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Alaska State Legislature

SENATOR MIKE COLLETTA



Senate

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SENATE FLOOR LEADER

January 20, 1978

MEMORANDUM

FROM: Senator Mike Colletta, Chairman
Senate Special Committee on Alcoholism

TO: Mike Miller, Chairman
Legislative Council

RE: Final Report to the Legislative Council

36 public mtgs,
31 communities

Final report reflects that statewide
hearings resulted in a "massacre" *pg 1
"The problems of alcoholism..." *pg 3

The Special Senate Committee on Alcoholism and Alcohol Abuse has completed its activities and is prepared to offer a series of bills for legislative consideration.

It is important to note that while there will be a number of legislative recommendations as a result of activities by the Special Senate Committee, these items for consideration are, in fact, a direct expression of the people of Alaska of suggestions they have made to the Committee of things they want accomplished.

The different approach adopted by the Committee in conducting public hearings and soliciting public comment has produced a massive outpouring of participation and consensus of opinion by an unusually large number of citizens. We asked the people of Alaska to write a legislative bill as they thought it should be written. The responses received have been carefully evaluated and are being translated into legislative language.

Since the people's ideas for a legislative bill covered such a wide area of public law, a series of bills were necessary to express them all. Within the next few days, these bills will be introduced for your consideration. Following is a summary of those items the public wants enacted into law:

- Primary alcoholism education curriculum in the public school system, grades K through 12,
- Basic alcoholism education and in-service type training for persons with a main-line contact with alcoholics; police officials, judges, social workers, doctors, nurses, village health aides, etc.,

- Accredited training for state certified teachers,
- Training for persons dispensing alcohol,
- Provision for a statewide alcoholism education and training resource center to provide coordination, education materials, and training for local programs to draw upon,
- Specialized training for coordination and joint operations in liquor law enforcement by Alcoholic Beverage Control Board and other police agencies,
- Increased penalties for all convictions involving alcohol and a motor vehicle,
- Licensing of bartenders, cocktail waitresses and others who dispense alcoholic beverages,
- Increase Alcoholic Beverage Control Board personnel with a particular emphasis on patrolmen and investigators,
- -- Require that no more than one liquor beverage is to be served to a single patron at a time,
- Establish strict guidelines for the sale of alcohol beverages by telephone or mail order,
- Mandatory alcoholism counseling referrals by judges whenever an individual becomes involved in the judicial process and alcohol is a contributing factor,
- Series of detoxification centers utilizing local hospitals as much as possible,
- Establish guidelines and criteria for para-professionals in outlying areas and enable non-profit health corporations to act as primary contractors for providing alcoholism services in rural areas,
- Make available low interest loans to community corporations similar to other special areas such as economic development, minorities, veterans and student loans. This low interest loan would be for design and construction of recreation, sports, or adult social gathering places with the condition that alcohol would be prohibited in the facility,

- Establish uniform certification procedures for local alcoholism programs providing for a maximum of local self-determination in the structure and the method of operations and objectives,
- Require certification of alcoholism programs,
- Encourage development of third party funding sources such as veterans administration, employer participation and insurance coverage,
- Authorize tax credit for contributions to certified alcoholism programs similar to political deductions,
- Eliminate annual grant application requirements for alcoholism programs and provide for longer periods of funding,
- Establish "program revenue sharing" for local communities with funding based upon need.

Throughout the life of the Special Senate Committee, the public comment was consistant and clear. The problems of alcoholism and alcohol abuse have reached crisis proportions and the time has come to do something about it. We were told the current approaches to alcoholism are not working and a new emphasis is needed.

To accomplish this we are proposing a re-direction for alcoholism program funding. All monies now collected by the state from alcohol related industry will be available for this new local program approach. By re-directing revenue currently being raised, together with excise tax legislation now awaiting action in the State House, costly duplication and competition by different state agencies and administrative overhead would be reduced. Current grant program funding to alcoholism programs now total approximately 3 million dollars. Under the revenue sharing proposal, approximately 12 million dollars would be made available directly to local communities for alcoholism programs.

During the course of the Committee's activities, there were a total of 36 public meetings conducted in 31 communities throughout Alaska. Written comments were returned by over 400 people with specific suggestions for a new law.

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The Committee remained within it's authorized operating budget of \$79,400.00 with the following expenditures:

Contractural	\$ 41,980.58
Personal Services	10,195.65
Commodities	3,208.90
Travel	17,392.08

Approximately \$6,500.00 remains unencumbered and has lapsed to the general fund. The Committee has attempted to provide a maximum value to the public for its share of the legislative interim activities. I am confident we were successful in our objective.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 4, 1984

MEMORANDUM

TO: Representative Fred Zharoff
FROM: Jonathan Sherwood, Legislative Analyst
RE: Enforcement of the Local Option Law
Research Request 83-190

You requested that we investigate problems of enforcement of Alaska's local option law. We were also asked to consider possible statutory changes to increase the ability of communities to control alcohol abuse. This memorandum will address these questions.

Much of the information included in this memorandum has been taken from Village Alcohol Control and the Local Option Law, a report to the Alaska State Legislature by the Center for Alcohol and Addiction Studies of the University of Alaska, Anchorage. This report, which was released in the summer of 1983, is based on numerous interviews with individuals, officials, and professionals from several villages and with State officials and others involved in alcohol programs in the state. For a more detailed discussion of the problems and issues surrounding control of alcohol in local communities we refer you to this report which contains a thorough, if somewhat lengthy, summary of findings. (Attachment A.)

In addition to the information contained in the Center for Alcohol and Addiction Studies report, we have contacted local officials, State officials, and others involved in alcohol programs in Alaska. Among the individuals contacted were Carole Baekey, former director of the now defunct Alaska Legal Services Corporation Alcohol Project; Professor Stephen Conn of the Justice Center of the University of Alaska, Anchorage; Louie Andrew with the Yukon-Kuskokwim Health Corporation's Alcohol program; Sgt. C.W. Grutzmacher, coordinator of the Village Public Safety Officer program for the Alaska State Troopers; and Terry Cook, Mayor of Alakanuk. We also reviewed the monthly and quarterly reports of the Alaska Legal Services Corporation Alcohol Project, which provided assistance to communities interested in implementing a local option law.

Introduction

Alaska's local option law (AS 04.11.490-502) allows municipalities and established villages¹ within the state to regulate the distribution of alcohol within the community through one of four options:

- prohibition of sale and importation of alcohol;
- prohibition of sale only;
- prohibition of sale unless sold by an establishment operating under a community liquor license (either a bar or a package store); and
- prohibition of sale except by selected licenses (for example, beer and wine only).

In addition, it should be noted that communities are not required to consider any of the four options, and therefore have an additional option of allowing the sale and importation of alcohol as regulated by the State. Currently, 62 communities have enacted one of the four options noted above, with the vast majority choosing the ban on both sale and importation.²

Problems of Enforcement

Before discussing specific problems associated with enforcing the local option law, it should be noted that each community has its own experience with the local option law. The extent to which communities experience similar difficulties is not known, nor is the degree to which communities perceive such difficulties to be serious problems. We did not locate any quantitative information which would indicate the actual magnitude of any particular problem, and we are not able to collect such information ourselves, given the time and effort associated with such a task.

Support for Enforcement Efforts. One of the most basic problems with enforcement of the local option law faced by some communities is the

¹ AS 04.21.080 defines an established village as:

- an unincorporated community in the unorganized borough with 25 or more residents; or
- an unincorporated community within an organized borough with 25 or more residents, and is more than 50 miles from the boundary of a unified municipality if on a road system or 15 miles if not.

² Information provided by Chip Thoma, Alaska Division of Elections.

lack of adequate support for enforcement efforts. This lack of support may come from community residents, village or city councils, law enforcement officers, prosecutors, or the judiciary. Successful enforcement of the local option law, to some extent, involves all of these individuals. Examples of lack of support include:

- community members failing to report violations;
- village public safety officer or local police failing to make efforts to enforce the law;
- village or city councils, who regulate the village public safety officers, making local option enforcement a low priority;
- State Troopers providing inadequate support for village public safety officers;
- prosecutors not following up on arrests by local law enforcement personnel;
- judges suspending sentences for convicted violators without regard for the wishes of the community; and
- witnesses being unavailable to testify by the time a case is brought to trial.

There appear to be many reasons why enforcement of local option laws may not receive adequate support. One of the most frequently cited reasons for this lack of support was the attitudes of the people involved. Corporal Crawford of the Alaska State Troopers in Kotzebue stated that enforcement was usually a greater problem in communities which voted for a local option law by a narrow margin. As a result, many people in the community do not want the law. It was also mentioned by several people that a community may be clearly divided between older, more conservative or traditional members of the community, who favor the law, and younger members of the community, who oppose the law. As a result, the members of a community who have the most knowledge of violations may not be inclined to report them, and the older members of the community, when they have knowledge of violations, may be intimidated by the violators.

Corporal Crawford also mentioned that some law enforcement officers are reluctant to devote too much time to enforcing the law because of the time and effort required to develop a case. He explained that law enforcement officers have only limited time and resources and, depending on their caseloads, may not be inclined to devote the time necessary

to enforce a misdemeanor offense. In addition, the village council is responsible for establishing the priorities for the village public safety officer, who has many responsibilities besides law enforcement. If the council is not supportive of the local option law, they may not make its enforcement a priority.

The distances between communities make it more difficult for witnesses to participate in investigations and trials of suspected violators. In addition, judges and prosecutors may be unaware of the extent to which local option violations are a problem for a particular community because they lack easy access to the community. As a result, they may underreact or overreact to the problem.

In some cases, the lack of adequate enforcement efforts can also be attributed to the distances between the various elements of the law enforcement structure. Law enforcement efforts in rural Alaska involve relatively few personnel with responsibility for large geographical areas. Travel between communities may be delayed by weather. According to the report by the Center for Alcohol and Addiction Studies:

Inadequate trooper response does not necessarily mean that the troopers have failed to meet their obligations but that there is a limited number of troopers scattered throughout the Bush area, travel is complicated, travel time is lengthy, response times are often slow, troopers often hesitate to come to the village on minor matters or to intervene in developing problems, and troopers often appear only following a serious act of violence.³

The lack of trooper support may have a significant effect on the enforcement of the local option law. It appears that in some cases, it is more difficult for a village public safety officer to enforce the law than for a trooper. According to the Center's study:

Alcohol and fish and game regulations are the hardest laws for VPSOs to enforce, because of family and cultural obligations and traditions.⁴

Several of the individuals we contacted mentioned that some village law enforcement officers were reluctant to arrest violators who were close friends or family members which, given the small, close nature

³ Thomas D. Lonner and J. Kenneth Duff, Village Alcohol Control and the Local Option Law, Center for Alcohol and Addiction Studies, University of Alaska, Anchorage, June 24, 1983, p. X-17.

⁴ Ibid, p. X-15.

of most rural communities, can account for a significant portion of the population. On the other hand, according to Corporal Crawford, troopers sometimes receive more cooperation because they are perceived as having greater authority.

Finally, the Center's report mentions that implementation of the local option law was not accompanied by any personnel increases in the State Troopers, State prosecutors, or the judiciary.⁵ As a result, the legal system must cope with a new class of criminal behavior with no additional resources.

Inability to Restrict Possession. The most restrictive option available to a community is to ban the sale and importation of alcohol. Federal law protects the individual's right to manufacture limited quantities of homebrew. According to Carole Baekey, both the State and federal constitutions would have to be amended to permit the prohibition of possession of alcohol. As a result, a community has no legal recourse once an individual has successfully imported alcohol into the community.

This appears to be a source of frustration in many communities. If sale and importation of alcohol within a community is banned, it seems obvious that anyone who continues to consume alcohol other than homebrew indefinitely is almost certainly violating the law. However, because possession of alcohol does not constitute sufficient grounds for arrest for a local option violation, law enforcement officers cannot arrest violators without probable cause to link them with the act of illegally importing the alcohol. As explained in the Center's report:

Information that would constitute probable cause to believe that a local option law violation is taking place and intervention is warranted transcends the commonsense logic of the average citizen. Knowledge of a fellow resident's drinking history coupled with the fact that the resident was returning from the regional hub could constitute sufficient probable cause for a formal or informal community response and yet be insufficient and even illegal as perceived by a court⁶

This inability to restrict possession is further compounded by the constitutional limitations on the ability of law enforcement officers to search individuals and vehicles entering the community. While some communities may desire to have all persons or luggage entering the community searched for alcohol, this is not constitutional. Law

⁵ Ibid, p. X-29.

⁶ Ibid, p. X-27.

enforcement officers can search only when they have probable cause to suspect illegal importation, and in almost all cases, they must obtain a search warrant before commencing the search, unless consent is obtained or the alcohol is in plain view.

Another problem cited in the Center's report is that the implementation of the local option law and the educational efforts associated with it have served to draw attention to many of the unconstitutional and extra-legal methods which communities have traditionally used to control the use of alcohol.⁷

Complexities of Legal Procedures. The successful enforcement of any law depends on law enforcement officials following a rigorous set of procedures regarding the gathering of evidence and testimony, the handling and storage of evidence, and the protection of the accused's civil rights. It appears that these may present problems for some communities. As noted in the Center's report, villagers find it legally difficult to confiscate, search for, and seize alcohol when they see a drunk person, or to convict a person using possession of alcohol as prima facie evidence of importation.⁸

The study also suggests that the proper handling of evidence can be a problem in some communities. Village public safety officers may lack sufficient education or facilities to guarantee the proper handling of evidence. In addition, the study notes that because chronic violators often have a very complete knowledge of their civil rights and are less inclined to cooperate with law enforcement efforts, they are therefore the individuals most likely to avoid successful prosecution.⁹

Uncertainties about Interpretation of the Law. Another problem with enforcement of the local option law has to do with uncertainty concerning how certain provisions of the law are to be interpreted. For example, the status of alcohol bound for "wet" communities that is off-loaded in communities which have banned the importation of alcohol is not clearly defined under the local option law. The law does not elaborate on what constitutes importation. This has led to problems in St. Mary's, which banned sale and importation of alcohol but serves as the regional transportation hub for many communities which have not adopted a local option law. According to Lauri Otto, Bethel District Attorney, individuals had been picking up alcohol stored at the Wien Airlines facility at St. Mary's awaiting shipment to an outlying community. While the law was clearly being violated, it was not clear who was

⁷ Ibid., p. VII-5.

⁸ Ibid., p. XII-4.

⁹ Ibid.

responsible for the violation under the law. According to Gayle Horetski, with the Chief Prosecutor's Office in Juneau, an interim solution has been worked out whereby Wien will keep alcohol bound for other communities in a locked facility. However, Ms. Horetski noted that the question of law has still not been settled.

Lauri Otto also noted that in communities like Bethel, which have banned the sale of alcohol, but not possession, it is unclear how certain activities involving alcohol are to be classified. For example, if a social activity is held for which admission is charged and liquor is provided, it is unclear whether that constitutes sale of alcohol.

Furthermore, Ms. Otto mentioned that unlike Alaska's criminal code, Title 4 dealing with alcohol does not define the necessary mental state to constitute criminal activity (e.g. acting with intent, with criminal negligence, etc.). She explained that it is very difficult for prosecutors to develop cases when they do not know whether they must prove that the defendant intended to violate the law.

The Cultural Role of Legal Authority. Enforcing laws is only one of many ways in which a community can address social problems. As Carole Baekey stated, using the legal system as a means of controlling individuals' behavior is a relatively new approach for many of the communities in rural Alaska. As a result, community members may have unrealistic expectations regarding the effect the law will have on behavior, they may be unfamiliar or uncomfortable with the role they are to play in enforcing the law, and they be reluctant to involve violators in a legal system. For example, the U.S. legal system guarantees the defendant the right to face the accuser, but part of the cultural tradition in some communities is anonymous reporting of problem behavior to local authorities.

One of the points mentioned in the report by the Center for Alcohol and Addiction Studies is that the legal system is reactive; it punishes individuals after the fact. The process is time consuming with trials and convictions happening long after the violation. Moreover, the system is not selective--people whose alcohol consumption does not create problems for the community are as culpable as people whose alcohol consumption presents a serious problem for the community.¹⁰

However, communities may be used to problem-solving methods which are preventive, immediate, and directed at particular individuals who are causing problems or placing the community at risk. As a result, local residents may tend to view the way in which a local option law is

¹⁰ Ibid.

enforced as an unsatisfactory method of problem solving. The study found that communities in which traditional methods of social control are relatively effective may not perceive a need for a local option law.

Enhancing Community Control of Alcohol

We received some suggestions as to how the local option law might be amended to improve the local community's control over alcohol. However, when considering statutory changes in the local option law, one should note that many of the individuals we contacted spoke very favorably of the law. While it may not work perfectly in all cases, individuals may still be satisfied with the results. For example, Terry Cook, Mayor of Alakanuk, stated that the primary reason Alakanuk implemented a ban on sale and importation of alcohol was to stop widespread bootlegging; the law, while not eliminating alcohol in the community, has reduced bootlegging substantially to more acceptable levels. Airlines will no longer carry alcohol into Alakanuk, nor can it be acquired through mail-orders.

One suggestion put forth by some individuals is to increase the number of options available to communities. Thomas Lonner, with the Center for Alcohol and Addiction Studies, recommended that communities should be able to restrict the sale and importation of alcohol for specific periods during the year. He also suggested that it might be useful for communities to be able to limit the quantities of alcohol imported, e.g. establish a bottle or a volume limit on the amount imported.

However, some individuals cautioned that many villages ban the sale and importation in response to alcohol-related violence. It was noted that this behavior would probably still occur during and after periods when sale or importation was permitted. Allowing limited quantities of alcohol to be imported would make any enforcement of the local option law more complicated, as law enforcement officers might find it very difficult to establish probable cause for violations when some quantities of liquor were allowed.

Terry Cook, Mayor of Alakanuk, stated that it should be up to each municipality to develop their own option for alcohol control and not be limited to the four options under the existing law. He acknowledged that there might be some conflict between individuals' civil rights and the laws designed by villages; however, he thought that villages should be able to use traditional methods of discipline. In addition to the potential for constitutional problems with such options, Carole Baekey stated that there could be problems with communities not informing the State about their option. State law enforcement personnel must understand the law in order to enforce it.

Gayle Horetski recommended that the local option law include a definition of importation. She stated that the definition of importation is as yet an unanswered question, and that the State currently had no policy as to how to interpret that part of the statute. Lauri Otto mentioned that without a definition of what actually constituted importation, it was difficult to prosecute cases when more than one person was involved in the importation. For example, when different individuals are responsible for sending, transporting and receiving the alcohol, it is not clear the extent to which each is in violation of the law.

Ms. Otto also recommended clarifying the laws regarding social organizations serving liquor in communities where sale of alcohol is prohibited. Ms. Otto questioned whether some social organizations were able to avoid complying with the community's intent to prohibit the sale of alcohol by linking the service of alcohol to social events at which admission was charged. She also pointed out that the potential for select groups within the community to enjoy these privileges might develop into a serious social problem. According to Ms. Baekey, some of these issues could probably be addressed through Alcoholic Beverage Control Board regulations.

Both Corporal Crawford with the State Troopers and Ms. Otto suggested the possibility of declaring commercially packaged alcohol contraband in cities which banned its importation and sale, so that alcohol could be seized when it was found in public. An alternative would be to establish possession of commercially packaged alcohol as prima facie evidence of importation, in much the same way blood alcohol levels are used as prima facie evidence of driving while intoxicated. This solution, of course, would remove the individual's presumption of innocence under the law and place the burden of proof on the defendant. One possible effect of this move is that it might tend to shift enforcement efforts away from those who are actually importing alcohol and direct efforts toward individual consumers. Conceivably, this could improve the environment for bootlegging.

Conclusions

Many of the problems we have discussed appear to be related to the individuals or circumstances involved with the enforcement of the local options, not with the law itself. Most of the individuals whom we contacted felt that many of the perceived problems were the result of unrealistic expectations regarding the law, lack of familiarity with legal procedures, and isolated problems with enforcement personnel or relations between enforcement personnel. These problems may not lend themselves to statutory solutions.

Representative Zharoff
January 4, 1984
Page Ten

In addition, some of our sources expressed some doubt as to whether community control is enhanced by the imposition of western law on communities. Terry Cook stated that the imposition of western law tends to push western values on people. State law by definition places the ultimate authority in the hands of the State. In places where community authority provides effective controls for behavior, any imposition of State law might reduce community control.

One should also note that although we have only considered statutory changes, both the individuals we contacted and the report of the Center for Alcohol and Addiction Studies mentioned other methods which communities might use to increase their control over alcohol. As noted earlier, the local option law was not accompanied by an increase of State resources with which to enforce the law. Carole Baekey stated that communities could benefit from educational efforts to familiarize them with the legal system. Several people spoke highly of the village alcohol counselors. In addition, it is argued that problems with alcohol that rural communities encounter are symptomatic of deeper problems of cultural transition, and cannot be effectively addressed without treating the root causes.

Finally, Carole Baekey strongly recommended that before any action was taken to alter the local option law, the communities which have elected to enact one of the options should be surveyed as to their reactions to any proposed statutory changes. This would entail sending a questionnaire to the 62 communities which have enacted a local option law. Should you desire us to do so, we will prepare and mail questionnaires to these communities. Ms. Baekey estimated that it would take five to six weeks to receive responses.

If you have any questions regarding this memorandum, or if you would like us to survey the local option communities, please do not hesitate to contact us.

JS

Attachment

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ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y. State Capitol
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April 8, 1983

MEMORANDUM

TO: Representative Tony Vaska

FROM: Leslie Longenbaugh, ^{LL}Research Staff

RE: Revenue from Fines for Violating Local Option Laws
Research Request 83-102

You asked that we investigate the amount of revenue that is generated in the state from fines paid by those convicted of violating local option liquor laws. In addition, Kelly Hoover requested information regarding the approximate number of violators who go unapprehended and the percentage of arrests that result in convictions.

Amount Fined

Leanne Flickinger, who works in the data processing section of the State court system,¹ provided information about violations of the local option law for six months of 1982. She was able to furnish only six months' data because she had to compile it manually. During the six-month period there were 105 arrests for violation of the local option law. Information about the amount of fines levied was available only from Barrow, Bethel, Savoonga and Unalakleet, which accounted for 74 percent of the cases tried.² Courts in these communities assessed fines totaling \$4,300 against the 29 persons who were convicted during the six months.

As you know, Alaska law specifies that municipalities and established villages may place before their voters the question of prohibiting the sale and importation of alcohol (AS 04.11.496). Violation of the State statute, i.e., selling or importing alcohol in a prohibited area, is a class A misdemeanor, punishable by up to one year in jail

¹Leanne Flickinger, Alaska Court System, Anchorage; telephone: 264-0544.

²We are awaiting data concerning the number of convictions and amount levied in fines from Anita Griff, the magistrate in Selawik, who tried 10 violations of the local option law during the six-month period. If she gives us this information, we will pass it on to you.

and a fine of up to \$5,000.³ In early March 1983, Hooper Bay became the fifty-third community in the state to invoke AS 04.11.496. We have attached a list of the communities that ban the sale and importation of alcoholic beverages.⁴

Most of the larger villages in rural Alaska have magistrates who try misdemeanor cases. Most rural magistrates also try cases from a number of surrounding, smaller villages; for example, the magistrate in Unalakleet has jurisdiction over five other villages. For this reason, the villages and cities in Table 1, on page 3, represent the magistrates' locations, not necessarily the villages where the arrests were made.

When a person in a dry village is arrested for violating AS 04.11.496, she or he is taken before the nearest magistrate for arraignment.⁵ Most defendants who are arraigned on this charge plead guilty and are sentenced by the magistrate.⁶ When a defendant pleads not guilty, the magistrate sends the case file to the nearest district court, which assigns it a date for trial. The court tries the case as it would any comparable misdemeanor charge.

Table 1, on the following page, lists the eleven villages and cities where magistrates tried cases of violations of the local option law during the first six months of 1982 and the number of such cases that came before magistrates in each village during this period.

We surveyed four courts -- in Barrow, Bethel, Savoonga, and Unalakleet -- that together tried 74 percent of the cases during six months of

³An organization that is convicted of a class A misdemeanor is subject to a fine of \$100,000 or three times the pecuniary gains realized from the illegal act, whichever is less.

⁴In addition to the State statute, many "dry" villages pass their own ordinances that prohibit possession of alcohol, public drinking or public intoxication. The penalties for infractions of these ordinances vary from village to village. In Savoonga, violations of local liquor ordinances brought in fines of \$1,765 during the second half of FY 82. Violators of these ordinances are brought before the local, or nearest, magistrate.

⁵If the village does not have its own magistrate and is not served by a magistrate in a nearby village, the defendant must travel to the nearest district court for arraignment and, if necessary, trial.

