreciate that. Andrew Kelly?

Andrew
Kelly: I'm Andrew Kelly. I work for the school. I'm a bi-lingual, bi-cultural teacher. Last year I was the mayor from 1984-85. I found it very hard to be so involved with the city affairs, also working at the same time. During that time, people have opposed me with problems looking for solutions. How to solve these alcohol and drug abuse problems. I didn't quite know what to do since I considered that an internal problem that exists in the community. It's not a problem that exists with people of Bethel or Juneau or any other place. I requested a joint meeting with the women's shelter, parents counsel, school board members, and some other agencies that exist within the community. We tried to come up with solution with the problem. There was a lot of concerned people. When it comes to helping the V.P.S.O.'s catching these bootleggers, nobody wants to get involved. That's the biggest problem I've found. After meeting with these organizations, they suggested to me I contact the

Emmonak; Local Option Hearing "16"

State Troopers in St. Mary to send someone down a V.P.S.O. in catching these people. St. Marys said to call Bethel. I finally got a hold of Bethel State Troopers office and in turn they told me to call St. Marys office. It seems these officers were putting the work on the other area. When I called to St. Marys, I told them I was directed to call their office. They told me to call back later on, so I did and they said they don't have anyone available to send down and help the V.P.S.O.'s. I had contact with Jeanie Kenny who works with alcohol dept. of rural cap. She suggested I contact someone at the village of Tununak. She said they worked up some program in that village. I didn't have time to call them. She suggested we take a survey of what we should do with the bootleggers and drug abusers. I met with the women's shelter board of director and they told me they'd bring it up at the next meeting. This is as far as we went.

Rep.
Hurley:

You kept mentioning not only alcohol, but drugs. Do you feel the 2 problems are equally bad here in Emmonak?

Martin:

I haven't seen either one being sold here with my own eyes. I've heard a lot is floating around especially when the money is available during commercial fishing time.

Rep.
Binkley:

Thank you, Andrew. Tommy Moses, why don't you come and testify and state your name?

Martin:

It's the ~~concealing~~ ^{conciliation} consolation board.

Tommy
Moses:

Talking about this alcohol I've been hearing all morning. I'm going to speak in Yupik so these people can hear me. My name is Tommy Moses. When I was working in Bethel in the 30's-40's, they had a liquor store there. The people used to buy liquor so the Troopers would go around in the evenings, and as long as the seal on the liquor they're holding was not broken, they could do nothing. But if the seal was broken, they they started acting. They warn him only once; if they caught him the second time they take the bottle away and pour it on the ground. When ever they catch him at. The problem here is not to good for our young adults growing up now. The old people used to make sour dough and drink it. None of the bottles that come in are from the

Emmonak; Local Option Hearing "17"

white people. Those are the guys that are bringing them in now. It's getting worse. Young people are dying before they're even getting sick. This is getting worse. What about our youngsters that are just growing up? What is going to happen? They'll be more whites coming in and what about this alcohol and drugs? What will happen then? Is it going to get worse? If nothing done now? What will happen here and the village of Alakanuk that is close by. Many of those people would have something to say on this alcohol. That's all unless you have questions.

Rep.

Hurley:

Do you think it would be better if there was a controlled sale on this?

Tommy:

To my understanding a liquor store anywhere shouldn't be opened. No with families with little kids. What if the family goes and leaves their little kids behind? What's going to happen? They can't have a liquor anywhere. Yes, they go to Anchorage, but that's different because there's liquor everywhere. When I got to Anchorage, I can go and drink peacefully. I can't drink here because it discourages the people here, and my family. As soon as you drink, everyone knows about it. If you go to Anchorage, they don't care they just pass them right by. When a person starts drinking in a small village, they know about it right away. They know something going to happen. It should be controlled. I know when I was a mayor here a time back in the summer time on the weekends we used to have 2 police going around all the time. It got really bad people coming from everywhere all those villages around here. We needed more help because 2 guys can't do it alone. Your little old jail gets full. Where do we put the others? When there's a party going on you can't stop it. Liquor is coming from some place. It should be controlled, something done to stop it.

Rep.

Binkley:

Thank you, Tommy. Appreciate it. Guyana. We have a high school class that joined us. We welcome you today. We're a committee of the joint house and senate committee. We're talking about the local option laws and some proposed changes in those. Let's continue with the testimony. Nicholas Tucker? Good morning.