⁶This according to James Gould, District Attorney, Nome; telephone: 443-2296.

1982. The rate of conviction in the four cities was around 38 percent; another 18 percent of the cases were still open at the end of the six months, and the remaining 44 percent were dismissed or judged not guilty.

The amount levied in fines for violation of the local option law by the five courts totaled \$4,300 for the six-month period. Approximately 40 percent of the convictions led to fines.

Table 1
Court Cases for Violations of the Local Liquor Option Law:
First Six Months, 1982

Barrow*	17
Bethel*	26
Galena	2
Gambell	3
Kiana	7
Mekoryuk	1
Noorvik	1
Savoonga	33
Selawik	10
Shungnak	3
Unalakleet*	2
Total	105

Source: Alaska Court System

*Figures are for the second six months of 1982.

Abner Gologergen, magistrate in Savoonga,⁷ told us that convictions for violations of the local option law in Savoonga resulted in \$850 in fines during the first six months of 1982. He noted that for the people of Savoonga, many of whom do not have much cash, a large fine can cause a severe hardship for the family of the offender.

Mr. Gologergen stated that he almost invariably sentences liquor-law misdemeanants, those who violate either State or municipal code, to perform between 20 and 60 hours of community work as a condition of their probation. The community work is often assigned in lieu of, and occasionally in addition to, a fine. Repeat offenders receive longer

⁷Abner Gologergen, Magistrate, Savoonga; telephone: 984-6011.

sentences of probation and more hours of community work. Fines, when he imposes them, never go higher than \$500; usually they are between \$50 and \$100. His primary criteria in sentencing are the amount of liquor involved and the number of previous convictions.

Unapprehended Violators

The number of persons who import liquor for personal consumption in violation of the local option law probably is much higher than the number of arrests would indicate, according to district attorneys in both Bethel and Nome.

James Gould in Nome reported that dry villages in his area have very few "bootleggers" who import liquor to sell. Because these villagers have access to Nome and Kotzebue where alcohol is sold and served legally, there is no market for high-priced liquor in the villages. Anita Griff, magistrate for Selawik,⁸ agreed with this view.

In contrast to the Nome region, most of the municipalities in the Lower-Yukon Kuskokwim area are dry, including Bethel, the regional center, where importation is legal but sale is not. The demand for alcoholic beverages in these villages creates a ready market for illegally-imported liquor. According to Lauri Otto, the district attorney in Bethel,⁹ police in the area arrest "a very small minority" of all bootleggers.

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Incidentally, the University of Alaska Center for Alcohol and Addiction Studies received a grant from the legislature in FY 83 to study the approach of dry villages to the revised Title 4, the local option law. According to Tom Lonner, researcher for the project,¹⁰ the report will be available at the end of the fiscal year. Mr. Lonner will send a copy of the report to each legislator.

If you have any questions or needs for more research, please call.

Attachment: Alaska Communities that Prohibit the Sale and Importation of Alcohol

⁸Anita Griff, Magistrate, Selawik; telephone: 484-2229.

⁹Lauri Otto, District Attorney, Bethel; telephone: 543-2055.

¹⁰Tom Lonner, University of Alaska, Center for Alcohol and Addiction Studies, Anchorage; 786-1410.

Alaska Communities that Prohibit
the Sale and Importation of Alcohol

Akolmiut	Kwethluk
Alakanuk	Mekoryuk
Ambler	Napakiak
Anaktuvuk Pass	Napaskiak
Atmautluak	Noatak
Bethel*	Noorvik
Buckland	Platinum
Chalkyitsik	Point Hope
Chefornak	Quinhagak
Deering	Saint Mary's
Diomede	Savoonga
Eek	Scammon Bay
Ekwok	Selawik
Elim	Shaktolik
Emmonak	Shishmaref
Fortuna Ledge	Shungnak
Gambell	Sleetmute
Golovin	Stebbins
Hooper Bay	Tanunak
Kaltag	Tetlin
Kiana	Togiak
Kipnuk	Toksook Bay
Kivalina	Tuluksak
Kongiganak	Tuntutuliak
Kotlik	Wainwright
Koyuk	Wales
	White Mountain

House Research Agency, 3/30/83

Source: Vivian Kortie, Alcoholic Beverage Control Board

*Prohibits the sale of alcohol but allows limited importation for personal consumption.

THE ALCOHOLIC BEVERAGE
CONTROL BOARD
IN ALASKA

A Report to the
ALASKA LEGISLATURE

by

Peter Smith Ring
Justice Center
University of Alaska
Anchorage, Alaska

December 1979

PREFACE

This report has been prepared by the Justice Center of the University of Alaska, Anchorage, for the Alaska State Legislature as a by-product to a larger ongoing study on the relationship between alcohol abuse and regulatory laws, practices and procedures. The larger study was commissioned by the National Institute on Alcohol Abuse and Alcoholism under grant number AA03183-01. No state matching funds were required or used. The action recommendations begin on page 43.

Regulation cannot provide a final solution to a problem which is woven into the fabric of a society. But management of the problem in its larger context is hindered by a background of confused regulations and obscure standards and procedures. These same deficits in the law create smaller but nevertheless real irritations and inefficiencies, baffling to the citizen, which can be met by legislative action in clarification of purpose and assignment of responsibility. If we cannot "solve" the problem of alcohol abuse, at least those governmental activities which control the distribution and sale of alcoholic beverages should not be a source of additional irritation and cynicism among the public and enforcement authorities alike.

The Center is indebted to Peter S. Ring, now at the University of California, Irvine, who, while he served on the

faculty of the Center, conducted most of the research and writing of this report. Expression of views and recommendations in this report are those of Dr. Ring and do not necessarily reflect the views of the University or any officer of it.



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THE ALCOHOLIC BEVERAGE CONTROL BOARD
IN ALASKA

I. BACKGROUND AND OBJECTIVES OF THE STUDY

This study of the Alcoholic Beverage Control (ABC) Board was conducted in connection with a larger research project dealing with "Alcohol Control in Village Alaska," sponsored by the National Institute on Alcohol Abuse and Alcoholism (NIAAA), which was directed by the Criminal Justice Center (Center), University of Alaska, Anchorage. Dr. Stephen Conn, Professor of Justice with the Center, served as the project's principal investigator. The project was designed to determine the impact, if any, of varying legal approaches to the control of alcohol use in rural Alaskan settings, focusing on two communities, Bethel and Barrow, and their satellite villages. The effects of those communities' efforts to regulate beverage alcohol consumption within their political boundaries by alternating between "wet" and "dry" status were also major areas of project inquiry.

State law provides that Alaskan communities may be wet or dry.¹ In short, communities may make legal or illegal the local sale of liquor.² Further, they may restrict legal liquor sales to community run liquor stores and may prosecute other sales of liquor or the possession or transportation of alcoholic beverages³ with the intent to sell them illegally.

1/ AS 04.10.430.

2/ AS 04.15.110.

3/ AS 04.15.070.

State law does not permit communities to make possession of beverage alcohol for private consumption illegal. Nor does state law permit dry communities to prohibit their residents from ordering liquor for personal use.

However, a significant number of villages, through ordinance or custom, attempt with varying degrees of success to prohibit the use of liquor in their village. Although such a community position is extralegal, or even illegal, it is bolstered by village councils which act in lieu of courts in some Eskimo villages, church groups, and community opinion translated into social pressure. Further, it has some wavering though indirect support in statements by legal officials (e.g., state policy) who support initial intervention into community problems by village councils without reflection as to the legality or illegality of the council as an institution or the legality or illegality of some village rules.⁴

In brief, and as used in this paper, local control may be described as one of three "types": (1) dry by local option; (2) wet by local option; and, (3) dry by village edict and procedure. Dry or wet by local option refers to the legality or illegality of sales in that place, but not to possession or sales for private consumption made to individuals in that place from sources outside of the community.

^{4/} Conn, Stephen, "Alcohol Control in Village Alaska," grant no. NIAA 1 H84 AA03183-01, awarded to the Justice Center for project period October 1, 1977 through May 31, 1979.

Table 1 presents a history of recent wet/dry periods in the two communities which were the focus of the project.

TABLE 1

<u>Community</u>	<u>Wet</u>	<u>Dry</u>
Barrow	1973-1975 1977	1970-1972 1976 1978-1979
Bethel	1970-1973	1974-1979

This study of the ABC Board paralleled those time frames and was designed to determine the extent to which statewide legalistic control mechanisms for beverage alcohol helped or hindered local option control efforts. Our conclusions are based primarily on analysis of ABC Board activities, interviews with Board members and staff, interviews with others associated with the liquor "industry" in Alaska, analysis of existing and proposed statutes

and administrative regulations and analysis of legislative reviews of the Board and the laws under which it operates.

II. THE EXISTING SYSTEM OF ALCOHOL BEVERAGE CONTROL

A. Historical Development: A Brief Overview

In 1933 the territorial legislature, acting under authority granted to it by the Congress, created the Board of Liquor Control. The problems the Board was to deal with were not new to Alaska. From early territorial days, shortly after the purchase of Alaska from Russia in 1867, major enforcement problems surfaced with respect to liquor traffic and consumption. Early on, as a result of the Organic Law of 1884, all importation and sale was prohibited throughout the territory,⁵ a consequence of the declaration of Alaska as Indian country by the attorney general.⁶ Needless to say, in a land so vast such legislative efforts failed to have their intended effect: to dry up the consumption of hoochinoo and its western substitutes among the Indians of Alaska.

In 1899 Congress enacted a criminal code for the territory⁷ which included among its miscellaneous provisions in chapter 44, sections 460-478 which dealt with the regulation, licensing and sale of liquor in Alaska. The 1899 federal licensing law did not provide specific authority for local units of government to add

^{5/} See, Hinckley, Ted C., The Americanization of Alaska; 1867-1897, Palo Alto: Pacific Books Publishers, 1972, especially pp. 43-45, 70, 82-83, 93-95 and 161-162.

^{6/} Bancroft, Hubert Howe, History of Alaska 1730-1885, San Francisco: A.L. Bankcroft Co., 1886.

^{7/} 30 Stat. 1253, approved March 3, 1899.

to the established license fees or to enact ordinances to regulate liquor traffic. That federal jurisdiction was not to be shared with local government is reflected in the provision of an amendment to the 1899 law (Feb. 6, 1909, 35 Stat. L., 601) which provided that licenses would be issued only in towns and villages in which there was a United States Commissioner or Deputy Marshal.

With the passage of the Organic Act in 1912, congressional acts relating to liquor remained in full force and effect. Further, the Act severely limited the authority of the territorial legislature to alter, amend, modify or repeal those laws in force in Alaska relating to taxes on the liquor business and trade. Express authority was granted to enact other and additional taxes.

All the while, momentum was gaining across the country for total prohibition. In 1915 the territorial legislature provided for a referendum on the wet/dry issue. In record numbers Alaskans went to the polls.⁸ They voted dry by a near two to one margin: 9,055 dry; 4,815 wet. The law which had authorized the referendum provided that in the event of a favorable vote (dry), no liquor would be sold within the territory after January 1, 1918.

Congressional action negated this provision. In 1917, Congress enacted legislation⁹ which prohibited the manufacture or sale of intoxicating beverages in Alaska. Known as the

8/ "Prohibition of Liquors in the Territory of Alaska," Hearings before the Committee on the Territories, House of Representatives, 64th Congress, on H.R. 19188, January 10, 1917, p. 10, G.P.O. Washington, D.C., 1917.

9/ 39 Stat. 903-909.

"Alaska Bone-Dry Law," the legislation was deemed to have preempted regulation by Attorney General Grigsby, and thus, a 1917 territorial legislative enactment (Senate Bill 96) which sought to regulate "temperance" beverages -- those with one percent or more alcohol -- was declared null and void.

However, the "Alaska Bone-Dry Law" granted authority to the Alaska territorial legislature "[t]o enact further provisions for enforcement of the prohibition act."¹⁰ The 1917 Act did not repeal sections 462-478 of the criminal code relating to the licensing and sale of intoxicating beverages, but its provisions made "nugatory" the licensing act of 1899.

Thereafter, there was no action by Congress regulating liquor traffic until 1934 when the Bone-Dry Law was repealed and the legislature was authorized to regulate sale of liquor in Alaska. Shortly before the repeal of the Bone-Dry Law and presumably in contemplation of repeal of the Eighteenth Amendment, the Alaska legislature in 1933 enacted a Beer and Wine Licensing Act.¹¹

The 1933 Act created a Board of Liquor Control. Composed of the Governor, the attorney general, the treasurer, the auditor and the territorial highway engineer, the Act provided that they would have "full power, authority and control over the manufacture, barter, sale and possession of intoxicating liquors in the Territory of Alaska. . . ." However, the Act also provided that "the legislature of Alaska may enact laws that will provide for

¹⁰/ 39 Stat. 903-909, approved Feb. 14, 1917.

¹¹/ Ch. 71, SLA, 1933.

and supersede the powers, duties, and functions hereby delegated to the Board of Liquor Control."¹²

Between 1933 and 1957, either by regulation of the Board of Liquor Control, or by action of the territorial legislature, a reasonably comprehensive scheme of beverage alcohol regulation emerged. In 1935, by regulation (and by legislation in 1937) incorporated municipalities were given authority to govern the sale of liquor within the municipality so long as the local scheme was consistent with state regulations. Similar provisions were made for local input on the issuance of a license. And, in 1935, the Board by regulation adopted a license classification scheme provided for in the Wine and Beer Licensing Act of 1933.¹³ This scheme, with minor modification, was enacted into law in 1937¹⁴ and remained essentially intact until 1957.

Location and population restrictions were part of the early regulatory provisions¹⁵ as were provisions on local option (first enacted in 1935, amended in 1937, 1941, 1951 and 1953) and sales restrictions.

During this period, the issuance of licenses, their renewal and their enforcement had been delegated by the territorial legislature to U. S. District Court clerks who were to act in compliance "with the order of the Court or judge thereof duly made and

¹²/ Sec. 2, ch. 109, SLA, 1933.

¹³/ Ch. 71, SLA, 1933.

¹⁴/ Ch. 78, SLA, 1937.

¹⁵/ Sec. 5(3), ch. 78, SLA, 1937.

and entered." [And, in 1953, the legislature abolished the Board of Liquor Control altogether.] In Bordenelli v. U. S.,¹⁶ the Court of Appeals ruled that the territorial legislature had no authority to delegate licensing functions to the District Court and seemed to imply in its opinion that the legislature had no authority to repeal the 1933 legislation which established the Liquor Control Board because the Congress had specifically ratified that legislation.¹⁷ The Attorney General of Alaska, J. Gerald Williams, reached a similar conclusion and on April 27, 1956, by memorandum, so informed the members of the Liquor Control Board.

Thereafter, in 1957, the legislature enacted a series of provisions based on earlier legislative efforts but within the constraints imposed by the Bordenelli decision and Attorney General Williams.

B. Current Statutory Scheme

Alaska falls within that class of states which have chosen a license system of alcoholic beverage regulation. (The other system -- the control model -- results in a state monopoly on alcohol wholesale and retail sales.) Under the license system the state avoids the normal problems associated with running a business while still retaining the right to collect certain revenues from those engaged in the business. In so doing, it is presumed to lose some amount of control over the regulation of alcohol consumption among the general populace.

^{16/} 16 Alaska 185, 233 F.2d 120 (9th Cir., 1956).

^{17/} 48 USC section 292-293, 48 Stat. 583.

Alaska's statutory scheme can be readily broken down into three basic categories: (a) administrative structure, (b) licensing, and (c) regulation of sales and distribution. The analysis of the major elements of the statutory scheme which follows will parallel that trichotomy.

1. Administrative Structure

The ABC Board, by legislative mandate, has been established within the Department of Revenue.¹⁸ By statute it is composed of five members, two of whom must be actively engaged in a facet of the alcoholic beverage industry other than a wholesale enterprise. No member of the Board may hold any other state or federal office, elective or appointive, nor may the other three members be engaged in the same business, occupation or profession.¹⁹

Members of the Board are appointed by the Governor, subject to legislative confirmation, for three year overlapping terms. In addition, the Governor also appoints the Board's executive director, again subject to legislative confirmation, although as a consequence of the decision in Bradner v. Hammond, 533 P.2d 1 (Alaska 1976) confirmation has apparently not been offered nor required. The executive director serves as the executive officer of the Board -- but not as chairperson; and, while not a member of the Board, may vote to break a tie.²⁰

¹⁸/ AS 04.05.010(a).

¹⁹/ AS 04.05.010(a).

²⁰/ AS 04.05.010(b).

The Board is "vested with the duties, powers, and responsibilities involved in the control of alcoholic beverages, including the promulgation of rules and regulations and the hearing of appeals from the action of officers and employees charged with enforcing the alcoholic beverage control law, rules and regulations."²¹ AS 04.05.020 provides that such rules and regulations shall govern "the manufacture, barter, sale and possession of intoxicating liquors in the state and shall prescribe application fees." The provisions of AS 04.05.040 broadly define the scope of the Board's regulatory powers to include, among others, the regulation of employment, conduct and duties of Board employees to the issuance, renewal, reissuance, revocation and suspension of licenses and permits.

Both AS 04.05.040(5) and AS 04.05.050 authorize the Board to delegate its duties -- except those involving rule and regulation making -- to the director. In addition, AS 04.05.010(b) empowers the director to issue all licenses provided for under the title.

Provisions of chapter 5 also require that the Board establish a system for the holding of local option elections²² and make violations of the Board's rules and regulations punishable as misdemeanors.

²¹/ AS 04.05.010(a)

²²/ AS 04.05.060

2. Licensing

Article 1, chapter 10 of title 4 of the Alaska Statutes states that "no person" may engage in the sale, transfer, or barter of alcoholic beverages in the state without an appropriate license. Currently, sixteen (16) distinct types of licenses are provided for and defined by statute.²³ They include, among others: beverage dispensary,²⁴ roadhouses,²⁵ clubs,²⁶ retail,²⁷ whole-sale,²⁸ community,²⁹ and pub.³⁰

The provisions of AS 04.10.150-180 define who may qualify for a liquor license,³¹ limits the involvement of wholesalers, brewers, distillers, etc., or their owners, officers or representatives in beverage dispensary or retail liquor store operations,³² and require non-resident wholesalers and distillers, among others, to obtain licenses and designate a principle place of business within the state and therein maintain an agent and locate its records. The article also prohibits undisclosed and unauthorized

²³/ AS 04.10.020 and AS 04.10.040-146.

²⁴/ Bars; AS 04.10.020(a), 040.

²⁵/ AS 04.10.020(c) and 060.

²⁶/ AS 04.10.020(d) and 070.

²⁷/ AS 04.10.020(9) and 100.

²⁸/ AS 04.10.020(h)(1)(2) and 110.

²⁹/ AS 04.10.020(u) and 139.

³⁰/ AS 04.10.020(n) and 146.

³¹/ AS 04.10.130.

³²/ AS 04.10.160.

financial interests in licenses and makes the licensee solely responsible for the lawful conduct of the business except as otherwise provided.³³

An applicant for a new liquor license is required by AS 04.10.190 to file with the director an application as well as the appropriate license fee. Public notice of the application must be given by the Board and a new applicant may be required by the Board to make paid notice.³⁴ As a general rule, new applications will not be approved where issuance would result in two licenses of the same type serving fewer than 1,500 people.³⁵ Further, title 4 requires compliance with city zoning regulations in cases involving beverage dispensary and retail liquor stores³⁶ although the Board is interpreting this provision as applying to all classes of license. Local governing bodies are also authorized to protest the issuance, transfer or renewal of a license.³⁷ In remote areas of the state, public approval is required prior to the issuance of a new license.³⁸ Similarly, residents of areas outside an incorporated municipality can also protest the issuance of a license, and if it appears that a majority of the adult residents voted against the issuance of the license in a special

33/ AS 04.10.180.

34/ AS 04.10.200.

35/ AS 04.10.210.

36/ AS 04.10.230.

37/ AS 04.10.270.

38/ AS 04.10.310.

election the license shall not be issued.³⁹ No new license for the sale of liquor may be issued in areas outside incorporated cities unless accompanied by a petition containing signatures of a majority of the bona fide adult residents within one mile of the place where the liquor is to be sold.⁴⁰

The statutory scheme also provides for the regulation of existing licenses. They expire on December 31st,⁴¹ may only be transferred upon written approval of the Board⁴² and are renewable automatically if the appropriate fees are paid and there have been no convictions of the licensee under AS 04.15.100 nor any other lawful revocation of the license.⁴³

One intriguing provision of title 4, and one which has caused the Board some problems, permits the issuance of a licensee without regard to population limitations "when it appears that the issuance or transfer of the license will encourage the construction or improvement of a hotel, motel, resort or similar business related to the tourist trade having a minimum accommodation of 10 rooms and a dining facility. The dining facility requirement may be waived if the majority of rooms have kitchen facilities."⁴⁴

Article 5 of chapter 10 provides the legal mechanism for local option elections, the effects of which are a major research

39/ AS 04.10.300.

40/ AS 04.10.440.

41/ AS 04.10.320.

42/ AS 04.10.330.

43/ AS 04.10.350.

44/ AS 04.10.260.

focus of this project. AS 04.10.430(a) authorizes a local option election when 35 percent of the total number of voters in the last general municipal election petition the city council to do so. If the vote is to go "dry," the Board must be so notified and for a period of one year thereafter no further licenses shall be issued for the city nor shall a new beverage dispensary or retail license be issued within five miles of the city. A new license or permit for the sale of beverage alcohol may not be issued by the Board within an incorporated city in which, on June 30, 1976, there was no licensed premise unless the city council has first conducted a local option election.⁴⁵

The same election procedures can be employed to establish a community liquor license. If the local community votes for that option, the Board is precluded from issuing any additional type of license other than a "hotel" license. The outcome of the election does not affect licenses issued prior to September 10, 1972.⁴⁶

3. Regulation of Sales and Distribution

The provisions of chapter 15 ostensibly provide the means by which the excesses and evils associated with alcohol consumption are to be controlled. AS 04.15.010 requires closure between the hours of 5:00 a.m. and 8:00 a.m. unless otherwise provided

⁴⁵/ AS 04.10.430(d).

⁴⁶/ AS 04.10.430(c).

for by municipal ordinance.⁴⁷ Sale and/or delivery to persons under the age of 19 is prohibited⁴⁸ and such persons may not enter or remain on licensed premises unless the premises are recognized as a restaurant and the minor is accompanied by a parent, guardian or spouse who has attained the age of 19.⁴⁹ Sales are prohibited within 200 feet of churches or schools.⁵⁰ Credit sales are also prohibited.⁵¹

In addition to these and other provisions of chapter 15, AS 04.15.070 authorizes municipalities to regulate the barter, sale or possession of alcohol within their boundaries by ordinance so long as they are not inconsistent with the provisions of title 4. Violations of the provisions of title 4 are considered to be misdemeanors and, upon conviction, persons are subject to imprisonment of up to one year or by a fine not to exceed \$100. Furthermore, the Board is empowered to order suspensions of licenses or to revoke a license after three violations.⁵² Sales

47/ This is clearly an important provision. The community of Juneau recently moved closing hours back to 2:00 a.m. and former District Attorney Larry Weeks reported that it had, from his perspective, a significant positive impact on levels of social disorder in that community.

48/ AS 04.15.020(a).

49/ AS 04.15.020(d).

50/ AS 04.15.020(e).

51/ AS 04.15.085.

52/ AS 04.15.100.

in violation of local option are subject to imprisonment of up to a year and/or a fine not to exceed \$5,000.⁵³

C. Current Regulatory Scheme

As authorized by statute, the Board has enacted a series of regulations which are contained in title 15, chapter 20 of the Alaska Administrative Code. They have not been added to or amended since 1963. While some of the regulations merely provide greater clarification of the statute from which they flow (e.g., 15 ACC 20.070 -- standard closing hours), others establish a permit system which authorizes the sale of liquor over a short time span and/or in a specific location (e.g., 15 AAC 20.230 -- special events permit). Authority for the issuance of these permits is derived from AS 04.05.030 and 040.

By far the most important of the regulations, however, is 15 AAC 20.010 which sets forth the grounds for suspension and/or revocation of licenses. They include:

SUSPENSION AND REVOCATION OF LICENSES.

The following are the grounds which constitute a basis for the possible suspension or the revocation of licenses:

(1) when the continuance of a license would be contrary to the best interest of the public; but proceedings under this section upon this ground are not a limitation on the Alcoholic Beverage Control Board to proceed under provisions of AS 04.05.030;

(2) a violation of any Alcoholic Beverage Control Board rule or regulation by a licensee, his agent or employee;

(3) the misrepresentation of a material fact by an applicant in obtaining any license;

⁵³/ AS 04.15.110.

(4) the plea, verdict, or judgment of guilty to any public offense involving moral turpitude or violation of any law concerning the manufacture, barter, sale and possession of intoxicating liquors;

(5) where the portion of the premises of the licensee upon which the activities permitted by the license are conducted are a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers or sexual perverts; in addition to any other legally competent evidence, the character of the premises may be proved by the general reputation of the premises in the community as a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers or sexual perverts;

(6) failure to correct objectionable conditions within a prescribed time or reasonable time after receipt of notice to make such correction issued by the Alcoholic Beverage Control Board or agent thereof;

(7) disciplinary action by military or naval authorities against any licensed premises;

(8) any failure to comply with the laws, rules and regulations pertaining to public health in Alaska;

(9) conviction of a charge of gambling within the limits of any licensed premises (eff. 10/31/59; am 6/6/63, Reg. 10).

D. Organizational Scheme

The composition of the Board has been previously described.⁵⁴

As noted, the Board is administratively situated within the Department of Revenue.

In its activities the Board is supported by a staff of 12 whose functions can be divided into three basic areas generally paralleling the statutory trichotomy set out above: administration, licensing and enforcement. Headquartered in Anchorage,

⁵⁴/ Supra, p. 9.

the staff is led by the Board's executive director whose responsibilities and duties have been partially noted previously in this report.⁵⁵ In addition to those duties prescribed by statute, the director prepares the Board's annual budget, sets the agenda for and provides input to the Board at regular and special meetings and directs all other staff functions.

The staff of the licensing division is currently made up of three full-time employees. It issues and receives license application forms, collects fees, issues all licenses and permits approved by the Board and deals with the general public on all matters related to licensing.

Enforcement activities of the Board are carried out by six investigators, three of whom are located in Anchorage. Two of the remaining staff operate out of Fairbanks and one is located in Juneau. They are supported by a clerical person. These investigators are charged by statute and by regulation with the enforcement of the provisions of title 4 of the Alaska Statutes and title 15 of the Administrative Code. Their activities include licensed premises inspections, investigations in support of civil and criminal proceedings and assistance to the licensing staff.

III. THE ABC LAWS: THE ACTUAL AND POTENTIAL USES

In this section of the report we will focus on views of the ABC Board held by various individuals or organizations. In

^{55/} Supra, p. 9.

developing these views we have used two approaches: (1) an analysis of very recent studies of the ABC Board, and (2) interviews with a number of individuals connected with the Board, including current and former Board and staff members.

A. Legislative Views

In late 1978 the Division of Legislative Audit, a creature of the legislature reporting to the Legislative Budget and Audit Committee, completed "A Performance Review of the Alcoholic Beverage Control Board"⁵⁶ in accordance with the provisions of AS 24.20.271(1) and AS 44.66.050 -- Alaska's "Sunset Laws." AS 44.66.010(1) decreed that the Board would terminate on June 30, 1979, although a twelve-month period was provided within which it would wrap up its affairs. The report was prepared to assist the legislature in determining what course of action to follow with respect to the Board's future.

The auditor's major conclusions were that the Board "should continue to regulate and license those persons engaged in the liquor industry. . . . However, . . . [e]nforcement responsibilities of the Board should be transferred to a special investigative unit with the Department of Public Safety."⁵⁷ The auditors further recommended transfer of licensing responsibilities to the

⁵⁶/ Division of Legislative Audit, Juneau, AK, November 3, 1978 (hereinafter referred to as the Auditor's Report).

⁵⁷/ Id., at p. 7. (Emphasis added)

Department of Commerce, Division of Occupational Licensing⁵⁸ and elimination of two administrative staff positions resulting in a savings to the state of approximately \$54,000.

Other recommendations included:

The Alcohol Beverage Control Board should adopt a regulation delegating authority to the director of the Division of Occupational Licensing for the routine issuance, transfer and renewal of unprotected licenses.

No two members of the Alcoholic Beverage Control Board should be engaged in the same business, occupation or profession.

Renewals of licenses should be made in a timely manner.

The requirement for a \$2,500 cash or surety bond for a beverage dispensary license should be eliminated from AS 04.10.040.

The Office of the Governor should keep appointments of members of the Alcoholic Beverage Control Board current and stagger them as required by AS 30.05.060.⁵⁹

The Department of Revenue, responding through its Commissioner, Sterling Gallagher, disagreed with the auditor's major recommendations. And the current chairman of the Board concluded that what was really needed was a complete and sensible rewrite of title 4 and that if the only action taken by the legislature was adoption of the auditor's recommendations, "the problem of enforcement of ABC laws will be exacerbated, because there will be a feeling that the problem is solved."⁶⁰

⁵⁸/ Id., at p. 8.

⁵⁹/ Id., at pp. 17-20.

⁶⁰/ Id., at p. 44c.

While the report is not overly detailed and lacks reliable data in support of its major conclusions, its biggest fault is its failure to address the question of what role, if any, the Board should play in dealing with the significant social problems associated with the sale and consumption of beverage alcohol in Alaska.⁶¹

A more definitive statement of legislative views on the role of the Board might be inferred from legislation introduced in the First Session of the Eleventh Legislature. The most comprehensive and thoroughly researched analysis of title 4 to date was produced by the Code Revision Commission, another creature of the legislature. The Commission solicited views from across the state and from all quarters and those views were maintained in a well organized file which was kindly provided to the Center by the Commission.

As noted in their statement of transmittal, dated April 18, 1979, the Commission had "been working towards a technical redraft of existing law." They attempted to "clarify and simplify" that which was already in title 4.

In an undated supplement to the Commission Transmittal Statement, the Commission provided an in-depth comparison between existing law and their proposed changes. They recommended transfer of the Board to the Department of Commerce and would require that

^{61/} Although, arguably, this function is outside the scope of a "Sunset" review.

one of the five members be from the public health and alcoholism treatment field. Further, they proposed an appellate role for the Board, giving the director the authority to issue or reissue licenses.

Few significant changes were proposed with respect to restrictions on licenses and licensees. The \$2,500 surety bond requirement was eliminated in keeping with the auditor's report.

Population limitations on licensing were continued as was the tourist facility license exception to those quotas. However, the facility would have to have a ten room minimum guest accommodation in order to qualify for the exemption. Notice requirements of existing law remained substantially unchanged, although they were clarified and any party to the initial hearing was given appeal rights, not just municipalities as is the case under current law.

In the licensing area, the most significant change recommended involved creating a distinction between the "license" and a "certificate to operate." The former was seen as a property right while the latter was viewed as a privilege. Thus, a license could be transferred even though the person holding the license had had his certificate to operate suspended or revoked. Of course, the new licensee would still have to qualify for a certificate to operate.

Few changes, if any, were proposed with respect to license classifications, fees, terms, and application procedures. One notable exception was the inclusion of proposed licensing criteria explicitly set forth in statute. Because this is one of the truly

"soft" areas in existing law, those criteria are set forth in full:

Sec. 04.11.210. LICENSING CRITERIA. In addition to considerations presented at hearings or otherwise, the following factors, as appropriate, may be considered by the director in acting on an application for license issuance or transfer:

(1) adequacy of licensed premises in the area of the proposed premises, with particular consideration of

(A) the clientele, seating, business volume and menu of existing outlets;

(B) size, design and decor of the proposed premises, and

(C) changes in population and economic conditions of the area;

(2) customer parking;

(3) suitability of inventory, equipment, and fixtures of proposed premises;

(4) effect of granting the license on traffic and traffic controls, with particular consideration of hazards in the area, such as dangerous crossings, school crossings, or children riding bicycles in the area;

(5) proximity of the proposed premises to schools, churches and other public institutions;

(6) effect of granting the license on public health and local law enforcement, with particular consideration of whether location of the licensed premises in proximity to other licensed premises would tend to cause or aggravate public health or law enforcement problems;

(7) effect of granting the license on law enforcement or public health in areas bordering or neighboring the area of the proposed premises and in which the sale of alcoholic beverages has been prohibited or restricted by local option election;

(8) effect of granting the license on property values in the area;

(9) objections to granting the license, with particular consideration of the number of objectors and their proximity of residence to the premises;

- (10) accuracy and completeness of information furnished by the applicant;
- (11) criminal convictions of the applicant for violations of law, or prior discipline of the applicant for violations of alcoholic beverage control laws or regulations;
- (12) financial capability and resources of the applicant;
- (13) other considerations required in this title or specified by regulation of the board;
- (14) other considerations which the director determines to be in the best interests of the public.

It is interesting to note that this section was not a part of SB 239 as introduced.

The proposal also contained changes paralleling those recommended by the auditor's report which were designed to take the Board out of the creditor satisfaction business.

In the area of local option, the Commission proposed some of its more significant changes, designed primarily to clarify questions which had arisen over the years out of ambiguities in existing law. It spelled out the questions associated with wet/dry elections, eliminated the once a year limit on such elections, continues the misdemeanor penalties on sales in dry areas but makes it clear that telephone or mail orders originating from dry areas to licensed premises are not illegal transactions.

With respect to methods of operating premises the Commission proposed changes designed to make enforcement of laws prohibiting serving intoxicated persons somewhat easier. Similar efforts were undertaken with respect to service to minors issues.

Finally, the Commission identified a number of policy considerations for the legislature without recommending changes in those policies. Included among these issues were the following:

- (1) the composition of the Board, especially the notion of requiring two industry representatives;
- (2) the Board's regulatory authority -- should it be "in the public interest" or assume a narrower scope;
- (3) the quota system of licensing -- should it be retained;
- (4) the role of municipalities in licensing;
- (5) local option options -- is wet/dry the only way to go;
- (6) authorizing compensation to localities which lose revenues by voting "dry;"
- (7) alcoholic beverage control in rural Alaska -- what to do;
- (8) reducing hours of sales;
- (9) raising minimum drinking ages;
- (10) restricting advertising; and
- (11) the overriding issue of what relationship, if any, exists between restricting access to alcoholic beverages and alcohol related problems in society.

The Code Revision Commission has ended its work on title 4 until it receives further direction from the legislature. It seems likely that none will be forthcoming and that their draft and accompanying reports will be forwarded to committees already considering legislation on the subject.

Senate Bill 239, introduced by the Rules Committee, was designed to provide the first comprehensive revision of the ABC laws since the late 1950's. The legislation, drafted in large measure under the guiding hand of Senator Bill Ray of Juneau, proposed a number of significant changes to existing statutory provisions. But, in the final analysis, it cannot be considered

to be a radical departure from the general direction to the control of beverage alcohol currently reflected in title 4. And, it certainly failed to address many of the important considerations raised by the Code Revision Commission.

Perhaps the potentially most far reaching of the changes to title 4 proposed by SB 239 are provisions in article 4 which authorize the Board to grant an application for a license despite community opposition or even in the face of a community decision to go "dry" if the granting of such an application would encourage the tourist trade. In short, what little control communities now have to regulate the legal sale of alcohol within their political boundaries would evaporate in the face of the state's desire to improve its economic base by encouraging or accommodating the drinking habits of tourists.

At the same time, the provisions of proposed section 04.11.420 would appear to allow a community to assume absolute control over the sale and distribution of beverage alcohol through its zoning powers. The section in question requires the Board to deny an application for a new license or permit in any portion of a community where zoning ordinances or regulations prohibit the sale or consumption of alcoholic beverages. Thus, it would seem, a community could zone itself dry and over a period of time, as licenses or permits changed hands, bar the legal sale or consumption of alcohol inside its municipal limits. In the context of rural Alaskan settings, the time involved might well be measured in the span of a year or less.

A second significant proposed change is found in section 04.11.150 which authorizes the sale of alcohol pursuant to a verbal or written solicitation for purchase received within the licensed premises. The provision thus eliminates the current state of confusion whether it is legal to order liquor over the phone from a dry community, transmitting payment, for instance, via Alascom communication facilities.

A fair characterization of the apparent intent of SB 239 is that it perpetuates the role of the Board as one entailing economic regulation of the liquor industry, eliminating some obstacles to local control over the industry but at the same time creating a new potential for such control, while generally ignoring the question of what role the Board should play in dealing with the larger social problems associated with alcoholic beverage sale and consumption. The singular exception to this last statement apparently exists in proposed section 04.16.200 which authorizes felony penalties for illegal sales -- an option not available under present law. However, it is unclear whether the felony penalties only apply to sales to minors by persons previously convicted of unlicensed sales or to either unlicensed sales to minors and to unlicensed sales by persons previously convicted of unlicensed sales.

No action on SB 239 was taken by the legislature prior to adjournment. Similarly, the legislature did not approve legislation extending the life of the Board past June 30, 1980. Undoubtedly this only reflects a legislative decision that there would be sufficient time in the Second Session of the Legislature to

more fully consider the fate and possible future direction of the Board.

Members of the House Commerce Committee, which was charged with conducting the "Sunset" review of the Board, reviewed the Division of Legislative Audit's report and in a letter to House Speaker Terry Gardiner (D-Ketchikan) dated March 14, 1979⁶² noted that while they concurred in the findings of the audit they did not draw identical conclusions in all cases. Because the views of the House Committee are the most explicit extant statement of a legislative perspective of the Board's role and activities, they are set forth in full below:

The Alcoholic Beverage Control Board is intended to provide protections to the public regarding the conduct of the industries involved in the distribution and sale of alcoholic beverages within the state of Alaska, and to assure viable economic climate for those parties who participate within that industry. The objective or goal is, theoretically, to assure that this unique industry which can so easily affect the social and health conditions of any community, does not act contrary to the public interest in carrying on its business. However, the statutes establishing the Alcoholic Beverage Control Board are a historical hodgepodge of many different legislative intentions, and there is no unanimity within the State as to what this "public interest" is as it relates to this industry. There are not any other State programs which have similar, conflicting, or duplicating objectives, in short of arguable deregulation. The purposes of the program may be achieved by alternate methods, including the elimination of the Board and the streamlining of the procedure.

Also unique to the industry is the manner in which it relates to the wishes of local government entities. Serious question has arisen in the past as to the role of local governments in licensing. Current law requires local governments to make certain

⁶²/ House Journal Supplement No. 29, March 15, 1979, pp. 53-56.

recommendations to the Alcoholic Beverage Control Board, but also allows the Board to totally ignore those recommendations. In recent years this has not been the practice, but it is still possible under current law.

During our hearings, questions were raised about the advisability of the quota system of licensing and about the enforcement practices (to the extent there are any) under the alcoholic beverage control laws. Also, the members of the Committee are quite familiar with the history of the Board and the industry in Alaska. The Board and its director and staff seem to spend much of their time on economic matters, particularly acting as a collection agency for local government taxing units and for the wholesalers, because of the questions involved in the transfer of a liquor license from a businessman who may have certain unpaid obligations. This is hardly in the public interest, and is not justified even under current law (however impenetrable current title 4 may seem).

It seems that the Board spends much of its time going through merely ministerial actions with regard to applications for licenses or transfers that are not opposed. Those not opposed are nearly always granted. When a licensing matter is contested, frequently it is initially heard by a hearing officer.

In light of these considerations, and in light of the social and political sensitivity of the issues involved in the regulation of the industry, the Committee has concluded that, while the licensing scheme should continue, the Board should be eliminated. However, to assure that the practices of the licensing scheme are periodically brought to the attention of the legislature in harmony with the "Sunset" law, the statutory provisions providing for the quota system (which is the heart of the licensing scheme) should be subject to "Sunset" review even after elimination of the Board.

The Committee on Commerce of the Alaska State House of Representatives will soon be introducing a bill to provide for elimination of the Alcoholic Beverage Control Board; addition of a four-year "Sunset" repealer on certain provisions in title 4 that establish the quota system and relate to the quota system; requiring that in most cases local government findings and recommendations with regard to licensing issues cannot be overturned by the

state except in very unusual cases (that is, providing a limited scope of review as to both issues of fact and law); barring the state from participation in collection of debts under the alcoholic beverage licensing scheme, except for obligations owed directly to the state, but providing for notification to creditors, public and private; and incorporating at least some of the revisions of title 4 of the Alaska Statutes which have been proposed by legislative interim committees and by the Alaska Code Revision Commission.

It is hoped that the recommendations of this Committee will adequately address some of the criticisms of the alcoholic beverage licensing scheme by the Division of Legislative Audit and by witnesses before this Committee as well as matters that have arisen in legislative and Code Revision Commission meetings over the last recent years.

The recommendations were included in H.B. 219 which was introduced in the House by the Rules Committee and referred to the House Health, Education and Social Service Committee where it was still awaiting action as the legislature adjourned.

The Senate's Committee on Health, Education and Social Services (HESS), chaired by Senator Glenn Hackney (R-Fairbanks) reviewed the auditor's report and in a letter to the Senate President dated March 14, 1979, merely recommended that the Board be continued until June 30, 1983.

B. The Kelso Study

In November of 1977 a five volume report detailing the findings of a two year analysis of alcohol problems was released. Authored by Dennis Kelso, the project's director, the report reviewed virtually every aspect of the alcohol problem in Alaska. Volume II⁶³ focused on legislative efforts at alcohol control.

⁶³/ "An Analysis of State Legislation Pertaining to Regulation and Control of Beverage Alcohol and Alcoholism and Alcohol Abuse, Alaska 1975." January, 1977.

Kelso assumed, for purposes of his study, that the policies of the Uniform Alcoholism and Intoxication Act of 1972 (AS 47.37.010, et. seq., Ch. SLA, 1972) were the policies of the state.⁶⁴ Kelso correctly pointed out that title 4 contains no overt indication of legislative intent and that the Alaska Supreme Court in Boehl v. Saber Jet Room, Inc., 349 P.2d 585 (Alaska 1960) had to "discover" the state's policy. In the Court's words:

[T]he "purpose" [of the 1959 Act creating the Board] is to regulate and control alcoholic beverages.⁶⁵

The Court further noted that:

It is a matter of common knowledge that lack of restraint in this field [the alcohol industry] is almost invariably damaging to the community. It is because of this that there may either be complete prohibition, if the legislature chooses to follow that course, or if not, that there may be conditions imposed which will have the tendency to afford the greatest degree of protection to the citizens of the state. . . .

[T]he law [the 1959 Act] recognizes private interests. But it also makes it abundantly clear, from the degree of regulation imposed by the legislature itself, that the primary concern was for the protection of public interests. . . .⁶⁶

Kelso summarized his findings with respect to the state's legislative efforts at control as follows:

In brief, the inconsistencies in current laws fall into three categories. First, the conflict between a punitive and a health-oriented alcohol policy still exists in insurance provisions, the Uniform Act's provisions for early release, and the lack of communication between the courts and treatment agencies.

⁶⁴/ Id., at p. 69.

⁶⁵/ 349 P.2d at 587.

⁶⁶/ 349 P.2d at 589. (Emphasis added)

Second, the state has delegated some of its responsibility to municipalities, while at the same time making it more difficult for them to meet that responsibility; e.g., the license fee rebate system which discourages the local option, the prohibition on special local liquor taxes, and the failure to allow commitment to local treatment centers. Finally, and perhaps most importantly, controls on the sale of alcohol through the ABC Board and the excise tax are totally divorced from the prevention and the treatment of alcohol abuse.

The legislature must make some adjustments in these three areas if it is to fulfill its responsibility for developing a cohesive alcohol policy. One can, of course, live with inconsistencies; but the inconsistency in this case makes it difficult for different state agencies which deal with alcohol related problems to coordinate their efforts.⁶⁷

This is certainly an accurate description of the current state of affairs two years later. And, nothing in the proposed revision of title 4 alters this situation.

C. The Views of Board Members and Staff

If the legislature's intentions in establishing the Board are as vague and inconsistent as Kelso states, it becomes a matter of more than idle curiosity to learn what members of the Board and of its staff think are the Board's purposes and the state's policies in the area of alcoholic beverage control.

Without exception, those interviewed stated that there was no clear-cut state policy on alcohol control set forth in the statutes. As one individual put it:

There wasn't one. We had very clear indication that there wasn't one.

Another expressed the following view:

⁶⁷/ Volume V: Executive Summary: "Descriptive Analysis of the Impact of Alcoholism and Alcohol Abuse in Alaska, 1975." November, 1977, p. 37.

Well, I think it's probably . . . I've sort of answered it already. No, not an overriding state policy, in other words. There are a number of sub-policies without a big. . . . The thing you're looking for, is there a policy that says we want to, through the enforcement process and title 4, we want to cut out alcohol abuse? No. The answer is no. Or cut out alcoholism? The answer is no, clearly no. . . . Now I'm talking about title 4. I don't know about, I mean, I suppose that you might argue that there is some policy articulated somewhere as to prevention of alcohol abuse through education, for instance, or through recreation. . . . So I'm not saying that there is not an overall state policy somewhere but it certainly is not articulated in that kind in title 4.

If explicit policy could not be found in legislative acts, then perhaps it could be developed implicitly from them. Consequently, we asked our respondents⁶⁸ what they thought the policies of the Board were and ought to be. Predictably, the responses varied from respondent to respondent.

Typical are the following:

My opinion, there, is the total regulation of the industry and alcohol in the state to the degree that I don't think we're a public regulatory agency. We're an industry and some people don't like the term industry because it isn't manufacturing, but that's what it refers to: is the liquor industry. To me, that's the crux of where we are as far as I'm concerned. Our enforcement efforts delve into the regulation of those licensees who are distributing the product throughout the state through a license or even not through a license, illegally, and that's been my total enforcement thrust. That enforcement also goes hand in hand, I think, with the licensing function which is an enforcement element in itself in terms of what documentation is presented by applicants in terms of new licenses, transferred licenses, or renewal applications. That has an enforcement element, too. That's what I envision it. You see?

* * * * *

⁶⁸/ All of whom were assured anonymity because of the position in which the Board found itself during this research.

Well, uh, you know, given the nature of alcohol, what it does, what it can do, I think that it [the Board] can and should and ought to legitimately control the use thereof and, of course, I can't avoid the contexts that, setting aside what is, but still remembering that context in which we are dealing. I'll use some examples: the control they use, for instance, is by age. We recognize that some people are, by virtue of their age, less able to "handle" alcohol and perhaps exercise self-discipline in respect thereto than are those who are somewhat older. That assertion is probably generally true but in specifics it is certainly subject to some question. O.K., I think we also, because of the nature of the substance, can say that perhaps we ought to regulate the times during which it is consumed or even sold simply on the basis that we frankly need some protection against ourselves, from ourselves I should say. That may be little bit of a paternalism showing through which is really kind of reflected to me in other ways, but, anyway, and in the same vein, we can recognize again because of the nature of the substance that it creates in people or, shall we say, it causes people to lose some sense of judgment as to what they should or should not do. Hence, we should indicate by the law or regulation in some manner that beyond a certain point maybe we ought not to allow these people to continue to drink. Again, I think that from an "ought to" point of view, we ought to regulate the kind of behavior you can engage in when you are under influence of the substance in the sense that, again, because of the loss of judgment that I think is medically provable. As you know, we have a limit on the number of establishments that can exist within a certain population area. Frankly, I'm not certain that that serves any particular purpose in the sense that we, I suppose the goal is that it would limit the consumption and given what I've always said about consumption, I'm not certain that we want to place an upper limit on consumption through legal means and I say this because of various strong feelings of my own in connection with, oh, just freedom of the individual. For instance, I don't think that we ought to say that while you can buy no more than two fifths of wine in one night or one purchase or that we ought to say that a person can only have two bottles of beer in the bar -- aside from this, the incredible enforcement problem. If the goal of the population quota is simply to limit consumption, I'm not sure that that is a valid goal. In other words, I think that our goals should legally, from a legal point of view, and legal control and so forth should not necessarily be to limit consumption per se but limit the kinds of behavior you can engage

in while under some sort of influence. Probably restrict the hours during which it is consumed and limit and restrict the ages, limit the consumption to certain ages assuming that they are better able to handle it. I haven't given any thought to what else ought to be. I'm just hesitant to recommend that we pass a lot of laws saying that this, this, and this, are restrictions on the consumption of alcohol. I just don't know that that's the way to go about fighting alcohol abuse. . . . And, I think there are some legitimate concerns about who's in the business. I think there are some legitimate concerns about the way a business is operated. I can say this because of the nature of the substance, people's judgments affected and so forth. People tend to do things when they are inebriated that they don't do when they are sober. That goes without saying. Hence, there should be means to make certain that while it's served in a bar it should be properly reported and dealt with in an appropriate manner.

I think that the biggest concern or the biggest underlying attitude for anybody who is on the Board has got to be the concern probably that nobody has really answered: Is licensing and regulation going to really prevent or control alcoholism? And I don't think that question has ever really been addressed, I don't know if it can be addressed. And I think, at least it's my feeling, that prohibition is not necessarily a way to control alcoholism. I think that's where the Board could have an important impact. By limiting availability, or limiting availability to certain groups, or certain areas, and the Board as a whole has never addressed that, never taken a broad look at that. They've gone regulation by regulation, actually they've gone application by application, and tried to address that in a small way and that's one of the problems, I think, that there is no general attitude or theory that should the Board limit alcoholism through licensing, we haven't really addressed that. . . .