Nicholas C.

Tucker Sr.: My name is Nick Tucker. I'm the accountant for

Emmonak; Local Option Hearing "18"

Emmonak Corporation. I don't have a prepared testimony. I'll tell you what I've seen and experienced of 18 years. If this panel is looking into the cause and effect of the core of our problem with alcohol in the villages. I'd like you to know you're getting it from a first hand experience. I think one of the causes is we in the village are bored. The majority of people, teenagers and children do not have anything to substitute drugs and alcohol. If you look back in my experience in the moments of time. The times I wasn't employed, I wanted to do something in its place. Then alcohol relieved me of wanting to be somebody, wanting to keep my self occupied an emptiness of wanting to accomplish something. Those are the only few areas that are generally experienced in the village here. The only way to beat that problem is to have a sense of value of oneself. We talk about how to go about, how to stop it. Correct it, how to get back into our former values in which we had. If you don't have a sense of value of yourself in the villages, no matter what laws you bring up, no matter you try and ban it or tell a person different, if you don't have a sense of yourself then there's no way you're going to stop me or anyone else in the village. When you have a sense of value of yourself you begin to have other values. A daily sense of accomplishments. You are a stronger and brave man when you have refused a drink. You are not a coward. A coward is the one who doesn't say no to a drink, but you're more of a man to say no. You have to think about your family, your wife, next door neighbor and the things you say while your drinking to other people. With a sense of value you have a sense of accomplishment, something you're doing. A total ban of alcohol in my opinion will not work. We are a generation way behind from that prohibition way back in the 1900's. That didn't work. This is the time bootleggers became professional, and their seeping into the villages here now. Total ban on alcohol will not take away your desire for drinking. Only a sense of self respect will. Saying no yourself. I believe a total ban will worsen the problem; however, with the system we have with the local option law it's a deterrent to a total free for all total consumption that you can bring in. It's a deterrent to to many of the problems we've experienced. We will never get a way from alcohol; no matter what you do about the current system. In my opinion we have a law, but we are slapping everyone on the

Emmonak; Local Option Hearing "19"

wrist. In order to make it more a deterrent is make a stiffer laws for D.W.I. and offenses related to alcohol. You get a sentence, but most of it is suspended sentence. That is the only way I can see it will work. Trying to introduce a way to ban possession of alcohol. I'm more less a private man. So was George Washington he put that with his congress anything against invasion of privacy. Again, I don't think you're going to solve the problem of alcohol, but you are going to have a legalized totalitarianism to individuals. I wouldn't want any V.P.S.O. or any police coming into my home for the things that I own whether it's anything. We have a deep problem here it's very serious invading the privacy of each individual that is also wrong. I thing that sums up everything. We have all kinds of programs - government programs like the counseling services and alcohol counseling programs. They aren't working in my opinion for one reason. They maybe too impersonal. If I were to go to an alcoholic counselor I don't know who he is. I don't know what he's experienced. I don't know what he tends to do when he gets tired counseling. I have no idea. This may be the problem with church and state seperation. I think more of the funding should go to the more experienced, sincerely concerned counselors like the Priest or the Assembly of God pastors - something to that affect in the villages. I don't think anyone will object to that. That's all I have to say.

Rep.

Binkley: Nick, we appreciate you testifying. You said you're the accountant here for the corporation?

Nickolas: Yes, for about 8 years now.

Rep.

Binkley: That's great. You seem well educated, articulate and a good spokesman. I have a few questions. You mentioned you thought the current local options which Emmonak has adopted which are to ban importation and sale were working here in the village.

Nickolas: It's working in the respect that it's deterring a free for all consumption of alcohol. It's a deterrent.

Rep.

Binkley: Has any person been convicted or charged under the importation or bootlegging laws?

Emmonak; Local Option Hearing "20"

Nicholas: I haven't been very observant in that respect. I haven't seen anything in the Tundra Times about convictions in Emmonak.

Rep.
Binkley: You think then in the right of privacy which is in our Alaska state constitution about our right to privacy you feel that...what we're trying to get a sense of is the alcohol problem great enough in the community? Is it a significant enough public and health safety issue in the community that it outweighs that individuals' right to privacy in your home? Sometimes to protect the entire community...