[W]e try to but a lot of time we don't even stay within the framework of title 4 because it's an outdated law and there are certain things that, you know, it's just not reasonable to enforce anymore. Maybe it's a very broad outline, sure we try to stay within title 4, and we use that a lot as far as when someone goes down to the ABC Board and asks about a license or something and they'll say: Well, here's what you have to do and you have to stay, you know, you have to be so many feet away from the church, and so many feet away from

the school and you have to be within the population quota and you do this, that , and the other thing and then you can get a license. And so, we use that, and then only when we have certain extenuating circumstances do we go outside title 4 to either approve or disapprove a license. And it's always the overriding factor, is it in the best public interest? But when you say, "Is it in the best public interest?" nobody, like I said before, nobody has answered that question. Is limiting licensing, or limiting liquor availability in the best public interest to control alcoholism? I personally don't think it is, but you know we have that confrontation or argument several different times every meeting because some of us think it is and some of us think it isn't. And that's not really our job, though, I think that's a problem, possibly with the ABC Board, is that we're supposed to be controlling the liquor industry through rule making or regulation making and enforcement and, not necessarily enforcement on the Board but through listening to problems. But, we've never, ever, in the year that I've been on the Board, said, "Look, there's an alcoholism problem in this city or this state. What are we as Board members going to do about it?" And, I think that's something that the Board could address themselves to much more easily than any other body because they are involved directly, they can do things. The question is, I think, what can we do, and nobody knows.

Those connected with the Board who were questioned during the course of this study were unanimous on three things: (1) that title 4 was totally outdated and had to be completely rewritten, (2) that the Board's own regulations were similarly outmoded and had to be revised, and (3) that enforcement efforts had to be improved.

With respect to changes in title 4 and the regulations, the following comments fairly characterize the tenor of the responses:

Title 4? First, I think that there just has to be a specific definition of the authority that enforcement people have on the staff. A lot of it tends to be in the attitude of the individuals who are employed. We tend to have a lot of applicants who are police officials, troopers or former police officers/troopers, and they have a strong criminally oriented enforcement background where it appears that part of the job

should be carrying a gun. I mean, there are instances probably where there are premises that the guys go into either in surveillance or investigative areas where there might be some need for some protection, but we always try to coordinate that with the local authorities so there's some support there. But that's an area of concern with staff, you know, they don't feel they can do their job unless they can wield power, so to speak, to make the public aware that "Hey, you're going to have to abide by what we dictate," so to speak. That's a poor word, that's a very poor word, but that's the feel, they feel that way. But that's a mental attitude and I think it's just background and training that has evolved that person into that law enforcement and mental stance, but we're not a criminally oriented organization. There are off-shoot kinds of criminal activities, you know, liquor establishments like this bootleg thing in Bethel. Could be a lot of other things involved peripherally with that. That remains to be seen.

Another respondent stated:

Well, I guess that I'm maybe a man of low expectations, but the first thing [title 4] I'd want to see is simply the thing straightened out. It's almost impossible to interpret. It's been a hodgepodge, it's been put together amendment by amendment. It's probably the worst title in the whole. In my practice I've had occasion to deal with most of them, it's probably the worst written of all. There are some things that, one of my pet peeves is the hotel/motel license, which is an exception to the population quota, which is just awfully difficult to interpret. You know, what's encouraging the tourist trade? What findings you have to have for that? Does indeed that license count in the population quota? It seemed to me that it is strictly, and the statute would say that it certainly does count in the population quota. Well, what does that mean? It means that the small neighborhood bar is someday going to be excepted out of existence because the hotel/motel licenses will take over. That bothers me. There's some other provisions as to transfer and transfer relocation that are terribly messy. We just got through with a case, that was, from my point of view, very unsatisfactory, I mean in the sense that we had to do what we had to do, we did what we had to do but it was just, the poor citizen who was involved never understood to this day what happened to him and why he couldn't do something. It was just so messy and unclear.

The other thing that I'm not so certain that I like is the fact that we end up being sort of, in a sense, a debt collector. Before you can transfer a license, you have to present an affidavit saying that all debts have been paid or that, not so much that, but you have to present an affidavit of debts and then, of creditors, and then of course the creditors have the opportunity to hold up the license pending payment of the debt. And, I don't know if that's a legitimate function of state government in the sense that what happens is that the wholesaler can keep feeding liquor to a bar with the knowledge that he's got a lien in a sense on the license and I don't know whether that, you know, whether that's really legitimate. Also, it creates problems with what's a debt. I guess the main thing is that I don't know whether I want any more power because I think government is dangerous to give any agency a lot of discretion. I think it's inappropriate to do so. I guess the main thing I'd like to do is to have the darn thing cleaned up so you could read it, make some sense out of it. It's not organized well. Incidentally, it doesn't, for instance, place any restrictions on the moral character of the licensee but does place a restriction on the so-called moral character of employees which I find kind of anomalous. We as a matter of course indicate if the guy has an extensive felony record, recent felonies, we might not let him into business. Certainly if it was recent we wouldn't, but if they were real old we would, but I think that's exercising some discretion and I've, nobody has ever challenged it, but I'd query whether we have that authority.

Still another respondent viewed title 4 in the following vein:

I think most of the enforcement areas. Some idea of what is and what is not against the law and the different licenses or license categories right on down to wholesale, retail, dispensary, everything, because nobody really knows. I think that's a real problem. Also, what to do if there is a problem there. Do you, what can you do? I think there is a lot of, as I was saying, title 4 is a good title because I think it addresses just about everything that needs to be addressed. But it's not clear enough: What is and what is not against the law. So you can go through there and say O.K., this is a good point, it should be in here but what should we do about it? I don't think title 4 should get into any of this pricing stuff, what is, you know, that kind of stuff.

I think title 4 should probably give the Board more power, or more, it needs more input from the alcoholism people, people that think you can control alcoholism through licensing or availability, and it needs more input from everybody. I think it should be the headquarters for a lot of different, all the feeling or attitudes on alcohol and though the ABC Board does have the power to make new regulations and to get new laws established and it also has the power to enforce the existing ones through some means better than what we have now. That should be done and I don't think it is being done.

The comments set forth above also provide some sense of the problems associated with enforcement of the provisions of title 4. However, one of our respondents identified a problem unrelated to title 4 which is difficult to comprehend. The respondent stated:

It [communication] should happen with the enforcement people, _____ and I had never talked prior to my coming on the Board. In fact, I had never talked to them until about six months ago and I had been on the Board almost a year. And never talked to them until then and he had some questions, he didn't know how bush business worked or how any of this or that thing worked? Why they didn't come to us and ask us, I'll never understand. How can you regulate anything unless you know what's going on? They would call up and ask us how do you get a better price on something? And these people are supposed to be regulating us and they don't know how, anything about wholesalers. That's what I mentioned earlier is that sometimes they don't even know the names of the wholesalers and they are supposed to be regulating the industry? I think that's embarrassing. So, I think the fault is just as much on that side, they aren't really getting out enough and talking to anybody about the problems. Maybe that's what it is, maybe they're short of people there and they are just busy doing regular licensing work and taking care of some of the problems. But, I think that's the answer for a lot of things. It certainly would seem to be!

IV. CONCLUSIONS

On the basis of our legal analysis of title 4 and of the Board's regulations, analysis of the views of others who have studied the Board, and as a result of our conversations with those associated with the Board, we have reached the following conclusions with respect to the Board's role in the control of alcohol in Alaska.

Initially, the Board's role is not clearly understood by most people, including, apparently, those who should know.

One of our respondent's replied when asked about his:

No. Absolutely not. Some pretty sophisticated people don't understand, especially the limits. . . . It seems to me that there is a real lack of understanding as to what our responsibilities are, what our limits are. I think it is a fairly common misconception that somehow we have all these broad powers and I just don't see it that way. We're limited by title 4.

It would appear that those who have assumed that the Board would solve social problems associated with alcohol consumption have been mistaken. Nothing in the legal history of alcoholic beverage control efforts in Alaska provides any basis for such expectations. To the contrary, the legal history, current and proposed statutes and regulations, and the attitudes of Board members and staff clearly demonstrate a relatively simple role: regulation and control of the alcoholic beverage industry in Alaska.

Secondly, both existing Alaska statutes and their accompanying regulations originally designed, one assumes, to

facilitate this relatively simple role are hopelessly outdated and work substantially at cross purposes with even this role.

Third, and by almost universal agreement, the current enforcement activities of the Board are inadequate. Such a result is not surprising when one considers that there are approximately 1300 licensed premises of one sort or another scattered across the vast Alaskan landscape and but five (5) investigators. While no one has recently attempted the feat, it would probably be a physical impossibility for the staff to thoroughly inspect every single licensed premise in the state in the course of a normal working year.

On the other hand, as Table One reveals, the enforcement activities of the Board have taken a decided swing up in recent years indicating at the very least an increased awareness of the need for more vigorous enforcement activities.

TABLE ONE

ABC BOARD ACTIONS

(Excluding License Issuance & Denial)
1971 - 1978

Type of Action	Year							
	1978	1977	1976	1975	1974	1973	1972	1971
Suspension	3	11	1	4	2	5	4	5
Strong letter	5	7	4	4	7	2	6	2
Revocation	--	--	4	--	--	2	--	1
Non-Renewal	9	1	1	--	--	6	--	6
	17	19	10	8	9	15	10	14

SOURCE: ABC Board Minutes 1971 - 1978

In addition, over the same period of time the Board denied approximately 330 applications for licenses, although the annual number of denials presents a much smoother line over time than other enforcement activities.

Finally, the current staff of the Board in interviews with it indicated a significant increase in criminal enforcement activities in recent years. However, the exact proportions of the increase are difficult to measure because, as the auditor's report noted,⁶⁹ it was difficult to find documents on these cases. The apparent reason is that the entire file was shipped to the appropriate district attorney's office where it became submerged in his paperwork, never again to surface. This practice has since been stopped and D.A.'s are now provided with copies of the Board's file material.

All other conclusions with respect to the Board's role and activity pale in comparison to these three. In fact, most are simply constituent elements of these three major conclusions and have been mentioned directly or alluded to previously in this report.

V. RECOMMENDATIONS

In arriving at decisions on the nature of the recommendations which we should offer with respect to the role and functions on an Alcoholic Beverage Control Board we had to confront a problem we assume must have confounded those who have also looked at

⁶⁹/ Op. cit. n. 57 at p. 12

the Board of late: how and what does one prescribe as a remedy in the absence of a consensus as to what is wrong with the patient. In reality there is no surefire answer to this dilemma. Consequently, we have reached our decisions on the basis of certain assumptions which may or may not be acceptable.

First, we assumed that some control of the sale and distribution of alcohol is viewed as essential by all concerned.

Second, we assumed that some enforcement activity with respect to sales and distribution violations is essential.

Third, an assumption was made that some level of enforcement of alcohol consumption abuse would be expected by the citizens of the state.

Fourth, we concluded that local units of government could be expected to maintain a relatively high level of interest in activities related to the sale, distribution and consumption of alcohol.

Fifth, we assumed that the capacity of both state and local agencies of government to deal with all these problems would always be greater in the urban areas of the state (Anchorage, Fairbanks and Juneau) than in its rural areas (everything else, but especially western Alaska and the North Slope).

Sixth, we assumed that the identifiable social problems associated with alcohol would not dissipate in the foreseeable future and would continue to be most pronounced in relative terms in their impact on rural Alaska and Alaska Natives.

Seventh, and lastly, we assumed that if the state or its

citizens wish to begin to solve some of the clearly demonstrated social costs⁷⁰ associated with alcohol abuse, then a cohesive and comprehensive state policy encompassing taxation, regulation, enforcement, education, prevention, and treatment issues is an absolute necessity and ultimately must be realized.

Given these assumptions we make the following recommendations with respect to the future of the Alcoholic Beverage Control Board.

1. The Board should be continued for a period of time consistent with the objectives of rigorous Sunset review.

2. The Board's membership should be constituted substantially as provided for in the Code Commission's April 18, 1979, draft. Our observations of the current Board have led us to conclude that the "industry" representatives on the Board are not blind to the needs of the public interest. Further, they bring to the Board much needed business operations expertise on a very complicated industry.

3. The jurisdiction of the Board's investigative staff should be narrowed considerably. Enforcement of hours, minors, intoxicated persons and similar violations should be removed from the responsibilities of the Board's staff. We have concluded that the Board is not likely to be given sufficient investigative staff to perform such functions, nor should they.

^{70/} See generally, Kelso, Dennis: "The Economic Impact of Alcoholism and Alcohol Abuse in Alaska 1975" and Kelso, Dennis, Social Systems Indicators of Alcoholism and Alcohol Abuse in Alaska, 1975. Juneau, 1977.

There is simply no cost justification for such action. Moreover, so long as the perception that such enforcement activities are within the jurisdiction of the Board is permitted to exist the incentive for local or state law enforcement agencies to perform such functions is either eliminated or significantly reduced. If all concerned parties clearly understand that either the State Troopers or local police are the only recourse to total nonenforcement then it is probable that those agencies will begin to actively enforce existing or proposed laws. Collectively, their enforcement efforts should produce significantly greater results than those generated by a mere five (5) incredibly overworked individuals. At worst case limits -- that is, no one does anything -- the situation can not deteriorate much from where it now stands.

4. The Board's Director should be given, as most of the others who have evaluated the Board have recommended, the authority to approve or deny all license applications, subject to appropriate due process appeal to the Board.

5. The Board's licensing staff should remain with the Board but be transferred in toto to the Department of Commerce. Their functions should be consistent with a policy designed to insure that the industry remains relatively "clean," that those who are licensed are "fit" -- financially sound, not actively associated with criminal elements, etc., -- to deal with a volatile commodity and that applications are efficiently processed in a fair manner.

We have made this recommendation because we believe that the Board staff's primary function ought to be a licensing function. Licensing decisions should be made on an objective basis and ought to be divorced from any attendant revenue considerations. The theoretical possibility exists, so long as the Board is an arm of the Department of Revenue, that revenue needs might outweigh other concerns in licensing decisions. We stress that this is a theoretical possibility. We have found no evidence, nor has any other investigator of whom we are aware, that such a situation has ever existed. Further, since a primary function of the Department of Commerce is licensing, one would expect to find certain economics of administration arising out of the move.

6. The Board's investigative staff should be retained and also transferred to the Department of Commerce. However, they should be given significantly new duties.

First, they should focus their investigative activities primarily on the issue of whether the issuance of a license is in the "best public interest." We would define "best public interest" as the balancing of the individual right of competent adults to consume alcoholic beverages with the need of society to suffer a minimum of dislocation resulting from abuses of that individual right.

We would view the prevention of potential dislocation as occurring on a number of levels including: (a) insuring that the sale and distribution of alcohol takes place in an

environment that effectively protects the economic interests of the consumer; (b) that the balance of economic power between retailers and wholesalers remains in relative equilibrium; and (c) that the potential social costs of excessive consumption are adequately accounted for in the licensing decision making process.

In this regard, we strongly urge adoption of a procedure somewhat akin to the environmental impact statement process in connection with all future new license or license transfer applications. More specifically, we believe that the Board should adopt a checklist of sorts of probable "impacts" ensuing from the issuance of a license, such as increases in vehicular accidents, shootings, injury, family disturbances, etc., and determining the carrying capacity, if any, of public and private agencies to deal with such occurrences. Questions such as what emergency medical resources exist, whether these are adequate "sleep-off" shelters, what is the jail capacity, how far away is the nearest law enforcement officer, among others, should be addressed and answered in connection with new applications or transfers. And, licenses should be reevaluated after a period of time in the case of renewals. The applicant should be obligated to provide a significant amount of this information, all of which should be of such a nature that it will be readily verifiable by a state agency.

The social ecostructure which such a statement should cover should be consistent with the location of the proposed license

premise. In rural Alaska this would entail review of probable impact on villages within reasonable or easily accessible air or water travel. It is critical that all concerned parties understand that artificial notions of distance such as two or five mile radii have no real meaning, are largely useless and potentially counterproductive concepts in rural Alaska contexts.

7. The Department of Health and Social Services and its appropriate divisions should undertake the inspection of licensed beverage dispensary premises, pubs, clubs, etc., to insure that elementary health and safety laws and regulations are observed.

8. Credit sales other than face to face transactions should be banned.

9. Transportation other than by an owner into a community which has opted to be completely dry should be banned. All alcohol transported by common carrier which is not clearly labeled as such should be declared contraband and subject to seizure and forfeiture. Propelled vehicles as that term is defined in AS 11.81.900(b)(43) used in connection with the illegal transportation of alcohol should be subject to due process forfeiture proceedings.

10. Local units of government and unincorporated villages should be given explicit authority to pass local ordinances, in accordance with provisions of title 29, limiting or banning possession of alcoholic beverages in cases in which they have opted to be totally "dry."

11. Revenue refunds from taxes collected on alcoholic beverages should be provided to communities which vote themselves

dry. Similarly, but proportionately, compensating revenues should be provided to communities which by local ordinance significantly restrict the legal hours of sale or consumption. And, communities which demonstrate concerted enforcement activities should be concomitantly recompensed. The investigative staff of the Board should monitor these enforcement activities and the director should make explicit recommendations to the Commissioner of Revenue on the amount of refunds a particular community should receive under AS 04.10.460.

12. Conversely, when a community votes to go "wet" serious consideration should be given to the impact such a decision will have on surrounding "dry" communities and mechanisms should be established to insure that those dry communities are adequately recompensed, perhaps out of revenues otherwise due to the community voting to go "wet."

13. The entire structure of licensing exceptions designed to promote tourism should be carefully evaluated. Provisions similar to those proposed by the Code Revision Commission in its April 18, 1979, draft should be enacted and licenses should be enacted and licenses should be issued for a limited two year basis subject to renewal only upon a clearly demonstrated showing of positive tourism impacts on the effected community. In no case should such an exception be made in a community which has opted to be totally "dry."

14. The Code Revision Commission's proposal with respect to differentiating between a license and a certificate to operate

should be enacted by the legislature. Investigation of fitness to operate should be performed by the Board's investigative staff.

15. Statutory criteria for determining whether to issue a license or a certificate of fitness such as those suggested by the Code Revision Commission should be adopted. The criteria should include items compatible with the impact statement suggested previously in recommendation six above. While many of the items proposed by the Code Revision Commission as criteria are meritorious, considerations of due process suggest that they be more specifically set forth so that applicants as well as the public, the Board and its staff will know what kinds of information will be required to support licensing or certificate to operate decision making and to insure that those called upon to review such decisions will have a basis for objective review.

16. Criminal statutes carrying felony penalties for bootlegging should be enacted and these and other crimes such as those set out in proposed chapter 16 of the Code Commission's draft or those contained in chapter 16 of SB 239 should be removed from title 4 and incorporated within the revised title 11 in an appropriate chapter, perhaps 66.

It should be understood that this list of recommendations is by no means all inclusive. In fact, many solid recommendations can be found in SB 239, HB 219, the Code Revision's draft, the Auditor's Report and the various public comments made in connection with the Code Commission's work.

What is most important, however, is that a complete revision of title 4 and a companion revision of the Board's regulations should only be undertaken in connection with a complete restructuring of all the state's laws dealing with alcohol. And, that restructuring should be designed to deal comprehensively with the serious impacts which alcohol has on rural Alaska and on Alaska Natives.

Finally, we would like to stress that while a comprehensive review of all alcohol laws is essential, revision of title 4 and a reordering of the activities of the ABC Board can proceed independently of those larger efforts. All that is required, as we noted in our seventh assumption,⁷¹ is the establishment of a state policy which will provide the basis for legislative purpose. On the other hand, we recognize that while "all" is a small word in these contexts it would have to span a very large gulf between significantly diverse areas of public opinion. We do not ignore the likelihood of failure. We would only remind the reader of the continued consequences flowing from a failure to try: serious bodily injury, death, broken families, ruined lives, lost wages, increased state costs, higher crime rates, to but start again the litany of problems flowing from abuse of alcoholic beverages.

⁷¹/ Supra p. 44.

VILLAGE ALCOHOL CONTROL AND THE LOCAL OPTION LAW

A Report to the Alaska State Legislature



Thomas D. Lonner, Ph.D.

J. Kenneth Duff, M.S.W.

June 24, 1983

Center for Alcohol and Addiction Studies

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I. Introduction

A. Purpose of the Study

Alaska's "local option law" is one of many efforts to combat the most significant public health problem in rural Alaska -- the loss of community members through abusive and problem drinking.

Given the recent passage of the local option law, it seemed opportune to begin the study of early implementation as soon as possible to provide useful information to both the Legislature and the communities considering the use of the law. Even though it was far too early to "evaluate" the outcomes of the law on village health and safety statistics, it was not too early to compare the local option to the purposes, history, culture, and social and political organization of the villages for whom the law was provided.

The study focused on two general relationships: 1) alcohol and community loss, and 2) state and village powers.

1. Alcohol and Community Loss

The problems stemming from the use of alcohol impact not only the drinking individual but the entire community. Due to their cultural, social, and economic origins Alaska villages operate as very large family units. Their populations are so small, inter-related, and interdependent that they become vulnerable to the negative effects associated with excessive drinking, such as suicide, domestic violence, and loss of economic opportunity. Therefore, the alcohol-related social impacts severely impair family and community morale and perpetuate a cycle of negative events.

The excessive or uncontrolled use of alcohol, in and of itself, is not likely to be the sole or principal cause of these events. It seems more likely that alcohol releases the emotions which result during periods of major economic and social upheaval and change. Loss of goals, values, identity, self-esteem and traditional roles, makes people susceptible to feelings of demoralization

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The excessive or uncontrolled use of alcohol, in and of itself, is not likely to be the sole or principal cause of these events. It seems more likely that alcohol releases the emotions which result during periods of major economic and social upheaval and change. Loss of goals, values, identity, self-esteem and traditional roles, makes people susceptible to feelings of demoralization

and contributes to the self-destructive behaviors. These problems have been and continue to be seen as intractable, a self-perpetuating system feeding on itself and damaging the younger generations.

Given these conditions, the enactment of the new Alaska statute facilitating local control over alcohol raises many questions. The most obvious is whether the various legal options will, over time, significantly help communities to reduce negative events. A less obvious but potentially more significant product may be the growth of local and indigenous management of problems, the acquiring and successful exercise of personal and community control over important facets of community life, of which alcohol use is one important factor.

Prior to the enactment of these statutes public and private programs have provided the major effort into combating the misuse of alcohol. The goals of these programs have been (a) early identification and intervention, (b) improved case-finding and reporting in the villages, (c) increased numbers of professional village and regional counselors, (d) increased involvement by law enforcement, (e) extensive crisis intervention, (f) increased number of voluntary rescue and counselling programs, (g) referrals for treatment by the courts, (h) more referral and followup coordination, and (i) greater emphasis on prevention and education. Many of these "provider" programs are funded externally, are often conducted away from the village, and are often based on treatment of the individual (with the community situation unchanged). However, villages tend to focus somewhat less on the health/disease issues of excessive or uncontrolled alcohol use than on the specific dangerous behaviors which become a serious threat to community safety and social order.

The "local option" law creates an opportunity for communities to assess the nature of the threat and to act to adopt one of four enforceable ordinances

2. What benefits and burdens are important in the exercise of greater local control through heavy reliance on state agency support and involvement?
3. What, if any, personal, family, community, political, and cultural consequences do communities see as likely in electing and enforcing legal limitations on the businesses and behaviors of other residents?
4. What measures do communities use to assess the effectiveness and cost of their elected options?
5. Does the enforcement of an elected option shift a significant portion of the problem from inside the community to outside the community (e.g., law enforcement, jail, drinking in other communities, behavior and health problems in other communities)?
6. What additional lessons exist in the history of Alaskan communities in which control has been exercised over alcohol availability through municipal powers, tribal powers, and other means prior to the enactment of the current "local option" statutes?

The answers to these questions were intended to assist citizens, administrators, and legislators in:

- designing new or amending legislation to help make the law more useful to community purposes
- designing improved or alternative methods of agency and interagency support to meet community purposes
- locating methods and indicators for comparing the effects of new legislation on community objectives and state purposes
- assessing the range of costs and benefits associated with the exercise of new powers to communities and agencies.

B. Methods

Because of the number, small size, and complexity of Alaska villages, researchers often cannot avoid examining the entire social world of these villages in order to explain what is occurring within them. This study of alcohol control fell into this common pattern and led the authors into many unanticipated areas of inquiry, such as the Village Public Safety Officer program, village power structures, and so on.

This is a "qualitative" rather than a "quantitative" study; that is, the

questions were asked of many different well-informed people and their evaluations and observations constitute the base of knowledge from which our conclusions were drawn. There does not appear to be consistent, systematic quantification of important changes in village life. This limits the ability of both state agencies and villages to measure their success against their objectives in the implementation of new programs and practices. In order to examine the implications of the Local Option Law, the VPSO program, and other changes, a more precise basis of information would be required, focusing on both agency-specific and village-specific indicators of significance; that is, agency indicators of community problems are unlikely to resemble villagers' indicators of quality-of-life.

Much of the data that is collected now, by state and other agencies, is not readily comparable. Different agencies collect information based on different geographic boundaries, populations, time periods, and so on. There does not appear to be much cross-tabulation of data among agencies serving the same regions.

Tallying results without appropriate acknowledgement of contemporaneous events and conditions is also likely to disable assessment of causality; for example, increased VPSO presence is likely to result in an increase rather than decrease in the reported crime rate, although the types and severity of crime are also likely to change.

This study was not intended to evaluate the effects of the local option law on specific villages; it was intended to generalize from the comparative experiences of many villages, including those which have not considered using the local option law, those which exercise control over alcohol using powers not derived from the State, and so on. As a result, while we analyzed an extensive body of "community-specific" information, we refrain throughout this report from mentioning any community or person by name. This reflects not only regard for

the privacy, confidentiality, and reputation of villages, but for non-interference in their on-going efforts to deal with and control change.

In order to explore the basic questions of this study, the authors reviewed a vast number of documents bearing on the history of past alcohol controls, the development and characteristics of the local option law, the implementation of the law in many villages, and other outcomes of various forms of control in different villages. We were assisted in this effort by the phenomenal generosity of the Alaska Legal Services Corporation Alcohol Project staff, particularly Ms. Carole A. Baekey and Ms. Barbara Thorn; they provided access to a treasure of information which we treated with the confidentiality with which it was shared. We also analyzed additional materials provided by RurALCAP, the Alaska Department of Law, the Alaska State Troopers' Village Public Safety Officer Program, Professor Stephen Conn of the Justice Center of the University of Alaska, Anchorage, and others too numerous to note here.

This documentary review was supplemented by a large number of personal interviews with ALSC Alcohol Project staff, RurALCAP staff, the Alaska State Troopers headquarters and regional personnel, staff of the State Office on Alcoholism and Drug Abuse, state legislators, lobbyists, staff of the Alcohol Beverage Control board, legal specialists, regional and local health care and alcohol treatment providers, village public safety officers, village alcohol education counselors, magistrates, village mayors and council presidents, alcohol retailers, village elders, teachers, health aides, students, psychologists, attorneys, and others. The authors hope that they have not mis-stated the insights provided by these sources.

As noted above, the method of this study was comparative case analysis of a number of unnamed villages. This exploration required considerable on-site presence of field research investigators. This study could not have been

completed without the persistent and sensitive efforts of Mr. Fred Wemark (Northwest Alaska), Mr. Walter Newman (Yukon Flats), and a fine analyst from the Yukon-Kuskokwim region who has chosen to remain unnamed. These associates visited those communities with which they were most familiar and in which they were most welcome and drew upon a fund of knowledge, insight, and opinion which forms the base of this report. Since these associates have not had an opportunity to review this report prior to publication, the authors hope that justice has been done to their efforts and products. The study also profited greatly from the insights and suggestions of its Advisory Committee drawn from interested staff of public and private health and legal agencies.

There are two distinct but overlapping ways in which the authors determined to report the findings. The first way is historical, beginning with the history of alcohol use and controls, continuing through the development and implementation of the local option law, and tracing the history of recent experiences of villages considering the law, deciding on the law, and enforcing their elected option.

The second way is thematic, identifying the conflicts and contrasts which exist in the introduction of western legal solutions into the daily lives of remote villages and cultures. Initially, these conflicts and contrasts appear simple:

<u>Local</u>	<u>Non-Local</u>
community power	state power
Native	non-Native
traditional	Western, modern
protective	punishing
preventive	punishing
person-oriented	law-oriented
rule by consensus	rule by constitution
decentralized solutions	centralized solutions
flexible solutions	inflexible solutions
rights of the community	rights of the individual

While these characterizations appear accurate, even though somewhat extreme,

the conflicts and contrasts did not provide sufficient room to account for the wide range of actions actually occurring in villages on a daily basis. As a consequence, the following models were used; readers are encouraged to keep these models in mind as they read the findings and text of the report.

FIGURE 1
FORMS OF CONTROL

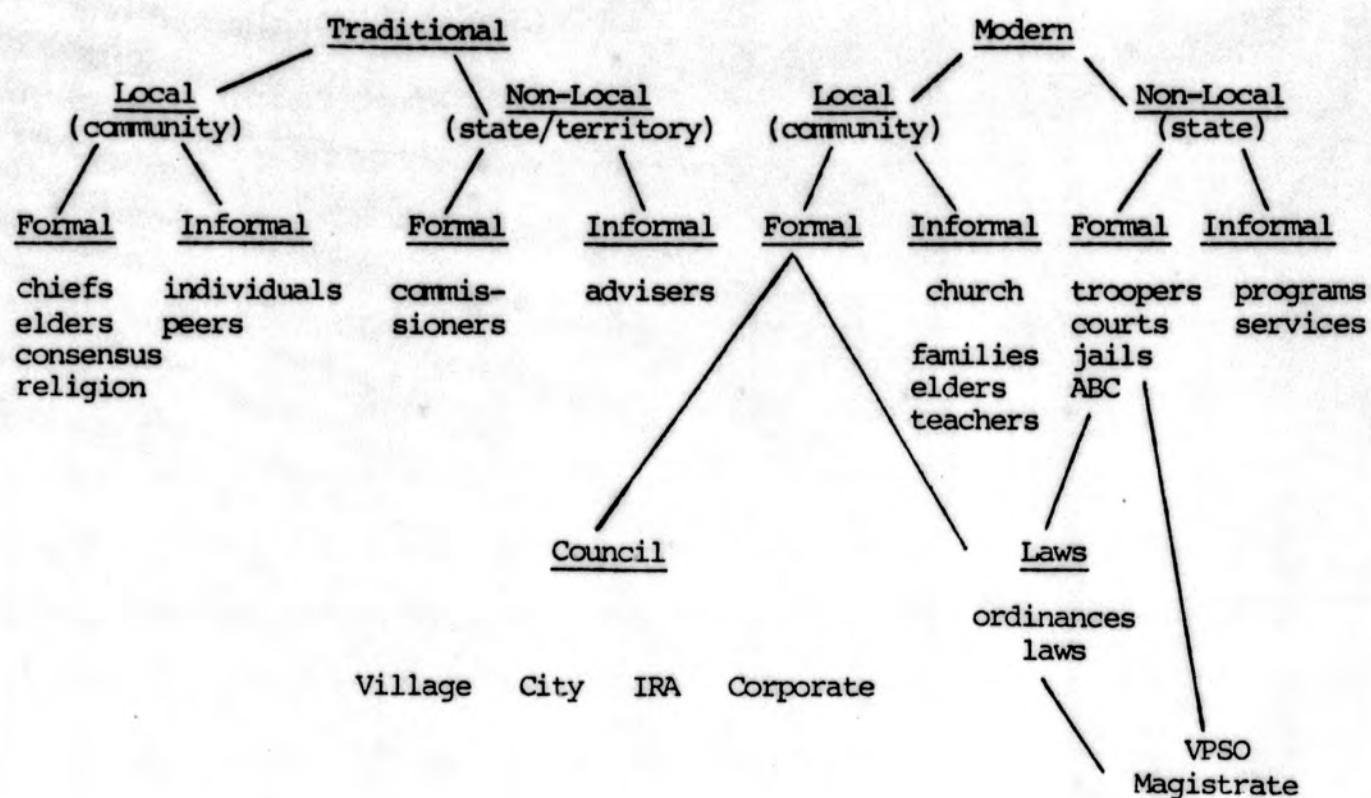
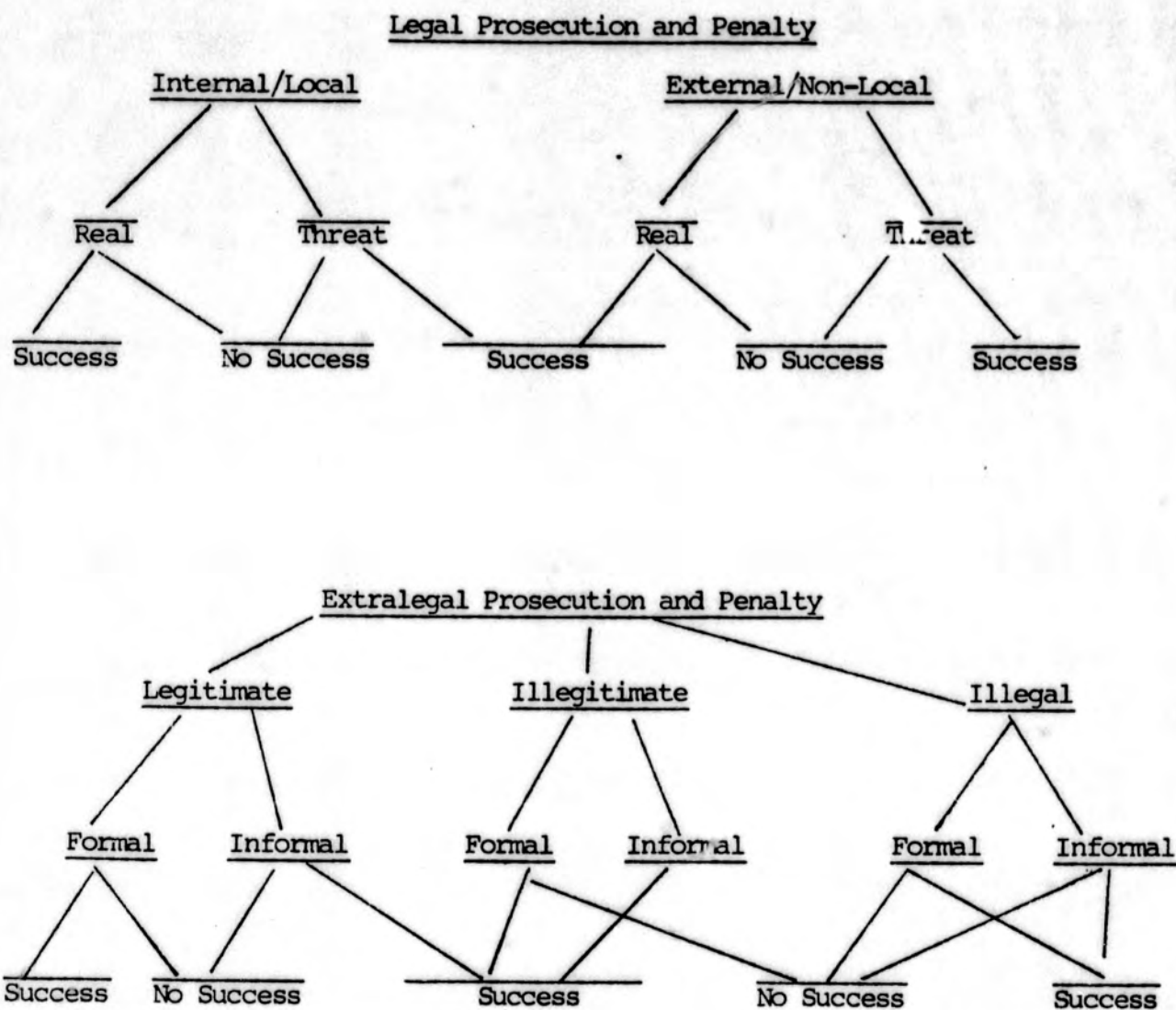


FIGURE 2

CONTROL MECHANISMS



C. Summary of Findings

The following constitute some of the most important findings which appear in the text of the report. Since the entire report is conclusionary, readers are encouraged to read those chapters which contain discussions of greatest or specific concern to them.

1. Alaska's new "local option law" is the most recent in a long line of attempts to control access to and use of alcohol by Alaska Natives. It is also one example of the continuing long-term duality between white and Native systems of law for Bush communities. While the local option law applies equally to all communities within the state, it is clear that the intention and purpose of the law was to provide Bush communities, particularly villages outside of borough jurisdiction, with new powers to control the availability of alcohol; larger communities with municipal governments already had an array of tools to control both the availability of alcohol and the behaviors associated with it. Finally, for a variety of cultural and economic reasons, it has been Native villages only which have taken advantage of the local option law. Therefore, regardless of how the statute is framed, in effect, it is a law addressed directly to village concerns.

The local option law appears to be most attractive to those communities which

- a) are predominantly Native in population
- b) tend not to be large regional hubs
- c) tend not to be on inter-community road systems
- d) tend to have had later continuous contact with outside populations and economic enterprises
- e) tend not to have existing alcohol retail outlets
- f) tend to be transitional communities

2. The concept of prohibition for Alaska Natives does not appear as a novel instrument for protecting villages from alcohol because villages had lived under such a ban from the purchase of Alaska by the United States until 1953. Until

the early 1960's alcohol availability for most villages did not rapidly increase, due to the lack of heavy market demand, money, transportation systems, organized legal distribution systems, and the presence of strict internal village norms and controls. The memory of many older Alaska Natives clearly retains the image of the costs and benefits of legal prohibition and the consequences of its loss in terms of loss of control over legal and illegal alcohol retailing. To the degree that village social control mechanisms have failed to effectively manage alcohol since its acquisition was legalized, much of this "failure" may be attributed to having had, for so many years, an external locus of control over alcohol, the legal tools residing with territorial officers, and access to alcohol far more intermittent than it is today.

In a relatively short space of time, entire legal systems and enforcement systems dealing with alcohol use by Natives in Alaska had been erected by, implemented by, and dismantled by powers external to Native regions and communities. Thus, within 100 years, Alaska Natives were introduced to alcohol as a valuable commodity, then were totally prohibited from its possession or use by law, then reintroduced to its legal acquisition by law once again. To the degree that external law, such as prohibition, coincided with village purposes, the loss of such law and its agents could not but have disrupted local controls. It is also likely that, as a learning experience, the "medium" became the "message;" that is, communities wishing to institute controls were more likely to turn to external law and its agents than to internal sources of control.

3. If power is known primarily through its exercise, then villages retained powers via extralegal, unsanctioned elections and ordinances as well as local enforcement and adjudication; that is, the consequences of the exercise of power were real, even if the authority of the village was only apparent or achieved through consent of the governed. There appears to have been some implied con-

sent to or support of village extralegal methods by external authorities to accomplish ends desired by both the village and external authorities, as long as these methods become neither public nor challenged.

4. Banning of importation and sale, although not of possession, was justified in arguments for the local option law which suggested that the public health problem posed by alcohol was quite great and that there is a close and substantial relationship between the means (the local option law) and the ends (limiting the magnitude and tragedy of the public health problem). The prohibition of sale and importation becomes more powerful under the local option law than under the ordinance-making power available to villages in that:

- 1) the local option law extends village authority over all residents and visitors, who previously may have denied the authority of the village governing bodies or systems to control sale and importation
- 2) the local option law extends village authority to a five mile boundary around the village
- 3) the local option law requires compliance by commercial carriers, under severe penalty for violations
- 4) the local option law requires compliance by all statewide and regional distributors
- 5) the local option law requires some state law enforcement and judiciary response to violations.

5. In practice, the local option law is used by Bush Alaska with Option Four (banning sale and importation) being by far the most popular choice, given village desires to severely limit, if not prohibit, access to alcohol. Were it possible for village law to totally prohibit the manufacture or possession of alcohol and to search and seize persons and premises for evidence, many villages

would choose to do so. The fact that the constitution denies them these powers is inexplicable and frustrating to them, since their motives are to save human lives, entire communities, and entire cultures. Many have translated Option Four to mean "prohibition". They (and many government agency personnel) talk about voting "dry" and having "dry" communities; becoming "dry" would mean an end to homebrew and probably the institution of unconstitutional police powers. Many villages desired both of these controls and included them in their local ordinances and on local option law petitions forwarded to and rejected by the Office of Elections.

6. Many villages, having adopted an option under the local option law, feel it necessary to pass implementing and supplementary ordinances dealing with public drunkenness, possession, search and seizure, involuntary commitment, jail and financial penalties, and so on. They appear to feel that the local option law is merely a backup to these other forms of local control, as an external threat to be used if local authority is violated; in other instances, these ordinances have been used to modify (e.g., limit, extend, alter the terms of) the option, although they do not have the power to do so. This has required on-site community legal education and technical assistance to counteract invalid, illegal, and extralegal community actions.

7. Communities turn to the local option law as a means of introducing external controls where local authority has not been found adequate in achieving control over alcohol. The methods of exercising local authority in the past have included rules adopted by a traditional council and emergency and other ordinances enacted by city councils. In order to legally adopt a local option, however, communities are required by the state to follow a relatively complex set of electoral actions and procedures. These bureaucratic procedures often constitute a more formidable obstacle to community objectives than does the

actual implementation of the option.

8. Many village residents tend not to perceive or believe the distinctions between what powers they desired and the powers actually contained in the local option law. They remained convinced that the local option law would result in "dry" villages and conveyed this understanding to other village residents. It is not surprising that, following a local election adopting one of the options, villagers would be disappointed to encounter several unanticipated realities about the law, such as no provision for universal search-and-seizure, no restriction on moderate possession, no prima facie relationship between such possession and implied importation, no assurance that the new law would not or could not be rescinded by a future election, no awareness of the complexities of evidence and legal process, high and unreasonable expectations of immediate and automatic trooper enforcement, and expectations that the law would be "self-executing." Older residents, in particular, expect the law to be self-executing since, in their memory of the past, some traditional community authority had been absolute in its effect.

9. Many residents were surprised that their "intentions" were not contained in nor addressed by the letter of the local option law. They "intended", as noted above, that alcohol be totally prohibited; the language used to refer to the local option law is, almost universally throughout the Bush, "dry". "Dry" means no more alcohol, no more drinking, and no more drunks in the villages; it also means the power to enforce prohibition, including an end to homebrew and the right to search for and seize privately-held alcohol. Since village residents correctly see the local option law as having been written specifically for them, they do not understand why the law did not provide them with the tools they perceived necessary to accomplish their objectives. Many also do not understand

why options other than "no sale, no importation" were provided. Rural advocates have contributed, in some degree, to village expectations that greater powers than those provided in the local option law could be or would be provided by state law, even though many villagers' purposes would have resulted in unconstitutional powers.

10. Some of the misunderstandings were due to a failure to uniformly and universally communicate to the voters the strengths and limitations of the law. This failure to communicate is due, in turn, to a combination of factors:

- lack of a thorough grounding in western law, civil rights, law enforcement procedures, and electoral procedures among Alaska Natives
- inability of agencies to transmit, in an understandable and objective fashion, a complete, authoritative, and accurate picture of rights, responsibilities, systems, and procedures
- excessive reliance on these agency communications by remote Native communities
- deliberate misinformation provided by local option law advocates and opponents; for example, one community was informed that, under Option #4, "people wouldn't be prosecuted for bringing in small amounts of booze"
- the uncertainties surrounding the real, as-yet-unexamined or untested meaning of new law; ". . .since the letter of the law formed out of statute and case law is essentially reinterpreted through direct explanations, acts, or inaction by professional operatives in rural Alaska, the message of the law as written is in fact only a portion of the whole process of legal experience for rural residents." (8, p. 28)
- the intensity of villagers' desire to have the law mean what they wanted it to mean
- the normal problems in communicating factual information; that is, what is said, how it is said, what is heard, what is remembered, what is translated, filtered, misunderstood, or distorted.

11. Communities evince a great deal of ingenuity and concerted effort to exercise greater control over access to alcohol, whether through their local ordinances or through the local option law. How they proceed to enforce either or both forms of control is predicted less on which form of control is the basis of their action than their perception that they actually have the power which is

being exercised. In few instances is the local option law treated as a routine and self-executing community power; in most instances, through incomplete knowledge of the limits of that law or through lack of confidence in its provisions or the state services which support it, communities devise their own understanding of the purpose, content, methods, and procedures of the law and invent their own modifications to make the law more appropriate to desired community ends and existing community organization.

12. Villages are not totally lacking in the exercise of formal and informal controls. In fact, the source for the exercise of power in the villages varies widely within the state. Some villages derive a portion of their power from the traditional authority accorded them by their members. Others derive a portion of their power from their tribal status, that is, exercising powers available to them under particular relationships with the federal government. Some derive a portion of their powers from their land status as reservation or private land; for example, two Interior villages require a license to trespass on their commonly-held private land. One of the many conditions of that license is a ban on the importation of alcohol; they control alcohol importation as a matter of contract, rather than criminal law. And, finally, some derive a portion of their power from incorporation as cities under state law.

Self-control is not a new phenomenon in rural Alaska; however, past government policies and practices, the introduction of western law, and the lack of education of rural residents in the modes of self-governance available under western law have eroded the confidence that villages have in their own integrity and control. Laws and supports like the local option law and the VPSO program result, in large measure, from the past failures of central government to resolve the problems to which it has, in part, contributed. Community self-control does not require that central government necessarily and formally

transfer power to communities, but that these communities, by exercising these powers, regain a sense of their own autonomy and strength. This "sense of community" is likely to be more predictive of positive village outcomes than would be more formal gesture of power transfer, since central government's final authority to alter power arrangements makes all gestures appear temporary at best. Since the state reserves the ability to alter law, definitions, interpretations, limitations, and classifications, the local option law cannot be considered either fixed in its meaning or even a permanent feature of state statute.

13. Communities that feel that they have maintained sovereign powers to control their internal affairs and their relationships with the outside world tend to expend more energy than other communities in the construction and enforcement of local laws. Since they do not derive their authority from larger governments or bodies of law, nor do they feel they can depend on outside law enforcement supports, they must exercise their authority continuously; it is likely that continuous exercise of authority makes it easier to continue. Characteristics of continuous law-making and enforcement in these communities include some of the following:

- signed commitment by each community member to support community laws and the actions of council members
- commitment by each community member to physically and psychologically support the law enforcement effort
- annual review, reconsideration, amendment, specification, rejection, and re-enactment of law by the entire community
- creation and maintenance of local law on a wide range of daily life matters, such as loose dogs, curfews, speed limits, truancy, drug use, drunken behavior, theft, threatening behavior, family neglect, gambling, fish and game salvage, and others
- no assignment of enforcement to specific individuals, so that responsibility rests with each and every community member
- enforcement by large numbers of persons (men, women, children, elders, council members) at the same time and place, creating mutual pride and support and de-individualization of the burden

- formal investigation, trial, and punishment methods
- no record kept of violators except in community memory, so that there is no long-term permanent impact on the future of individuals
- formal methods of exile with hoped-for and encouraged returns and re-integrations
- semi-permanent exile of consistent violators, particularly violent persons and substance distributors
- increased, rather than decreased, enforcement of alcohol restrictions during major celebrations
- extensive monitoring of luggage and freight at point of entry into community
- immediate destruction of prohibited substances at point of entry, as the basic fine for attempted importation (rather than later trial) and as the basic social embarrassment
- more intensive enforcement of repeated violators' activities within and without the village (through villagers or relatives reporting systems in other, particularly hub, communities)
- convicting violators on the grounds of possession and use or using possession and use as prima facie evidence of illegal importation
- exercising controls over visitors as well as residents
- illegal search, seizure, and destruction of alcohol from private homes based on observed and reported possession and use
- unaltered policy of prohibition, but methods and penalties of enforcement renewed or otherwise modified to meet new needs; for example, penalties may be stiffened by reducing the amount of basic physical support provided by peers
- non-reliance on outside enforcement entities or procedures, since these commonly result in after-the-fact actions; the village desires and achieves immediate behavior intervention and modification.

The local option law is only one mechanism of many which encourage more community self-control.

14. There are communities which view the local option law as an unnecessary, redundant, and useless tool to reduce access to alcohol. These communities have had a long tradition of controlling access through internal formal governance (i.e., law-making, enforcement, trial, and punishment) and informal means (i.e., each community member sharing some of the active responsibility for controlling access and use). Some of the means used by these communities are legitimated by community consensus but may be illegal in that they violate the constitutional

rights of residents; lack of complaint about violations is due, in large measure, to shared cultural and community values, respect for traditional and community authority, and a desire to live within the protected confines of a conservative but healthy community, that is, a sanctuary or retreat.