Nickolas: As I mentioned earlier going towards the varied way towards prohibition is not going to work.

Rep.
Binkley: Do people bring booze into drink?

Nickolas: It works both ways. It's either made at home or brought in.

Rep.
Binkley: So those people that are drinking store bought they have actually violated the law to get alcohol into the community?

Nickolas: I believe so.

(Conclusion of cassette 5, side 2 ends here).
(It resumes on cassette 6, side 3-Emmonak)

Nickolas: ...similar people live with it in the same environment I had. When you put somebody in a cage there's not a thing they can do about being free, resisting temptation, or getting stronger. I believe total ban and something to the effect that you're proposing will be in effect the same thing. It's put me more and more in a cage. When I turned 21 I took my first drink. I was free and from then on I didn't stop. I think this is going to be a bigger problem. Anyone of these kids are going to feel like their being put in a cage. Once they leave here you'll not be able to tell how they'll react in Bethel and Anchorage when they get alcohol. They might over drink the first night and kill themselves.

Rep.
Binkley: You don't advocate the end of the scale then of having a liquor store in Emmonak for instance?

Emmonak; Local Option Hearing "21"

Nickolas: No.

Rep.

Binkley: So what you're saying is not either one of the ends of banning possession or of allowing controlled sale here in the community, but some kind of balance in between that is deterrent for people, but not a total restriction on having alcohol.

Nickolas: Yes, if you have total restriction you're putting somebody in a cage and also making them more resentful. I was resentful.

Sen.

Fischer: Nick, you made a very good statement about the need of sense of value and one's self and the strength to turn away from alcohol that would come from the sense of self value. How can you go about giving that sense of value to people? What can be done to encourage that? Earlier Mr. Moore suggested going back to the Elder system. That's part of the answer. It's unfortunate that most of us will have to experience being so low until we wake up. It's so unfortunate that we in the village will have to be given a crutch to live like men and women. Crutches like local option laws. The only way is each individual will have to decide for himself. In the schools it'll have to be stressed. If you don't gain your own sense of value you won't have a value for anyone else, your friend, school mate, neighbor or anyone else in the village. It comes from you and your personal values.

Sen.

Fischer: Thank you.

Rep.

Hurley: Alone the line about using and listening to the Elders. Are the Elders a strong influence in the schools? Are they used to talk to the young people about the old ways and so forth?

Nickolas: I believe there is.

Rep.

Hurley: I know there's some programs where they do use village people to help with the counseling in some villages. I don't know if they use local people or not. Apparently not. Is that true?

Nickolas: We have one in the village. That is it.

Emmonak; Local Option Hearing: "22"

Rep.

Binkley: Yes thanks Tommy. Good morning Stan.

Stan

Jimmy: Good morning, I'm Stan Jimmy. Who brought up this local option law?

Rep.

Binkley: It was introduced and passed in 1980 in the Alaska last 5 years. We want to look at the problems and see if there's any changes we can add to it.

Stan:

Ok. I'm against the local option law. It's not working in all the villages. You're restricting the alcohol for all the villages. When you do that it's a law you made the law. The people have to try and go by it. If they break the law their criminals right? They get a fine or go to jail. When you introduced that local option law you also introduced bootleggers. Before that law came around I never use to hear bootleggers. After the law was introduced there's bootleggers. They hide in bringing the booze. I go to Anchorage and bring in booze hiding. I see a lot of people I get scared. I have couple of bottles in my suitcase and I hope I don't get caught. I hope the police don't look in my suitcase. If they find it then I'll be a law breaker. Those two the individual (the innocent) and the bootlegger they go along. That bootlegger is going along with the innocent. He's mixing in so he can bring in that booze into a village and sell it.

Rep.

Binkley: Do you think Stan that if local option were eliminated then the total ability of a community to choose their local option...Then you think the A.C. Store then should be able to sell alcohol?

Stan:

No. I'm not saying that . I don't think the communities should have a liquor store. I agree with Nick. We should have a law the people could bring their liquor in for their own consumption. We ought to make a law to help us look for those bootleggers. There's times when somebody has so much more suitcases than they should, they're a lot heavier. There's a lot of hurting homes because of that bootlegger. If we didn't have the bootlegger we'd spend out money for our kids clothing. When you run out of drinks you go and look for the bootlegger.