The supports for the continuing tradition of enforced "dryness" appear limited in number:

- geographic remoteness
- late contact with the outside world
- strong religious values from the origins of the community
- consensus about 1) the authority of the elected or traditional government and the community itself, 2) legal and/or traditional local sovereignty, 3) the merits of a conservative range of tolerated behaviors, and 4) absolute restrictions and tough enforcement being the only means to maintain the healthy lifestyle
- remoteness from state-supplied law enforcement agencies
- no tradition of extensive alcohol use, related problems, or tolerance of use
- a tradition of local law-making, continuous law enforcement, and reified attachment to the substance of the law and the pre-eminence of the law
- pride in having a good community reputation
- having the major penalty for law-breaking be temporary exile from community
- ability to control or maintain distance to nearby industrial development
- ability to control the behaviors of new Native and non-Native residents
- a healthy continuing subsistence resource base
- maintenance of distant relationships with government programs, resulting in reduced contact, fewer negotiated compromises, and greater self-determination
- family and cultural obligations which require extensive visiting and, thus, close uniform scrutiny of private lives as a form of social control and support
- members who cannot tolerate such close restriction emigrating or exporting their activities
- members who refuse to strictly abide by community rules being closely watched, counselled, penalized, exiled
- members who violate the rules but whose behavior is not found troublesome being watched closely but not unduly punished
- persons who wish a retreat from more permissive communities being allowed to immigrate and settle in the village
- continuous discussion of, voting on, and enforcement of local restrictions
- continuous monitoring of the bad events in other communities.

15. A generation or so in the past, many communities had no "alcohol problem"; there were, to be sure, problem-drinkers and federal authorities were very concerned about bootlegging. But many communities were basically "dry" with local rules disallowing drinking. In the 1960's, as more money began to flow into villages, more alcohol flowed along with it. Villages found that they did not have the social control means to stem this flow with any great degree of success, nor the problems that emanated from this flow. In earlier times, villagers died of sickness, old age, and unavoidable accidents; more recently, younger people began to die, related to their use of alcohol. It is this change which appears to have prompted new law-making in villages, accompanied by increased law enforcement, cultural revitalization, and religious and social supports.

While most respondents note that individual, intermittent, and tragic alcohol problems have been around in villages for a long time, they suggest that alcohol as a village problem has arrived more recently and rapidly, coincident with the other rapid social and economic changes in the villages particularly in the period from the early 1950's to the late 1970's. One respondent from an Interior village suggested that the full dimension of the community alcohol problem "was so new that people didn't realize what was happening to them."

Village leaders continued to search for social control mechanisms to stem the flow of alcohol. It is not difficult to understand why, in many villages, the problem of control seemed insoluble. Alcohol was only one of many forces eroding the traditional sources and modes of authority accompanying increased contact and basic economic change. While traditional sources and modes of power continued to be exercised over traditional problem areas (such as hunting and fishing), the magnitude, nature, and interactions of the new problems exceeded, at least for a time, the capacity of the village to deal with them effectively. This phenomenon is not unlike that experienced by rural communities anywhere

during a "boom" period in their history. That period may not be permanent, but the problems experienced during it seem far beyond the capacity of local people to handle.

16. The villages' concern with alcohol is less a moral judgement or worry about the individual personal health implications of ingesting alcohol than with the death of village members, particularly death among the young men. The deaths of young men, while terrible personal and family tragedies, constitute a major cultural concern. Many respondents consider that the future of their culture is dependent solely on the traditional values and caliber of the future community leaders, that is, the young men of the community.

The utility of a local option law election following one or more tragic losses may be less in the solution offered by the law than in an election's ability to shift the focus of attention and emotion away from the individual loss and toward an identification of, consensus on, and action toward the underlying problem and their potential solutions. When the loss of an individual becomes understood as the loss of the community, culture, and a culture "carrier", more energy is released toward solutions and more license is granted to publicly discuss and analyze the loss rather than bury the loss in private mourning.

17. Much alcohol use and problem behavior occurs in regional hub communities. Hub residents often perceive that their behavioral problems with alcohol are caused by "outside" people, particularly visitors from surrounding villages; some feel that they do not want to "foot the bill" for these visitors. In those hubs where the behavioral problems are identified as coming from outsiders (and even occurring outside), the alcohol control, prevention, and treatment measures become focused on the behavior of individuals rather than on the availability of the substance. The public safety aspects of behavioral control (e.g., policing,

arrests, protective custody, involuntary commitment, transport for detoxification) became more prominent than alcohol control measures. The object of enforcement is to "keep a lid" on the problems, provide earlier intervention into dangerous situations, protect the intoxicated person, reduce the involvement of the judicial and corrections systems, reduce the amount of complaint by residents, reduce the paperwork for public safety officers, accomplish wholesale reductions in the numbers of public inebriates, increase the reporting by citizens by reducing the risk of serious penalty, reduce the severity of criminal actions, and not interfere with alcohol commerce.

18. It is unlikely that any hub will vote to ban sale and importation. There are several important reasons why such a vote would be unlikely:

- large numbers of white residents come from communities where alcohol is readily available and self-controlled use is common
- many hub businesses cater to tourists and other visitors who expect the amenity of alcohol
- a great deal of the alcohol use by residents is non-abusive and non-problematic
- hub residents' alcohol use is marked by regularity of location, type of drinking, drinking partners, amounts, and so on, all consistent over time
- white and Native hub residents alike will resist controls on moderate drinking
- hubs feel they have invested enough in ordinances, police, and other public safety functions to manage the uncontrolled resident and/or transient problem drinkers
- a significant proportion of public services and employment is sustained by alcohol sales and taxes
- any loss of local retail capacity will result in referring these retail dollars to Fairbanks and Anchorage
- much drinking in hubs is social, bar drinking, under the controlled hours, easily policed conditions, and the eye of sober employees who watch out for both the customers and the premises, where alcohol is available by the drink rather than the bottle or the case
- if any controls ought to be placed, some hub residents feel, they are best placed on bottle shops which lead to bootlegging
- elders, health care personnel, churchgoers, and other persons interested in stricter laws constitute a small proportion of the numbers and sentiments of the overall hub population
- because hubs already have large police powers and police

forces, the added support of state police authority would be redundant

- in communities without existing retail sales, hub residents with an interest in local option law restrictions on sale and importation are fearful that their hub will use the local option law to expand existing use, creating additional access through Option One or Option Two.

19. Villages turn to the local option law to enable them to control the behaviors of individuals who are not controllable by other local ordinances, authorities, and social control mechanisms. The statute appears to provide the required tools for local (primarily Native) residents to control those persons who do not feel bound by local rules adopted under the authority of city councils, traditional councils, councils of elders or chiefs, or IRA councils within which they feel they or their interests are not represented.

20. The local option law appears to promise more state involvement in the enforcement of locally-elected options without, in fact, ensuring it; as a consequence, villages may be trading other legal and extra-legal methods for controlling alcohol and for the potential of increased external assistance.

21. Many respondents hoped that the local option law would return powers to the community removed over the past 30 years. They hoped that the new law would be as effective as their old laws. Yet many perceive the law to be an effective obstacle to community objectives.

These residents suggest that the state law diminished and makes invalid some of their own local ordinances and processes. The process of considering the local option law also highlights the extra-legality and illegality of some of their own effective controls.

22. Some village cultures find the law option law inconsistent with their accepted modes of community-solving. Differences occur in the arena of who

makes decisions, how decisions are made, how interventions are made into the behaviors of others, the role of informing as a form of social control, the range of acceptable control mechanisms (e.g., embarrassment, isolation, exile, jail, internal vs. external policing), and the degree of rigidity or flexibility that is desired in communitywide laws, enforcement, penalty, and rehabilitation.

The local option law, while empowering villages to control aspects of their own lives, still remains a western law. It was not designed or written by rural people and its purpose, intent, powers, procedures, language, limitations, and relationships to other parts of western law and law enforcement remain quite unclear to many rural people. Villagers also see that other, vaguely understood aspects of western law formally prohibit villages from taking actions which would solve the very problems for which they are turning to the local option law. In order for them to fully utilize the local option law, they may wittingly or unwittingly violate other laws.

In effect, villages using the local option law are not writing their own law, consistent with the underlying elements that make aggregations of individuals and families into "communities." The writing of law comes from receiving or assuming generalized powers, then convening to draft, adopt, implement, and revise one's own laws to deal directly with self-perceived problems. The use of the local option law is less an exercise in the writing of law than in trying to solve one of their most difficult problems through a complex election which adopts a pre-formulated option.

Thus, an alternative view is that goal-directed power comes from within the local community, not from state law, Indian law, or other powers provided by external, non-local authorities or systems. Education into the powers available under state and federal law appears not to expand the options perceived as available to Natives but to narrow the options they would like to use or are using to manage their problems. Conn points out that "there has been far less

enthusiasm for mounting a system of law based on cultural pluralism than in other colonial situations. It is not in the American tradition, we have been led to believe, to allow separate justice systems in a single state to coexist."

There is little evidence that local communities are "investing" themselves in the larger, external systems. They appear to be manipulating the western systems, at times, to meet local needs through maintenance of local powers; because "social control is not ultimate control in modern village Alaska" communities rely on the threat of external force, the enhanced local control authority, and the flexibility afforded by their remoteness and the consent of the governed.

In some communities, internal control is based upon the consolidation of legitimate forms of authority — traditional council, elders, city council, IRA, village corporation, and so on. This consolidation provides a single form of continuing internal self-governance. Some villages see the local option law as an avenue to dissipate this community power. Power is seen to be dissipated when 1) the electoral process replaces council authority, 2) reliance is shifted to outside agencies, 3) the state provides and legitimizes only certain methods and disallows others, while the villages continue to utilize methods deemed appropriate and legitimate to and by the village residents, and 4) formal systems remove the ability for local residents to negotiate solutions to problems. This is an opposite principle to that suggested by the local option law, that the power residing in the state is somehow shared with or shifted to the community.

23. The ingredients necessary to control alcohol-related problems include:

- clear identification of the source of the problem
- community consensus on the problem
- council support of control and enforcement
- means to control the source or supply of alcohol
- active community and agency involvement in control activities

- continuity of control over long periods of time
- certitude of enforcement and penalty
- integration of the forces of decision-making and control.

All of these factors are critical to successful accomplishment of community management of the problem as they define it. Perhaps the most difficult to accomplish for some communities is the last item -- integration of the forces of decision-making and control.

The relationships among the local option law, the city or traditional council, the village public safety officer (VPSO), the state troopers, and the local or regional judiciary are critical. Adequate enforcement depends upon the mutual support between the council and the VPSO and the mutual support between the VPSO and his/her supervising state trooper. The relationship between the VPSO and the council requires a clear commitment of the council to actively and publicly support the VPSO's mandated responsibility. The relationship between the VPSO and the state troopers requires the troopers to provide extensive and continuous skill training, close supervision and directions, short response times, and direct physical support. The more isolated the VPSO is from council support or from close trooper support, the less likely that the VPSO will be seen as an effective enforcement person. The actual numbers of VPSOs may be less significant than the maintenance of these mutual support systems.

24. There is no evidence to support an argument that the local option law, the VPSO program, or any other single action or program is responsible for the perceived improvements in quality of life for those villages that see improvements. It is more likely that many concurrent actions and events are combining to generate this impression. Other factors include health programs, alcohol prevention and treatment programs, revenue-sharing, growth of local government, slowed outmigration of young people, increased employment, positive changes in demands on and performance of leadership, increased community goal-oriented

activity, religious revival, cultural re-affirmation, and increased health awareness and practices.

25. The presence of law enforcement is absolutely critical to successful implementation of the local option law. Such law enforcement can be in the form of state troopers, city police, constables, VPSOs, council presidents or chiefs, entire councils, community committees, or the community as a whole. Each of these has its own costs and benefits. In general, the more formal the system, the more fear is created of real penalties; on the other hand, the more formal the system, the more likely that it is seen as too distant or too self-constrained (by rules of evidence, by legal charge) to be an effective deterrent. The more local the law enforcement, the more pressure can be brought to bear, by political or illegitimate means, to deter real law enforcement.

26. The effectiveness of the local option law is constrained by normal legal and police procedures, such as establishing probable cause, issuing warrants, gathering and maintaining evidence, and so on. Early in the local option law implementation process, there was a lack of civil rights knowledge and education among local law enforcement personnel as well as among residents. One of the consequences of this lack of knowledge was the development of very effective search methods applied to persons and cargo entering the community. As civil rights education improved, searches became more restricted, less enthusiastic, and less effective, resulting in reduced search effort and increased importation.

27. The stringent requirement for the proper handling of evidence coupled with many residents' reluctance to testify and the violators' knowledge of civil rights often result in an inability to assure conviction and penalty. This is particularly true for those cases which involve chronic violators who have had extensive experience with the courts, who refuse to have their cases heard by

local magistrates, who refuse to plead guilty to the charge, and who demand legal counsel. Thus, those who are most likely to be successfully prosecuted under the law are those who:

- are not chronic or serious violators
- have little prior experience with law enforcement
- freely admit their guilt to the charge
- freely accept the penalty imposed by the magistrate or council.

Since the law is least successful in curbing the behaviors of the most recalcitrant and dangerous offenders (that is, specifically those that the community wished to control through a local option), some residents view the product of this process as neither appropriate and equal justice nor meeting community objectives.

28. Non-local enforcement of laws tends to be negative, but to leave the values and minds of the offenders alone. Local enforcement tends to be positive and supportive, but to demand conformity of thinking and acting.

In conducting strict enforcement and punishment, villages seem less desirous of punishment for its own sake than to alter the boundaries of interpersonal behaviors. Exile is intended as a learning experience (e.g., learning what is in the community mind) and a boundary-setting experience, more than a permanent rejection of the offender. Even the violation of the offender's civil rights is seen as a positive act of caring for and intervention on behalf of the individual.

Communities which exile their members for repeated violations are often determined to awaken these members' awareness of community values and to protect the community and these members during the rehabilitation period. They would not be pleased to see exiled members in jail, with a criminal record, or not eventually returning to contribute to community life. In other words, com-

munity actions are never self-evident in their purposes, even though their methods appear similar to what is familiar and routine elsewhere.

29. Some simple statutes, such as the local option law, are by their nature both rigid and exact. They do not lend themselves to the flexibility of methods and selectivity of enforcement desired by many rural residents. Villages express a desire for the enforcement of local laws to be selective — by person, practice, and season. For example, many villages will identify those persons whose access to and use of alcohol should be absolutely banned; conversely they will identify those persons whose private use is non-problematic. Selectivity may be used to control or punish "outsiders", seasonal visitors (such as miners, fishermen, firefighters, construction workser), and "bad people".

30. A significant problem for village law in transitional communities (that is, communities which no longer exercise traditional authority and which lack sufficient law enforcement and judicial control) is making the violators of laws see the resulting penalties as real and certain. Penalties appear real and certain if 1) law enforcement personnel are readily at hand, 2) judicial functions are readily at hand, and 3) conviction and penalty are not easily avoided. In those situations in which local law enforcement is absent, where communications, transportation, and logistics delay trooper response, where evidence is easily lost or mishandled, where testimony long after the fact is difficult to secure, where witnesses must leave their home communities to testify, where judicial personnel are unfamiliar with village conditions, history, organization, and persons, and where detention or other punishment cannot be assured in the village, penalties for violations are not seen as real. Even in the instances of successful arrest, prosecution, and time served in jail, the home community may not view the outcome as successful, particularly if the community views the time served as either insufficient or excessive (compared to the offense, the

situation of the offender or his family, or the standards of the community) or if the community feels that the return of the offender is threatening.

31. Some communities appear too divided or demoralized, at present, to organize themselves to utilize any of the options provided under state law. Other communities appear to have such strong and intact traditional purposes and forms of social control that they feel they have no need or less need of importing new external powers and control mechanisms. It appears that those communities that desire greater self-determination over aspects of their quality of life and whose traditional systems no longer suffice (for a variety of reasons) to meet these objectives are the most likely to look to the local option law and other tools to achieve their goals. In other words, the communities that are most likely to avail themselves of the local option law are those that are in a transition, returning to a healthier, self-controlling state; these may be communities that have experienced a twenty-year decline in quality of life due to the historical factors which have pervaded these villages. Thus, it is suggested that the local option law does not create healthier communities but that healthier communities or communities that are becoming healthier are the ones most attracted to the local option law as an additional support.

In general, the village attributes which are most likely to be predictive of holding a successful local option law are:

- a secure, activist, and strong village or city council
- a council which is not itself typified by abusive use of alcohol
- consolidation of or unanimity among all village power bases
- a population marked by stability, in terms of racial composition, migration, economy, goals, and problem rates
- a community desire and ability to identify problems, set goals, establish priorities, establish solutions, and take action as a

community.

- other difficult goal-directed actions taken by the community which indicate that the community can exercise self-control.

32. Establishing village law through the electoral process may have a number of unanticipated consequences:

- it may make law-making and enforcement easier by reducing individuation of council members and the VPSO
- it may shift the burden of control from individuals and groups to the entire voting population
- it may be more effective than a liquor license protest because it involves more people more anonymously
- it may be another means to re-affirm already existing village standards and rules
- it may help the electorate override the weakness or opposition of the council.

On the other hand, the electoral process may be used to challenge the very roots and legitimacy of village power structures; depending on one's objectives, this may be a very good or very bad outcome. Once the roots and legitimacy have been successfully displaced, the core direction and wisdom of the village may also be lost.

33. One measure of the success of local rules on alcohol importation or use/possession is a total absence of alcohol and its use in the community. Few, if any, communities have achieved this level of success; no community touched by this study reported such success. All communities reported that drinking was still going on, which disturbs some residents more than others, depending on their level and type of concern; however, since the majority of community men-

bers either hoped or thought that, following rule-making, there would be no drinking at all, there is often considerable disappointment at the failures -- lack of successful voluntary adherence to local rule, lack of successful enforcement tools and methods, and continuing drinking (at some level) in the community. On the other hand, since much of the community concern is with alcohol-related public behaviors and violence rather than with private drinking, communities see their law as "sort of working"; they "sort of overlook" the remaining drinking as long as behaviors do not overstep other residents' standards, rights, or safety. This creates a new synthesis, wherein law is not stringently enforced and behaviors are kept within tolerable bounds.

The combination of the local option law and the efforts of the VPSO is likely to result in earlier identification of and intervention in the development of serious problems, thus altering the number, severity, and types of agency-reported problems. It is likely that rates of less severe problems will rise, initially and dramatically, that rates of more severe problems will decline somewhat and not rise to earlier levels, and that the types of reported problems will change; for example, it is likely that alcohol importation offenses will increase, that alcohol-related deaths and other alcohol-related violence will decline, and that other substance offenses will increase as alcohol availability declines.

34. According to industry respondents and Bush retailers, while some concern existed that villages voting "dry" would reduce the business potential of hub alcohol retailers, the loss of direct access to these villages does not appear to have significantly damaged existing sales. If no significant change has occurred, this may be attributed to:

- major failures in enforcement
- major exportation of behaviors to hubs
- lack of significant volumes having appeared previously in villages (that is, villages having populations that are

too small to show up in the statistics; a large party in a village may not appear as even a blip in the hub's statistics)

- changes in substances used; that is, substituting distilled spirits for beer, or marijuana for alcohol
- changes within only certain populations, resulting in only a small or immeasurable change in per capita consumption rates across aggregated populations and/or communities
- increased unreported bootlegging or other forms of unreported distribution
- alteration of retail merchandising and products to appeal to new, different, and growing demands within the hubs themselves (e.g., selling wines to hub residents rather than spirits to village residents).

35. The immediate objective of villages was to reduce the incidence of alcohol-related problem behavior, including violence, public drunkenness, and public drinking. Since the local option law elections, many communities have perceived a steep decline in visible drunken behavior. Whether or not this perception is correct (and it is likely to be correct), whether or not there is less actual drunkenness or drinking as distinct from visible or public drunkenness or drinking, are probably not relevant distinctions in the communities' assessment of the quality of their daily lives. Even though the volumes consumed and the number of intoxicated persons may remain the same, villages will feel positive about their actions and the effectiveness of the law based on a perceived decline in problems. They will "feel" more "dry", even though they may not be significantly more "dry".

If the overall rates and volume of consumption have not declined since the local option law, what then accounts for the declines in alcohol-related problems and visible behaviors? It is suggested that these changes are due to altered patterns of use by the using population, including:

- increased privatization of use and behaviors
- altered and intermittent patterns of distribution and consumption
- substitution of other substances (e.g., drugs, homebrew)
- externalization of the behaviors and problems to hubs.

There is a growing, although as yet unmeasured sense, that as certain villages reduce their alcohol problem under the local option law, a portion of this reduction is actually exported to those communities which are regional hubs and/or which do not prohibit alcohol importation or sale. This will increase, to an unknown degree, the problem rate and resulting fiscal costs occurring in these hubs, particularly through their law enforcement, judicial, corrections, health care, mental health care, alcohol detoxification, and other systems.

36. What, then, is the benefit of the local option law? Some residents are under the illusion that the law is self-executing, that by passing the law, the reality will automatically change. This illusion is not without some foundation in fact. What appears to happen in some villages is that the community vote on the local option law is an elaborate reaffirmation of existing community rules. The prospect of having troopers enforce the law and having magistrates impose formidable penalties and create criminal records is seen as an immediate deterrent; as an external threat of unknown dimensions, it appears to support and mobilize the internal control mechanisms of the community and thereby produce modified behaviors among residents. The longevity of these positive changes will depend, ultimately, on 1) the reality of the threat, 2) the development of greater internal controls, and 3) significant improvements in quality of life. What is achieved by the local option law may not be control over alcohol but control over community.

II. History of Alcohol Control in Bush Alaska

Alaska's new "local option law" is the most recent in a long line of attempts to control access to and use of alcohol by Alaska Natives. It is also one example of the continuing long-term duality between white and Native systems of law for Bush communities. While the local option law applies equally to all communities within the state, it is clear that the intention and effect of the law were to provide Bush communities, particularly villages outside of borough jurisdiction, with new powers to control the availability of alcohol. Larger communities with municipal governments already had an array of tools to control both the availability of alcohol and the behaviors associated with it; for a variety of cultural and economic reasons, it has been Native villages only which have taken advantage of the local option law. Regardless of how the law was designed, in effect, it is a law addressed directly to village concerns.

The concept of prohibition for Alaska Natives does not appear as a novel instrument for protecting villagers from alcohol because villages had lived under such a ban from the purchase of Alaska by the United States until 1953. From this earlier period until the early 1960's, alcohol availability and use in most villages did not change radically, due to the lack of heavy market demand, money, transportation systems, organized legal distribution systems, and the presence of strict internal village norms and controls. Many older Alaska Natives clearly recall the image of the costs and benefits of legal prohibition and the consequences of its loss in terms of loss of control over legal and illegal alcohol retailing. To the degree that village social control mechanisms have failed to effectively manage alcohol since its acquisition was legalized, much of this "failure" may be attributed to having had, for so many years, an external locus of control over alcohol, the legal powers residing with territorial officers, and access to alcohol far more intermittent than it is today.

The concept of control is common in the history of many countries. "At the

time when the systems of control were first established, regulating the sale of alcohol was often seen as the most efficient way of reducing alcohol-related problems, and generally it was the retail section of the alcohol market that was subjected to the most elaborate controls by the state." (4, p. 78)

Legal controls alone are unlikely to reduce alcohol-related problems. Conn (2, p. 1) notes that "dependence on law only as a mechanism to change drinking problems can, in fact, exacerbate drinking problems and create among the impacted group problems with alcohol which may not otherwise have existed."

Conn's excellent paper documents the history of alcohol use and controls since white men first came to Alaska. It is briefly excerpted here so that the reader may better understand the origins of the local option law. The earliest commercial enterprises from Russia and America used alcohol as a trading commodity with Alaska Native people. The purchase of Alaska by the United States resulted in the introduction of controls on alcohol trade, importation, and possession by Natives, because the Territory of Alaska was treated as an Indian reservation. Thus, early in the history of contact was introduced both alcohol and methods for its control; both were also derived from sources external to the Territory.

The Treaty of Cession, the Organic Acts, and the Territorial government drew distinctions between "civilized and uncivilized" Natives. Civilized Natives were those "who had taken up residence separate from any tribe of Indians and who had adopted the habits of civilized life." Civilized Natives could become citizens and attend schools with the whites. However, this distinction between "civilized and uncivilized" did not extend to the ability to purchase or consume alcohol. Neither class of Native was perceived as having the ability to control its behaviors after consuming alcohol. The assumption of Native inability to exercise self-control over the use of alcohol originated with contact. Teachers

and missionaries saw suppression of drinking as "the prerequisite for civilizing the Natives;" they actively advocated law enforcement efforts "to protect Natives from whites and to protect them from themselves."