Emmonak; Local Option Hearing:"23"

Rep.

Binkley: One thing Stan that Bethel allows the importation, but not the sale. As most people know it doesn't seem to be the answer either because in Bethel we probably have got more bootleggers than any other place around the country. The local option is one that the community gets to vote on as a whole. It isn't the legislature telling Emmonak what to do. It just allows those options for Emmonak to choose from. We sent out the those options in 1980 and then Emmonak through the vote of all the people have chosen to take the one banning from importation and banning from sale. All we're saying is let's put another option up there to allow Emmonak to choose from.

Stan: Yes. I'm more concerned about those bootleggers bringing their booze in here selling it for more than gold.

Rep.

Binkley: What are some of the effects Stan when people spend the money on alcohol? What would a bottle of bootlegging whiskey go for here?

Stan: Sometimes \$100.00 a bottle. Over in Anchorage it only costs \$6.00 - \$10.00 over there.

Rep.

Binkley: What are the effects of that Stan? If someone has to spend \$100.00 on whiskey what does that mean in terms of cash available for the rest of the family?

Stan: If a person spends a \$100.00 for booze he loses all that money for his kids. He can't buy their clothing or their food. They've just got to suffer for it. He suffers and so do the kids.

Rep.

Binkley: So his family also ends up suffering as well?

Stan: Yes, I don't know why you have to ban the alcohol to the village. We've got alcohol here all the time anyway. We've got it here. We've got the village alcohol going right now.

Rep.

Binkley: Counseling program?

Stan: Yes. I think the state should put the money out to help us. It goes back to our heritage. We should teach our children our culture. My

Emmonak; Local Option Hearing: "24"

parents taught me how to live and right now we're loosing our heritage, out language. We've got a program here, but it's only one person that's running it.

Rep.

Binkley:

Like was mentioned before about that sense of value. Any further questions? Stan thank you very much. We appreciate it. Paul Crane? Sorry for rushing we've got to go to Toksook Bay this afternoon. State your name for the record and tell us about what some of the alcohol problems are here.

Paul

Crane:

My name is Paul Crane. I'm a village alcohol educational counselor. My position was available as of Oct. 1, 1985. My job was partially handled by Trish Cook. She had the service area of four villages: Alakanuk, Sheldon Point, Emmonak and Kotlik. I'm starting to see some kind of improvement towards funding made available for the education of the counselors in regards to not getting a second and information from Y.K.H.C. or for some place else. Another question I have: I do not know the local option law. I'd like to see in that local option law that if the community chooses to ban alcohol and importation of alcohol is that a law stipulation that it provides education for our young people and student as to what alcohol and drugs are?

Rep.

Binkley:

There's different areas as you're aware of Paul, education, counseling, treatment. The state has different programs in each of those areas that they fund. This is separte this would be a statute that would allow communities to adopt this law and control it at the local level by the local community.

Stan:

What I'm basically doing right now is I've gone to one training Oct. 1 and I do need more. I do know there's training available out in Anchorage or Bethel, but there's always a question of funding. If there's lack of funding then there will be questions of dedication and devotion for my new position.

Rep.

Binkley:

When people drink out here what do they usually drink? Home brew mainly or...

Stan:

Maybe, I don't know. I guess the majority I

Emmonak; Local Option Hearing: "25"

suppose is home brew.

Rep.
Binkley: What are some of the problems that you see in your work Paul in dealing with clients that come out from people drinking in Emmonak?

Stan: Abuse of alcohol itself. We don't know how to handle a drink.

Rep.
Binkley: So what happens when they abuse alcohol?

Stan: Run into problems. A case of a guy who doesn't know how to handle the alcohol himself. They get into trouble, family violence and fornication. That person who is not abusing alcohol, but might have an indirect affect on their children?

Rep.
Binkley: Because of somebody drinking home brew or alcohol and not being able to control, that affects other people who are in affect innocent?

Stan: It might be effecting their children also. It is my job to educate the people and how it could effect their children as well; even if they just abuse alcohol themselves.

Rep.
Binkley: Right. Any questions? Paul thank you very much. Billy Charles? Good afternoon Billy.