Thus, the use of external forms of power to control Native access to alcohol also originated very early. The majority of the alcohol control legislation since that time has originated externally to local communities and has had Natives as its specified or unspecified target. Results of this legislation have been to make alcohol a scarce and valuable commodity and to make its acquisition and possession so difficult that Natives consumed it totally and rapidly. Its scarcity and value resulted in large-scale bootlegging and the introduction of domestic production ("hootch", homebrew).

The First Organic Act of 1884 specifically legislated the prohibition on importation, manufacture, and sale of liquor in Alaska. However, in general, whites would neither prosecute nor convict other whites for violations of this prohibition. The Alaska Commercial Company continued to trade liquor for furs and successfully undermined enforcement efforts by withholding supplies from enforcement personnel. Revenue cutters and Territorial Indian Police were utilized to enforce prohibition, but with minimal effect. Thus, before the turn of the century, non-local controls, widespread organized violation, race-selective enforcement, and local Native enforcement personnel were all present as, to some extent, they remain today.

In the late 1880's, prohibition for whites was replaced by high license fees which, in turn, were to pay for public services. Purchase by or sale to Natives, intoxicated persons, or habitual drunkards continued to be prohibited by law. Prosecution of violations of sale restrictions was not vigorous, although public drunkenness and other drunken behaviors often resulted in jail sentences. Thus, by the turn of the century, community dependence on alcohol-generated revenues to underwrite civic government and an enforcement focus on

alcohol-related behaviors rather than sale or possession became common.

In 1915, Alaska voted the entire Territory "dry", with the primary purpose of solving the problem of Alaska Natives; Conn adduces this purpose from the records of prosecutions based on and subsequent to this "dry" law. (The Territorial legislature made the giving or selling of alcohol to Natives a misdemeanor with a minimum fine of \$120 and a maximum of \$500 or imprisonment of between 60 and 250 days; both parties to the violation were subject to the same penalty.) This law constituted a previous instance of passing a statewide law whose purpose was constraint of Native alcohol consumption. While Alaska's prohibition ended with the repeal of the 18th amendment in 1933, the Territorial prohibition dealing with Natives was not repealed until 1953.

The failure to achieve "dryness" was attributed to Alaska's vast distances, few prohibition officers, and the rise of home distilleries. During this period, "the single form of ongoing contact which the rural Native person experienced with territorial government was the liquor suppression officer." (2) This enforcement effort, however, was quite intermittent and basically ineffectual except in the learning of covert behaviors, a reinforcement of rapid consumption practices, and a learning of the limitations of reliance on external control mechanisms and agents. Of greater importance, however, was the continuing contact with whites, from whom Natives learned aspects of white drinking comportment and the use of alcohol as a commodity in commercial exchange.

It is important to note that, in a relatively short space of time, entire legal systems and enforcement systems dealing with alcohol use by Natives in Alaska had been erected by, implemented by, and dismantled by powers external to Native regions and communities. Thus, within eighty years, Alaska Natives were introduced to alcohol as a valuable commodity, then were totally prohibited from its possession or use by law, then reintroduced to its legal acquisition by law

once again. To the degree that external law, such as prohibition, coincided with village purposes, the loss of such law and its agents could not but have disrupted local controls. It is also likely that, as a learning experience, the "medium" became the "message;" that is, communities wishing to institute controls were more likely to turn to external law and its agents than to internal sources of control.

Conn (7, p. 67) points out that "Western law and its agents were prepared to intercede and jail drinkers...[because] this was, after all, the developed role of the town police, liquor suppression officers, territorial police, and state troopers after them. They were, after all, non-Eskimos, powerful, and free of constraints placed upon councilmen who lived and worked with the persons they confronted, their families and their friends." As the laws which guided control agents then became attenuated over time, a serious vacuum in community controls was created. With the transition of Territorial to State law at Alaska Statehood in 1959, a further erosion in law and law enforcement occurred, as race distinctions were eliminated and a single statewide court system was erected.

"In earlier days, village councils, supported by teachers and missionaries, by territorial law where operative, and, indirectly by limited opportunities to purchase liquor for transport to the village, could focus on possession of liquor within the village, not on liquor-related conduct. By the mid-1960's, however, liquor traffic became a fixture of regional traffic. State law was not consistent in its support of liquor bans in the villages. It had legalized private use and possession of liquor." (7, p. 67-68)

In addition,

"Though state law had removed direct responsibility over village crime from the villages, the state legal apparatus was not prepared to prevent crime in the villages or to deal with minor offenses, this in an epoch when councilmen perceived that village liquor control and action against minor offenses was the key to prevention of serious crime in the village." (7, p. 10)

"To the further surprise of some councils who had emulated territorial commissioners and levied fines, state

police officials now informed them that this authority, along with the authority to prohibit manufacture of home brew, did not enjoy overt support of state legal officials.

The council's fining authority had given them symbolic identity with other mechanisms of white law such as the Bethel commissioner. Now it appeared that this method of identifying village legal power with state legal power would not be supported by state legal authorities.

It appeared then that the only basis of authority to be found for this form of alcohol control would be through uniform action among the Eskimo villages and not from state law." (7, p. 13)

If it had been the case that villages never had internal authority over their members, with external authority over alcohol first introduced and later removed, it would be reasonable to suggest a re-introduction of external power. However, in fact and law, incorporated and unincorporated villages did and may still have authority over the actions of their members. Conn (2) points out that the Indian Reorganization Act provided a structure of "tribal government" for Alaska Native villages, the powers of which include "legitimization of the fining and jailing authority of village councils." The statewide court system was to have replaced these village powers. Villages which incorporated as municipal governments had ordinance-making and enforcement powers. However, even unincorporated village councils continued to act as legislative and judicial authorities long after the legal basis and need to do so was to have been removed, because the centralized court system was effectively absent from the village.

If power is known primarily through its exercise, then villages retained power via extralegal, unsanctioned elections and ordinances as well as local enforcement and adjudication; that is, the consequences of the exercise of power were real, even if the authority of the village was only apparent or achieved through consent of the governed. "What is relevant is that villages continued to perceive themselves as dry and to enforce ordinances against possession or

use of alcoholic beverages with the implicit or explicit blessing of... officials." (2, p. 42) This suggests some implied consent to or support of village extralegal methods by external authorities to accomplish ends desired by both the village and external authorities, as long as these methods become neither public nor challenged; this is an understandable position, given shared concern over alcohol as a public health and safety problem, an awareness of the paucity of external controls, and a disinclination to formally empower or acknowledge the authority of the unincorporated village.

Conn (2, p. 50) points out that fluctuating laws and successful legal challenge of community authority are damaging to both community morale and local self-control. "The alcohol control law in rural Alaska taught Natives to lose faith in their own power as individuals or as groups to control and shape their own destiny." "The particular harmful effect of the introduction of liquor and occasional white legal presence preventing its use was that intoxication and white law wiped out opportunities for Native law to develop means to contain drinking behavior." (2, p. 49)

The sum of this history is a set of fluctuations and paradoxes in thinking and action:

- alcohol is introduced from outside as a commodity, but alcohol control is introduced from outside for the good of Natives
- Natives are taught to manufacture and use alcohol and thought to be unable to control their own use of alcohol
- external alcohol controls are considered essential but repealed in a short span of time
- village powers are provided in, then severely limited by Western law, while villages are told to rely on their own internal powers
- Western law severely limits village powers, but retains the broad municipal powers of large and/or white communities that express less concern about individual access to alcohol and which have greater police powers.

It is against this paradoxical historical backdrop that the new local option law should be measured, to determine whether it is an internal or external power and

whether it is more likely than its predecessors to meet either state or village objectives.

A. History of the Local Option Law in Alaska

The international history of local controls is instructive.

Local option, in one form or another, has traditionally been an important way of allowing dry communities to stay dry in a generally drinking society...Compared to the early 20th century, the control authority of local communities has generally decreased. This reflects, in part, the loss of power by temperance groups, who traditionally advocated local controls as a means to curtail the alcohol market. Centralized authority also reflects the tendency of the alcohol markets to expand beyond the local level. Policies concerning alcohol may have significant repercussions on other economic concerns of the state that could not be managed if local communities were permitted to make independent decisions. (4, p. 71)

As the public emphasis regarding the nature of the social alcohol problem as a whole came to be laid more on treatment in the study period, the traditional control methods of limiting the availability of alcohol beverages came to be seen as an archaic patchwork of laws and as irrelevant to contemporary life. (4, p. 85)

Within this century, in the United States as elsewhere, there has been an increasing liberalization of attitudes toward drinking.

"The intellectual support for liberalization measures came from sociological research on alcohol with the emergence of the "integrationist" or "socio-cultural" approach to the prevention of alcohol-related problems in the 1960s. This approach held that many problems were a product of the lack of an integrated and internalized system of norms concerning drinking activities. This could be resolved, it was argued, by the early introduction and inculcation of responsible drinking habits and through the removal of certain legal constraints and regulations. Thus, the liberalization of control was encouraged as being consistent with a healthy drinking culture." (4, p. 85)

A similar tendency toward simpler and less discriminatory rules can be observed in the disappearance of restrictions on selling alcohol to members of ethnic or other minorities. Native Americans now have legal access to alcoholic beverages, denied to them for almost a century." (4, p. 83)

Conn (7, p. 14) reports that, in 1962:

Councils discovered that general prohibitions of liquor backed by village consensus and historically by teacher-

missionaries and territorial officials would not receive the backing of state law. Instead, state law made them vulnerable to lawsuits if they enforced bans against manufacture of home brew or introduction of liquor into their villages.

The promised support of state law in the realm of alcohol control focused exclusively upon problems which had already begun and not on the presence of liquor as a source of trouble. From the village perspective, liquor's presence and liquor's availability were the logical points of attack by councils and state law. But, as in 1962, state legal officials offered no support to villages who wished to remain dry by curbing introduction of liquor into their communities. Support for such a position at the state level did not occur for another 15 years. (7, p. 19)

It became the liberal policy of the State that alcoholics and intoxicated persons should 1) not be criminally prosecuted for their consumption of alcoholic beverages, 2) that they should be afforded a continuum of treatment so they may lead normal lives as productive members of society, and 3) that public drunkenness did not constitute criminal behavior.

Alcohol control measures continually vacillate between substance or individual consumer control. This is an international, historic phenomena (4) which Alaska is continuing to mirror.

"In a situation of increased acceptance of drinking in everyday life, policies may tend even more toward individual control of deviant drinkers. In an era of contracting public welfare resources, this tendency may be expressed more in punitive than in treatment-oriented measures. The singling out of individuals for special handling, whether in the form of treatment or punishment, often carries with it adverse side effects, for example their permanent identification as deviants. In our view, preventive alcohol policies should, therefore, be given a high priority as an alternative to the morally inspired control of problem drinkers." (4, p. 11)

As control of the substance fails, control of the individual becomes the focus. Suggestions are made to develop individual liquor purchase licenses for those of age; movements are made to raise the drinking age; drunken driving laws are toughened; criminal penalties are sought for drunk in public; and involuntary commitment procedures are relaxed. Alaska has been entering the individual consumer control phase of this cycle over the past several years. The local

option law, although its focus is the control of the distribution of alcohol, is utilized and perceived as a means of controlling individual behavior.

There have been local option laws in the United States since 1806. Alaska communities have had some local option powers since 1962; however, these powers were restricted to communities incorporated under state law. Since Native villages had operated almost exclusively under federal law until Alaska Statehood, few were incorporated by the early 1960's. The new local option law extended alcohol-control powers in both incorporated and unincorporated communities and backed these village powers with the authority of state law and law enforcement.

Many Alaska villages had expended great energy during Territorial times to acquire greater control over the presence, use, and misuse of alcohol. In this attempt, they received strong moral and legal support from federal officials, but in sufficient fiscal and law enforcement support. With Statehood, there was a decline in all these supports because state law was far more liberal about individual access to alcohol and concentrated far more on the drinker's criminal behaviors than on community well-being. This created new crises for Alaska villages, as documented by Conn's study (7) of Yukon-Kuskokwim regional meetings on this topic in 1962, meetings attended by villages, towns, and state officials.

During this same historical period, shifts were occurring in the perceptions of the alcohol problem. Treatment agencies were emphasizing the individual disease model of alcoholism, which tended to reduce the focus on the community within which the individual was embedded. The communities, on the other hand, continued to suffer unacceptably high rates of public safety problems, including homicides, suicides, assaults, and accidents, to say nothing of the fear and distress accompanying these social indicators. The communities continued to

perceive the problem as a social control issue and requested more legal and police authority to control the problem at its source (e.g., alcohol retailers), at its distribution (e.g., cargo carriers), and at its final point (e.g., possession and use by village residents).

Village, sub-regional, and regional meetings continued through the mid-1960's, with little significant improvement in controls. In 1967-1968, the Federal Office of Economic Opportunity (OEO) Special Projects Desk began to provide grants to Community Action Programs (CAP) to highlight the persistence of alcohol problems. In 1971, OEO provided the Rural Alaska Community Action Program (RurALCAP) with \$100,000 to provide training to alcohol counselors in regional centers. In 1972, OEO was broken up and its Alcohol Desk was fragmented, with some parts transferred to the Indian Desk of the National Institute of Alcoholism and Alcohol Abuse (NIAAA) and grants to the National Indian Commissions on alcoholism and drug abuse.

In 1973, Alaska Senator Ted Stevens succeeded in obtaining additional funds for alcohol prevention among Alaska Natives. The RurALCAP alcohol program became part of the Alaska Native Council on Alcoholism and Drug Abuse (ANCADA); ANCADA became qualified to receive NIAAA grants for prevention. Meanwhile, RurALCAP continued with its alcohol counselor program and elicited community concerns through its annual Citizens Participation Conferences (CPC). In 1975, the CPC examined its old resolutions and addressed its concerns to the RurALCAP Board, particularly for additional funding for counselors and the training of indigenous persons for these tasks. ANCADA lobbied heavily for the dedication of alcohol excise taxes to support alcohol prevention and treatment programs.

From 1975 to 1977, the Governor and the Legislature received many alcohol-related complaints from the Bush and demands for solutions. The Administration examined a series of statewide proposed solutions and prepared a draft set of comprehensive legislative actions for consideration by the Legislature. It was

not Bush concerns alone that resulted in this package but a coalition of interests, including administrators who were seeking a new revenue base to offset the severe social costs posed by alcohol; this interest coincided with another administration hope -- that increasing the cost of alcohol would reduce its consumption and, by extension, the related social costs.

Thus, the local option law was only one of many proposals, including marked increases in alcohol excise taxes, limiting the number of new alcohol retail licenses, banning the advertising and filling of mail orders for alcohol, revenue-sharing to villages to design, fund, and staff their own alcohol prevention and treatment services, and so on. RurALCAP and ANCADA participated in the discussion of these initiatives with administrative agencies, particularly the State Office of Alcoholism and Drug Abuse (SOADA) and the Attorney General.

The draft legislation was presented to the Legislature in 1977; the Senate formed a Special Select Committee on Alcohol to deal with the entire legislative package. Members of the Committee travelled to many communities across the state, moving far too rapidly in the view of villagers, holding public hearings on the draft legislation. Some villagers appeared infuriated at what they perceived as a pro forma exercise by the Committee and wrote letters to the Tundra Times, the statewide Native newspaper, suggesting that, if the Committee were not serious, then it should not come to the villages.

The chairman of the Committee, noting these concerns, sent an outline to communities, asking them to write for the Committee their own model legislation. The response to this approach fell into two categories: 1) local control and enforcement of availability of alcohol and 2) revenue-sharing to support village-based prevention and treatment programs. There was strong support for increasing the excise tax on alcohol and disbursing this money to local governments for programs; it was also seen as a means to replace local governments'

direct dependence on local alcohol taxes. Several proposals suggested that the State reimburse any local government that opted to go "dry" for its lost alcohol tax revenues. The survey increased the impetus for enactment of the local option law, although there did not appear to be a direct correlation between the array of laws, powers, and actions that were requested and the four options that were finally provided.

The comprehensive alcohol package had many "parents", including RurALCAP, SOADA, the Governor, CPC, Alaska Federation of Natives (AFN), Alaska Legal Services Corporation (ALSC), Association of Village Council Presidents (AVCP), a major statewide conference on Bush justice, large numbers of representations from villages, an Administration interdepartmental coordinating committee, a widely-distributed analysis of the legal architecture and enforcement disjunctures dealing with alcohol, and the interest and support of a few key prominent legislators. The most prominent opposition to the package was the alcohol retail industry which was far more concerned about (and successful in defeating) increases in the excise tax on alcohol than it was about the local option portions. Industry lobbyists suggest that they left the local option portions alone in order to achieve more support from Bush legislators on the excise tax issue. They also suggest that the local option law would not hurt the industry's "bottom-line" income statewide, but would shift the site of consumption from the villages to the hubs, with a consequent shift in problems.

Only two noteworthy challenges occurred in the passage of the law, both of which failed. The first was a suggested, but failed amendment to compensate those retailers who lost their license due to a local vote against "sale". The second was a substitute vetoed bill which would have allowed for the banning of possession of alcohol, a right which is protected by the Constitution (although subject to debate) and which would therefore negate the legislation.

The Committee issued its report, the findings of which seemed to require

some legislative action. During 1979-80, little progress seemed to be made due to the intractable issue of the excise tax which divided the Administration from the Legislature. The CPC raised the issue again and individual legislators continued their efforts at passage. The villages continued to press for various forms of prohibition, reduced access to alcohol, and reduced quantities of alcohol. They argued that counselors, taxes, police, and prevention programs were insufficient solutions without these legal controls. They expressed strong support for tough laws on the possession of both alcohol and marijuana and were frustrated by the continuing lack of these tools. Lobbying by the legislation's "parents" intensified and the package was redrafted several times.

The legislature defeated the excise tax and air freight portions of the bill and then dealt with the local option portion. The present bill was passed in 1981, over the moderate objection of the alcohol industry which saw it as another attempt to institute prohibition in Alaska.

As is often the case, the enactment of a single statute involves and, at times, contradicts portions of other statutes, thus requiring additional legislative action. As the new statute is implemented, these complications surface, requiring time-consuming modifications. From the point of view at the local level, the "evolutionary" process of refining and implementing appears as a changing of the rules of the game, resulting in both confusion and frustration.

Upon hearing of the passage of the local option law and without noting its restrictions and requirements, some villages immediately held elections and adopted restrictions on the sale and importation of alcohol. However, the law required that the State Lieutenant Governor's Office supervise the elections. This requires a community to circulate a petition for a local option law and have the petition certified by the city clerk and council prior to the conduct

of an election. Another statute also required that municipalities holding special elections also have an ordinance authorizing special elections. Communities which had held elections discovered that they would have to redo the process after additional implementing legislation was passed to authorize elections in communities which had "codified" their ordinances.

The Attorney General's office found these early elections to be invalid. This would have caused only a minor disruption had the villages been able to continue to enact their own emergency ordinances during the interim period of implementing legislation. However, the Attorney General also presented an opinion that the new local option law pre-empted the passage of emergency ordinances accomplishing local option objectives.

During the year between the enactment of the local option law and the implementing legislation, villages were left without any power to deal with their alcohol problems as they had in the past. One village, for example, wanted to pass an emergency ordinance prior to Spring "break-up", because it loses residents through the ice when alertness is impaired by alcohol. That Spring, five or six residents were reported to have died on the river due to alcohol-related accidents.

A dozen or more villages ignored the Attorney General's opinion and passed local emergency ordinances anyway, some because they required this control as an interim measure to a local option law election and others because that was the flexible legal instrument they had used on a seasonal basis to reduce their problems. Other communities, which had successfully accomplished the petition process, had their elections put on hold until the implementing legislation was enacted, thus placing themselves at risk to exceeding the 90-day valid life of a petition.

Following implementing legislation, a community could hold a valid election as long as it adhered to all the proper procedures of both the petition and

election process. Having accomplished this, there was a possibility in 1982 that all of the elections already held would be found invalid because new provisions in the law were not sanctioned by the Federal Voting Rights Act of 1965. This Act required submission by affected areas of all changes in election procedures, whether they diminish or expand voting rights, to the Department of Justice. Either the Attorney General's Office or the municipalities themselves were required to comply with these submission requirements.

An opinion was solicited by Alaska Legal Services Corporation of the Justice Department about the application of the Voting Rights Act to the local option law. The Justice Department determined that Alaska could request an exception for these elections as a "recurrent practice." ALSC prepared a submission of the exception which was modified slightly by the State Attorney General and forwarded to the Justice Department. ALSC language is instructive on the issue:

"The fact that the alcohol local option election process helps rural Alaskans to become 'vested' in the system, to comprehend democracy in action, to learn election procedures, to begin to comprehend a few of the intricacies of law enforcement and, most importantly, to feel some measure of control over their own lives within 'the system.' To have the state Title 04 alcohol local option law invalidated at this stage would likely serve to debilitate and alienate a wavering faith that white man's law can work for them." (5)

The exception was approved by the Justice Department in June 1982 and the village elections already held were approved retroactively. Concurrently, the Governor signed a bill exempting the use of "sacramental wine" from the local option restrictions on sale and importation of alcohol.

B. Power, Limitations, and Uncertainties of the Local Option Law

1. Powers

The local option law allows incorporated communities and "established villages" to vote on four different options on the availability of alcohol within their immediate environment. (The only communities which may not hold

local option law elections are those unincorporated communities which are within the boundaries and jurisdiction of borough or municipal governments.)

In fact, there are more than four choices, because villages are not required to hold a local option law election to retain the status quo; in addition, if they reject any or all options, it is unlikely that the status quo will have to change.

When a community holds a local option law election, it is not a popularity contest among the options with the majority winning. Each option requires a separate petition process and election and only that option which is supported by a petition appears on the ballot. As often as a petition is successfully circulated and certified, an election will be held; thus, no community decision is more permanent than the community desire to support that decision.

The local option law provides options with different degrees of flexibility. Option One authorizes the establishment of a selected license to retail alcohol from among the 17 types of licenses available. For a community without a current liquor license, Option One would constitute an expansion of sale. Adopting Option One does not reduce the ability of the community to control the conditions of operations through ordinances and through Alcohol Beverage Control investigation nor does it reduce the ability of residents to protest license issuance.

Option Two provides for a community-owned and operated alcohol retail license, whether a bar, a package store, or both. Option Two is restricted to communities with an incorporated structure which takes responsibility for the operation of the license. The license cannot be issued to or operated by a private concessionaire. Option Two would constitute an expansion of sale in a community without a licensed retailer, generates revenues to the city government, and places conditions of sale under the authority of the city council and ABC.

In a community with an existing alcohol retail license, this would entail closure of that private license within 90 days of the election; therefore, there would be a shift from private conditions of sale to public conditions of sale.

Option Three forbids the sale of alcohol within the community. In effect, this option would close any public or private retailing of alcohol that currently exists, while still allowing the individual to import, produce, possess, or consume alcohol. Option Three neither expands nor diminishes existing statutes against bootlegging, that is, selling alcohol without a license. Option Three is more popular than Options One and Two which provide for an expansion of use. Option Three, while not prohibiting the importation, manufacture, possession, or use of alcohol, expresses disapprobation of ready and unlimited access to alcohol within the community confines. Option Three actually extends community authority over retail sales; under previous conditions, a community could protest the issuance of a license by and to the ABC, which retained final authority. Under Option Three, final authority resides with the electorate.

Option Four, by far the most restrictive and popular of the options, forbids both the sale and importation of alcohol. It is not total prohibition, because it does not diminish the individual's opportunity to make or consume alcohol; possession, up to certain limits, does not constitute prima facie evidence of violation of the prohibition of sale or importation.

These options all derive their considerable authority from the power of the state, which exercises control over alcoholic beverages under the 21st Amendment. Court decisions have interpreted this power to include the right to control alcohol traffic (i.e., sale and importation); they have also established that alcohol being sold in one locale and denied in another does not deny equal protection guarantees. It also appears that the right to consume intoxicating liquors for personal use is not one of those fundamental privileges of a citizen

of the United States which no state may abridge.

Abridgement of importation and sale, although not of possession, was justified in arguments for the local option law which suggested that the public health problem posed by alcohol was quite great and that there is a close and substantial relationship between the means (the local option law) and the ends (limiting the magnitude and tragedy of the public health problem). The prohibition of sale and importation becomes more powerful under the local option law than under the ordinance-making power available to villages in that:

- 1) the local option law extends village authority over all residents and visitors, who previously may have denied the authority of the village governing bodies or systems to control sale and importation
- 2) the local option law extends village authority to a five mile boundary around the village
- 3) the local option law requires compliance by external commercial carriers, under severe penalty for violations
- 4) the local option law requires compliance by all statewide and regional distributors
- 5) the local option law requires some state law enforcement and judiciary response to violations.

The penalties of violations of the law are significant:

Sale Without a License

First Offense: Class "A"

Misdemeanor:

10 days to 1 year in jail and/up to a \$5,000.00 fine.