Billy
Charles: Hi. I'm Billy Charles from here. It's obvious we have a problem and that problem has a ripple effect on the community. It creates problems for people that work in the offices and people that run businesses. There's been times when the board has had to try and come up with the solution to try and keep a very potential man in the office, trying to ignore alcohol, but that doesn't work. I see our young people up there very potentionally becoming alcoholics than you. You can't function as a corporation, a city, or even a government with that alcohol. There are ways you can control these, go to the Elders. From my experience the judicial system doesn't work. I go in I go out I drink again. I go back out and go back in. The traditional way is listening to the Elders talk. Why have they been ignored so long? Is it because they are not wise? Folks they are wise and they can handle these problems From experience I was pulled out

Emmonak; Local Option Hearing:"26"

of the deep hole through the traditional way and I pray to God that after I make my testimony I'll never drink again. It's hidden me from the truth. It's hiding the truth that our people can function well. Our people can acquire wisdom to function as a group united as we used to be, but alcohol that's our obstacle. I'd like to say again that local option law - this problem can be handled at a local level where people respect people. People love people, people will help people. You don't send them out some place where they don't care about them. do it right here where people love him. Love can do a lot of things. That's all.

Sen.

Fischer:

I have a question. You had a very good testimony. Your message is good. Have you had a chance to talk with the young people? Have you gone to schools or groups of young people?

Billy:

No. After the experience I had in the traditional ways I tried looking for ways to break it out to the people. That traditional counsel here in Emmonak wasn't so active. It seemed like a good time to go and see if I could relate some of these instances to out tribal government; where I believe locally can be done. I think this is a local trouble and people is people. I've thought that would be most effective. WE're in a process now with just a municipal board. Things haven't been working very good for us. Our money is our thing - no office. We're just trying to start up.

Sen.

Fischer:

Your message on how to deal with problems of alcohol on trying the traditional ways is very good. The fact that you have had the experience of being an alcoholic and they would be helped you get out of it is probably a message you can bring to the students better than anyone of us or a teacher could. You speak from experience and you can show them the ways to the Elders.

Billy:

Yes. I've seen some people up here today that have experienced the same thing I am. I look to them for assistance in things like that.

Rep.

Hurley:

But you're younger and they'll relate to you too.

Billy:

I know that's not the problem.

Emmonak; Local Option Hearing: "27"

Rep.
Hurley: I think that's good I think the young people will listen to you because of your experiences. We'll help get them a tuned of inviting you in.

Billy: Yes. I've asked to be a volunteer in making a presentation like this. Was alcohol an issue of 1991 issues?

Rep.
Binkley: Yes. Thank you very much. Wait! Laurie?

Laurie
Otto: You said passing laws and putting people in jail does ^{any} good. With your experiences people get out and drink some more. Do you think there's anything that can be done in terms of ordinances or rules at the local level that would help to solve some of the problems of alcohol that Emmonak has?

Billy: Like I said, I'm not too familiar with the local option law and I know that his law came from outside where we can not...

Laurie
Otto: Ignoring what the law is now do you think there's any law, ordinance, rule that can be passed by the Emmonak city counsel locally or voted by the people here locally that would help?

Billy: I don't have anything off hand. I believe that could be acquired when we sit down and have our counsel meeting.

Laurie
Otto: I guess why I ask that now is because one of the things the committee has under discussion is banning possession of alcohol. One of the things their talking about doing with that is making the penalty be either a fine or community service, then the money goes to the village counsel and confiscating the alcohol and doesn't involve jail time, state troopers and doesn't involve district attorney.

Billy: I think that's one of the better moves that the system makes. The individual isn't alone serving time and then goes back to the village. I hate to see people barred.

Rep.
Binkley: Billy thanks again. Natalia Andrews? Hi Natalia.

Emmonak; Local Option Hearing: "28"

Natalia
Andrews:

Hello. My name is Natalia Andrews. I work for the school plus the local government. I want to stress the ban of alcohol in our village is not working. There's more bootlegging in the village and more people arrested for bootlegging. There's more people sneaking in with the bottles and selling them in the village. What we need is the local government having more power about the law concerning bootleggers. I think it should be with in the village. The village should have the law. That's my opinion.

Rep.
Binkley:

Ok, Natalia that's good. Any questions? Thank you very much Natalia. Alfred Redfox?

Alfred
Redfox:

(Yupik Speaker) I'm Alfred Redfox. I was born in Emmonak. This is my home town.

Adolph:

(Translated from Yupik) He says when he first became aware of what's going on there was no alcohol in the village here. Today however, you can find the substance easy and with in the surrounding villages too. He says you guys are here gathering information from the testimony. Some of you when you go back to your own perspective places will forget what went on today. People come into villages saying we want to help you with this issue and they forget when they go back to their places. He wants to encourage you guys not to forget what's happening right now, but to work on the problem work on what your doing right now. Alcohol comes in glass bottles and can shatter into pieces that's what happens to people that abuse alcohol. He has heard of bootleggers, but has never seen them in the act. He doesn't know who they are. People with families that drink their children are suffering. They run away or stay up all night because of parents drinking. The problem isn't just in the village it's in other villages too. He again wants to encourage you not to forget what you're hearing today.

Sen.
Fischer:

I certainly will not forget. I'll remember the message very well. We come to hear what you tell us what to do. Does he understand me?

Alfred:

Yes.

Sen.

Emmonak; Local Option Hearing: "29"

Fischer: I don't know if you are old enough to be an Elder, but I also believe in listening to Elders and the people. I'd like to know from you what you think we should do? We won't forget. You tell us what to do.

Adolph: (Translated into Yupik)

Alfred: (Yupik Speaker)

Adolph: (Translated from Yupik) The problem in the village is in its worse stage. He doesn't know what you will enact will help right now.

Sen.
Fischer: We will try.

Rep.
Hurley: Do you feel that if it's left for local the council to make the laws that it would be better than for the state to tell you what to do?

Adolph: (Translated into Yupik)

Alfred: (Yupik speaker)

Adolph: (Translated from Yupik) It will probably be stronger because they ~~it~~ back of funding he feels people won't work for nothing.

Rep.
Hurley: You mean it's better here locally?

Adolph: Yes, but they need money.

Rep.
Hurley: Right.

Rep.
Binkley: Thank you. Alex? Good afternoon Alex.

Alex
Bird: Alex Bird city counsel of Emmonak. (Yupik speaker)

Adolph: (Translated from Yupik) This is Alex Bird. He's one of the city council members. From what he's been observing young adults are different from how they were back then. Today they're more aggressive. They aren't worried what's going to happen to them. They can travel from going from here with out thinking about getting hurt. Some of the young adults in the village with jobs and those who are abusing alcohol get paid and then

Emmonak; Local Option Hearing: "30"

go to a party. He's concerned about these people. A lot of times they waste their money instead of using it for their family. Alcohol breaks up the family. The more there's mixture between Yupiks and white culture there's going to be more problems. Yupiks didn't learn how to bootleg themselves they learned from other culture. A lot of the young people who are under the influence take off on machines and get hurt or drown too. He's beginning to see more natives bootlegging.

(Conclusion of cassette 8, part 3)

(Emmonak hearing continues on cassette 8, part 4)

Adolph: (Translated from Yupik) Alex Bird's testimony: Some of the older young adults back then had to leave the village to attend high school. For instance here Mt. Edgecomb was the place where a lot of the natives attended. He thinks those people when they left the village that's when it started to use alcohol and abuse it. Today their high school is in the village, but the problem with alcohol has been progressing. One other drug that's causing more problems is marijuana. Marijuana is making the kids disrespectful to their Elders. He wants to thank you and encourage you to work on this project. What he would like to see is paper, a report from you guys after you go back. Send the report back to the village counsel.

Rep.
Binkley: Ok. We'll do that. Alex thank you very much appreciate it. Questions Katie?

Rep.
Hurley: What you said then I gather having young people going away to school are now parents of children now growing up in the village and you think that being moved was one of the reasons? Do you think people are happier now that there's a high school in the village?

Adolph: (Translated into Yupik)

Alex: (Yupik speaker)

Adolph: (Translated into Yupik) He's seen some improvement. Kids are learning how to use the substance from seeing their parents.

Rep.
Hurley: Thank you.

Emmonak; Local Option Hearing: "31"

Rep.

Binkley: Quyana. The last one today is Humphrey Keys.

Humphrey

Keyes: What I got here has ~~no~~thing to do with drug and alcohol abuse.

Rep.

Binkley: Do you want to do this informally afterwards?

Humphrey: Yes we can.

Rep.

Binkley: What we'll do is conclude the meeting then and you can say what you've got to say. Conclusion of meeting in Emmonak.