Second Offense: Class "C"

Felony:**

10 days to 5 years in jail and/or up to a \$50,000.00 fine.

* Bootlegging - selling liquor for profit without a license -- is against state law whether or not an alcohol local option election has been held. The same fines and sentences apply.

** Liquor sold to a minor, someone under nineteen (19) years of age, is a Class "C" Felony.

*** If the amount of liquor sold is 12 liters or more hard liquor, 24 liters or more of wine, or 45 liters or more of malt beverages, the prohibited sale is a Class "C" Felony.

Importation in Violation of Options #3 or #4

Less Than: 12 liters of hard liquor (gin, whiskey, rum, etc.)
or 24 liters of wine or 45 liters of beer is a Class
"A" Misdemeanor: up to 1 year in jail and/or up to
a \$5,000.00 fine.

More Than: 12 liters of hard liquor (gin, whiskey, rum, etc.)
or 24 liters of wine or 45 liters of beer is a Class
"C" Felony: up to 5 years in jail and/or up to a
\$50,000.00 fine.

A person can be forced to forfeit (turn over) property to the state if it is used illegally to import alcoholic beverages into an unincorporated community which has voted for the no sale-no importation option. For example, if a person flies his or her plane into a community knowing alcoholic beverages are on the plane, the plane and the liquor can be taken away by the state after proper legal proceedings.

2. Limitations

In practice, the local option law is used by Bush Alaska with Option Four being by far the most popular choice, given village desires to severely limit, if not prohibit, access to alcohol. Were it possible for village law to totally prohibit the manufacture or possession of alcohol and to search and seize persons and premises for evidence, many villages would choose to do so. The fact that the Constitution denies them these powers is inexplicable and frustrating to them, since their motives are to save human lives, entire communities, and entire cultures.

Most of the villages that have considered using the local option law consider the law to be exclusively Option Four and many have translated Option Four to mean "prohibition". They (and many government agency personnel) talk about voting "dry" and having "dry" communities; becoming "dry" would mean an end to homebrew and probably the institution of unconstitutional police powers.

Some villages desired both of these controls and included them in their local ordinances and on local option law petitions forwarded to and rejected by the Office of Elections.

The desire by agencies, particularly law enforcement, for prohibition stems less from moral attitudes about drinking or the psychology of drinkers than improved methods to achieve the objectives of villages. These personnel are supportive of possession or public drunkenness as constituting prima facie evidence of the prohibition on sale and importation. This form of legal logic would greatly facilitate, some believe, the arrest and conviction of violators, particularly those who quickly discover the weak links in the legal chain. On the other hand, other gaps remain, including the open questions of when and how the alcohol was made or obtained, under what conditions it was obtained, and so on. If public drunkenness were to constitute prima facie evidence of violation, would it also constitute sufficient probable cause to warrant search and seizure? Intensifying legal powers to achieve policing objectives may result in a rejection of the original law as too intrusive for residents. Law enforcement personnel and village residents report that they have other, less formal means to combat this gap.

In effect, the law says to villagers that they violate the law by importing alcohol into the community, but that once it is within the community, there is little or nothing the community can do about it. The village is distressed that, once past the form and letter of the law, the violator is rewarded by being allowed to freely consume his illegally-imported alcohol. This frustration is dealt with differently, by both formal and informal, local and non-local authorities, as will be explicated later in this report.

Many village residents view the alcohol problem as a regional problem, soluble only by regional action rather than by individual community action

alone. They support this view by pointing to the relationship between inter-community transportation patterns, hub alcohol retailers, and village drinking. Of course, neither the local option law nor the powers of the Alcohol Beverage Control Board encompass these inter-community ties; for example, without a borough form of government, there appears to be no way for villages surrounding a hub to influence the retailing of alcohol within that hub. The State tends to view communities as individual, unrelated entities, whereas regions often see themselves as one large community with shared problems. Although the regional hubs bear the costs and reap of the benefits of their role in the sale and distribution of goods and services, the remainder of the region reaps few benefits to offset the costs of the regional presence of alcohol.

The local option law appears to fill some, but not all the perceived gaps in the license protest process. Liquor license protests by any person or community appear to be complicated by several factors:

- only residents of the community in which the license is to be sited appear to have any real standing; regional and intercommunity concerns appear to be peripheral
- the protester is seen to be opposed to a particular individual license rather than opposing all retailing for the community good
- the grounds for a successful protest seem to require either 1) considerable evidence of actual or potential violations or danger or 2) formal opposition by the governing council
- testimony to the ABC is understood by some villages to require travel from the village to the city and speaking in public to strangers or for the Board to travel to the village, even though the Board tells the public that phone calls and letters also constitute testimony.

A local option law has important similarities and dissimilarities to license protest:

- the electorate is limited to community residents
- an individual speaks out, not as an individual, but as a member of an electorate
- opponents to alcohol sale or importation are seen as acting on a general principle rather than on a personal level
- opponents are not speaking to strangers but to themselves; they are not asking for, but exercising, controls.

Options Three and Four appear to reduce some of the flexibility in controls that had previously been exercised under a variety of ordinance and rule-making authority. The exercise of these earlier powers included such aspects such as limiting the amount of alcohol a person could import (e.g., bottles rather than cases of alcohol), the type of beverage (i.e., beer as opposed to spirits), the season (such as holidays and festivals), and the person (some persons are known to be less responsible or dangerous than others). On the other hand, the local option law, while considerably less flexible, remains in force (at least nominally, depending on reporting and enforcing effort) until repealed and is backed by state authority.

In order to retain or regain that flexibility, many villages, having adopted an option under the local option law, feel it necessary to pass implementing and supplementary ordinances dealing with public drunkenness, possession, search and seizure, involuntary commitment, jail and financial penalties, and so on. They appear to feel that the local option law is merely a backup to these other forms of local control, as an external threat to be used if local authority is violated; in other instances, these ordinances have been used to modify (e.g., limit, extend, alter the terms of) the option, although they do not have the power to do so. This has required on-site community legal education and technical assistance to counteract invalid, illegal, and extralegal community actions.

Another limitation, which could be altered by legislation, is the inability of unincorporated, "established villages" within borough or municipal boundaries to hold a local option law, creating the anomaly of villages outside of boroughs having more local control over alcohol availability than villages within boroughs. In those instances where village ordinance-making powers have been surrendered to boroughs, borough police are not even obliged to enforce village ordinances aimed at alcohol control.

Other limitations include:

- the inability to regulate the importation of liquor into a federal enclave over which the U.S. exercises exclusive jurisdiction; therefore, passage of Option #4 by a community that is adjacent to a military base, FAA station, etc., cannot keep alcohol from entering the Federally owned land; it can take steps to insure against only the "unlawful diversion" of liquor into the internal commerce of the state
- the inability to control the sale or importation of alcohol in or to lodges and work camps outside of the village boundaries
- the inability to stop the alcohol flow at its source, the urban retailer, who may not or cannot "know" what purchasers "intend" to do with large purchased volumes.

3. Uncertainties

There remain some gray areas in the interpretation of elections and enforcement, beyond the constitutional challenges that have been raised in an initial case against a former state trooper.

One area of concern is, if a community formally rejects, by election, Option Three or Option Four, does that indicate that the community is approving the introduction of retail sales, even if community ordinances prohibit sales or are silent on the issue?

Another uncertainty includes what constitutes proper evidence of a violation. For example, is an empty bottle in a trash can evidence of a violation of a prohibition on importation? Or is that an invasion of the privacy of the resident?

A more significant area of concern involves the transportation and offloading of alcohol in or near villages which have adopted Option Four. Vehicles used to import alcohol into a no sale/no importation community can be

confiscated. Air carriers have identified unique legal problems in response to their concern of possible loss of their aircraft and have developed some unconventional means of protecting themselves.

The major, unanswered, question for air carriers is the off-loading and transporting of alcohol through a no sale/no importation community when the alcohol is destined for a community that can legally import alcohol. The alcohol is not intended for distribution within the option #4 community; but because of the transportation center status of the option #4 community, alcohol intended for legal delivery in an outlying community must pass through a community where it is illegal to import alcohol. Is it a violation of the law? Can the air carrier lose his airplane? Is it a violation if a carrier delivers alcohol just outside the boundary for actual importation by locals? How sacrosanct is the boundary and what is meant by intent?

The Attorney General has not rendered an opinion on this issue to date. The definition of importation and the flow of commerce will be central in resolving this issue. If the intent of the law is interpreted as meaning importation for the purpose of distribution, then offloading and transporting through will be legal. If importation is more narrowly defined, then any and all offloading and transporting would be illegal under Title 04; a constitutional challenge could be made on the grounds that the statute interferes with legitimate commerce.

In the meantime air carriers have refused to transport alcohol under these circumstances, have had employees inspect baggage, and begun querying "bush" passengers as to the content of their luggage. One pilot reportedly asked passengers if they have any breakables in their bags. If the response is "no" then he purposely "slams" the bags into the plane. If the answer is "yes" then he wants to know what it is. The potential for loss of their aircraft has made the air carriers very responsive to enforcement of the local option. What

constitutes reasonable steps an air carrier can, should, or must take is a vague area, lying somewhere between the obligation not to "knowingly transport" and passengers' rights to privacy. When a carrier can search luggage or persons or X-ray luggage for alcohol, rather than weapons, remains unclear.

4. Procedural Obstacles in Conducting a Local Option Law Election

Communities turn to the local option law as a means of introducing external controls where local authority has not been found adequate in achieving control over alcohol. The methods of exercising local authority in the past have included rules adopted by a traditional council and emergency and other ordinances enacted by city councils. In order to legally adopt a local option, however, communities are required by the state to follow a relatively complex set of actions and procedures. These bureaucratic procedures often constitute a more formidable obstacle to community objectives than does the actual implementation of the option. (For precise and well-written manuals to the law, readers should review "State of Alaska Title 4 Local Option Law for Incorporated (and Unincorporated) Communities" prepared by the Alaska Legal Services Corporation Alcohol Project and available through the Alaska Department of Community and Regional Affairs.)

In order to hold a state-sanctioned local option law election, villages and cities must:

- petition the Office of Elections to conduct such an election
- have their existing ordinances "codified" (if a city)
- have an ordinance providing for "special elections" (if a city).

Thus, in order to hold an election, a series of precise pre-conditions must be met, requiring close adherence to procedures and schedules and coordination with the Office of Elections and other state offices. If any of these many preconditions are not met exactly, a community may be compelled to repeat all of the

laborious steps in order to hold an election. Some communities, already fearful of elections, tend to give up when these bureaucratic obstacles are recognized. Other communities have accepted this burden and have had to repeat the process a number of times before successfully conducting an election. Thus, the more sophisticated the city government and/or the more adamant and determined the community, the more likely that an election will actually be held.

The following are the requirements for preparing and submitting a valid petition:

- 1) Only registered voters may sign.
- 2) All signatures must be received within 90 days of the date of the first signature.
- 3) To be valid 35% of the number of registered voters from the last election must sign.
- 4) The petition must be signed in ink, and requires signatures, printed names, printed dates of signature, and printed resident addresses.
- 5) The completed petition must be filed 90 days before the next election.
- 6) Within 10 days after filing with the City Clerk, the City Clerk must certify whether or not it has sufficient and complete signatures.
 - a) If not sufficient, residents have 10 days to get additional signatures.
 - b) Within 10 days of refileing, the City Clerk must recertify. If rejected, it is filed as a public record.
 - c) If certified "insufficient" any signer may file a protest with the mayor within 7 days of certification. The mayor shall present the protest at the next city council meeting and the council shall hear and decide the protest.
 - d) If proponents cannot get enough signatures, they can file another

in six months.

- 7) If certified, the City Clerk presents it to the City Council at its next meeting.
- 8) The City Clerk and City Council must prepare an ordinance to implement the petition and submit it to the voters for election within a reasonable period of time.
- 9) The notice of election must have published the ordinance in full and posted in 3 obvious places.
- 10) The ballot must read:
"shall the sale and importation of alcoholic beverages be prohibited in _____? Yes _____ No _____"

Each of these steps has posed an obstacle for different communities due to 1) the apparent complexity of the task, 2) the manipulation of the technical system by local factions seeking to derail the effort, and 3) problems of timing which are characteristic of highly seasonal economic activities and related migration and a non-bureaucratic people. Examples of these obstacles, as experienced by different communities, include:

- sufficient number of signatures appeared in a timely fashion, but clerk neglected to certify it for 8 months; more signatures were appended to the existing invalid petition; city officials thought the city had a valid petition, held an election; the entire process had to be repeated
- petition lacked dates; rejected
- notice was not posted for sufficient time; rejected
- not posted in three places; rejected
- sufficient signatures but exceeded 90-day limitation; rejected
- wording incorrect "to ask the State of Alaska to hold a special election to vote the village a dry village per section AS04.10.430.";

rejected

- developed petition based on language in newspaper account, not directions of Office of Elections; rejected
- the major supporter of the petition died, no one followed through
- the clerk went to fish camp and failed to certify the petition in time; rejected
- city failed to enact a "special elections" ordinance
- residents signing with a mark instead of signature placed incorrect mark; rejected
- signatory failed to print either 1) name, 2) address, or 3) date; rejected
- council delayed holding election in timely fashion
- village mistook petition for election, thought they had voted "no sale/no importation" by the petition alone.

The election process, itself, is fraught with some of the same difficulties as well as some of the same distortions that occur in elections elsewhere:

- voters uncertain whether voting "no" on the ballot meant voting against alcohol or against the option
- voters were presented with incorrect wording "ban possession and importation"
- voters did not know whether they were prohibiting sacramental wine
- community wanted to place all four options on ballot with highest vote-getter winning
- election had to be repeated when mayor felt voters did not understand the ballot
- new housing project moved registered voters, including some council members outside of city boundaries; had to petition first for annexation, hold a special annexation advisory election, have council consider and approve annexation, then hold local option law petition and election

- IRA supported local option law and circulated valid petition which was then ignored by clerk and council
- contested elections, signatures, registration of voters
- option appearing on regular ballot rather than special election ballot
- voters imported in time to register in order to defeat the initiative.

These complexities have not proved to daunt those communities and groups which were determined to enact a local option; some have had to repeat the entire process three times. It is interesting to note that, should they desire to replace an enacted option, they would first have to successfully petition that option, hold a valid election, defeat the option, circulate a petition for another desired option, hold a valid election, and approve this option. It is not surprising that some villages which have circulated petitions or held unsanctioned elections adopting an option have operated from that time as if they had met all of these legal requirements.

Although the local option law was written to be able to be used by almost all Alaska villages, towns, or boroughs, it was clear from its origins that the principal beneficiaries of the law were to be Alaska Native villages. Over time, it has become even more clear that this opportunity is used by smaller, more remote (in terms of ease of transportation), Native villages and that larger villages, sub-regional and regional transportation centers, and Bush communities with large or predominantly white populations tend to not consider using this law.

These latter communities are different in many ways from their smaller counterparts. They tend:

- to have drinking patterns which routinely incorporate moderate and private drinking in social settings
- to have the use of alcohol as a non-problematic component of leisure

activities

- to have an extensive economic system wholly or partially based on alcohol (e.g., bars, package liquors, restaurants, hotels, city revenues)
- to have intervention (e.g., police, detoxification services, treatment services, and jails) methods for the interception and control of alcohol-related behaviors
- to have broad incorporated city powers, via ordinances, licensing, zoning, taxing, and representations to the Alcohol Beverage Control Board to flexibly control access to alcohol.

It was predictable that some communities and some regions would not be as interested as some others. Large hubs, white towns and villages, road-connected communities, and villages with a longer history of acculturation tended to express less concerted interest in the options made available under the law. Some communities expressed interest until they discovered the lack of variety and flexibility under the law; in some instances, these communities returned to their city powers to control the conditions of alcohol sale.

Two basic types of villages tended to keep the local option law at arms' length. The first type was that which was either deeply divided about the issue of alcohol control or was attached to life without such controls. The second type was that which felt that its traditional controls were sufficiently effective, that the law itself was better for "weaker" villages, and that the law would result in more and undesirable contact with the State.

At this writing, over 70 of the state's 270 villages have held a local option law election, with 55 enacting one of the options. Very few communities have considered Options #1 or #2, to allow local retailing of alcohol.

Village consideration of the local option law is based on many factors, including:

- radio, TV, and newspaper advertisement (e.g., Tundra Times, Tundra Drums)

- actions of neighboring communities
- actions of the ALSC Alcohol Project and regional personnel
- actions of village alcohol councils
- actions of subregional alcohol counselors, mental health workers, RurALCAP, actions of the Native health corporation, and village support teams focused on violence in their community visits
- a rash of recent negative alcohol-related events.

Communities commonly adopt a "wait and see" attitude when new opportunities or systems surface, to see how they work out elsewhere, before they invest in them themselves. News is spread most quickly by word-of-mouth, through inter-village family ties, friendships, and adjacency.

Although there are new Villager-to-Villager programs to share concerns and solutions to problems common to different regions, communities tend to know a great deal more about events and changes in their own regions because of the ease and swiftness of communications.

These communications are likely to account for the geographical spread of local option law elections. Until recently, it appeared that the Yukon-Kuskokwim Delta expressed the greatest initial interest in and attachment to the local option law. This pattern is attributed to the long history of concern about alcohol in the communities attached to Bethel, the active role of the Association of Village Council Presidents in lobbying for new control legislation, and the active efforts and presence of RurALCAP and the Village Alcohol Education Counselors in the region. In addition, remote communities on Nunivak, and Nelson Islands (as well as St. Lawrence Island in Northwest Alaska) had been attempting to acquire greater control and had also lobbied heavily to get new legislation.

Through a variety of communication linkages, the word spread rapidly

throughout the Yukon-Kuskokwim Delta, Northwest Alaska, and the Interior. The ALSC Alcohol Project was very busy responding to the information needs of many villages, some of whom were waiting to act until they had an opportunity to assess what had resulted from elections in neighboring communities. Newspapers and newsletters "kept score" on the increasing numbers of communities holding elections, congratulating them by name. Support teams from regional non-profit and health corporations also added their voice in support of elections.

The local option law placed additional burdens on both public and non-profit agencies. The Office of Elections, the Department of Community and Regional Affairs, the Department of Law, the Department of Public Safety, the state court system, RurALCAP, and the Alaska Legal Services Corporation all encountered an increase in their workload. With the exception of the three-year ALSC Alcohol Project, the state does not appear to have increased the resources of these agencies specifically to meet the increased load.

The ALSC Alcohol Project was funded via a competitive process by the State Office on Alcoholism and Drug Abuse to develop an "alcohol and law" project and to develop legal and quasi-legal approaches to the problem of alcohol abuse in Alaska. By the end of the three year project, approximately \$364,000 had been expended, 74 local option law elections had been held, and 51 communities had voted for "no sale/no importation."

Without such a project and the accompanying level of funding, the responsibility for advertising and explaining the law to the villages might have been left to the network of government and non-profit agencies which had formal roles in the law. ALSC provided an ongoing, single-purpose project to be the core of implementation.

ALSC appears to have been a good choice within this network, because it:

- had a reputation for civil rights and community activism
- had recognition from and standing within the state's judicial system

-- had no affiliation with either the alcohol industry or the alcohol treatment industry.

ALSC played a "broker" role during these years, coordinating the different tasks and challenges in front of communities and state agencies. However, it was far more than an active conduit of legal information. It assisted other agencies to understand and fulfill their obligations, it provided as much information to communities as they could rapidly absorb, it wrote the basic documents for the state in the Voting Rights Act delay, it prepared background briefs on the legal interpretations and implications of the law, and it assisted communities in their efforts to control alcohol.

Like the other non-profit agencies encouraging communities to consider and make use of the law, the project appeared to be motivated by two overlapping or intersecting concerns -- 1) understanding and using the legal powers available to communities, and 2) helping to reduce the rate of alcohol consumption and related problems in rural villages. To the degree that, from time to time, the concern about alcohol itself may have dominated the concern about rights education, this was probably a natural response to the nature and level of expressed villagers' concerns.

On the whole, the concern of the project was more with legal than alcohol issues. Its own reports describe it as "an experimental grant designed to ascertain whether the use of legal tools would assist in the prevention of alcohol abuse."

"The underpinnings of the ALSC grant are to cooperate with all groups knowledgeable and concerned about or involved with local community control over alcohol, to provide legal assistance whenever it is desired or requested by a community, to provide educational services and assistance on request and, generally, to provide direct legal services with respect to alcohol and breathe life into the alcohol 'local option' legislation."

This last item -- breathing life into legislation -- is perhaps the most

salient point. There was a reasonable probability that, without such a project, the legislation would have remained passively on the books, accessible to only those communities with sufficient sophistication and support from non-profit agencies. In addition, the project educated not only village residents but troopers, non-profit agencies, and others about the law.

The core ALSC project personnel worked at a hectic pace throughout the grant period, travelled a great deal, made numerous presentations to village and other meetings, wrote many letters of explanation and briefs, worked closely with allied agencies, and left carefully crafted media presentations to explain the local option law to interested persons after the project was completed. Project staff offered their services to villages which then called, wrote, or otherwise communicated some interest in the law. On occasion, only a minority of residents were interested in the law, so that project staff were sometimes addressing relatively hostile or indifferent audiences. Project staff returned to the same communities, upon invitation, to further explain the law, to explain it to new audiences, to clarify questions of legal empowerment and voting procedures, and, following an election, to discuss issues of enforcement. In effect, then, the project constituted an extraordinary effort to inform the public about legislation and to assist them in implementation.

There was, over time, a set of serious issues confronting the project. For example, there was some concern that sending a petition for each option to villages would only confuse them in their electoral process when the villages really wanted to consider only "no sale, no importation." Staff were divided over whether or not the "single petition" approach might not be paternalistic in that it did not concurrently and equally portray, in terms of rights education, all of the choices available to the village. Initially, the single petition approach was used, followed mid-way through the project by the "four petition" approach.

The four petition approach seemed more in keeping with the project's expressed neutrality about the outcome of elections. The project did not want to be seen, as it often was seen, as a local option law "sales job", a view derived, in large part, from the project's (and villages') perceived focus on the "prohibitionist" Options #3 and #4, and the lesser attention paid to the "expansionist" Options #1 and #2; in addition, the project also assisted communities in formulating their liquor license protest. Both of these actions may also be interpreted as merely responding to village's desires and requests.

Some observers felt, conversely, that the project gave the villages too much information, confusing them instead of "informing them of their rights." These observers did not want the project to inform the villages of the other three options. In addition, both village officials and some residents were aghast that the project staff informed the public of the limitations of the law, particularly:

- that it did not ban possession, manufacture, or consumption
- that it was not self-executing
- that enforcement was constrained by constitutionally-guaranteed individual rights
- that it superceded emergency and some other ordinances.

In particular, the project was criticized for telling villagers that they could make, possess, and consume significant volumes of homebrew even under Options #3 and #4, information that was new to some residents and viewed as "expansionist" by some meeting attendees. Some concerned persons stated that the communities would be better off without this information. The assumption was that, if residents did not know that homebrew would be legal under all conditions, the community would assume that it was illegal and would hesitate to produce it. This was another instance of the state and the project telling the

lleges that, no matter how much they desired to do so, they could not vote themselves "dry."

With the voluntary end of the Project came the end of this energetic advocacy for the law. Although the Project maintained a basically neutral position regarding the local option statute, the staff were visible and thus served to advertise the existence of the law and continued the process of community involvement.

It can be speculated that the majority of those communities interested in the local option election have already voted and that the pace of new elections will decline. The Alcohol Project not only facilitated the legal refinement of the law; but, in so doing, publicized the law and kept it "current" throughout the state. The early departure of ALSC from the implementation process may have been premature, since the villages had not yet requested it nor is the Local Government Assistance branch of DCRA (together with some assistant attorneys-general) likely to be as activist as is ALSC. Perhaps the extended presence of ALSC would have been counterproductive, had it been close to the extralegal modifications used by villages to meet their needs. It may even have resulted in ALSC representing persons violating the local option law, but whose civil rights were diminished by community extralegal enforcement methods.

There is some concern that, without the project, the powers inherent in the law will remain only passively available and that villages will have to expend more energy trying to locate their newly available power. There is also concern that the experienced limitations of the law, its failures in some cases to meet community objectives, and the potential bureaucratizing of village concerns and education might limit its overall utilization by villages.

It is too early to assess the overall role of the project in the implementation of the law. Until more communities experience assistance from government and non-profit agencies in their quest for alcohol control information and legal

training, no such assessment can be made. However, the authors cannot leave this topic without mentioning one significant issue. Throughout the development and implementation of the local option law, ALSC project staff initially seemed to take for granted the appropriateness of state-designed external legal solutions to a basic problem of social health and community self-governance. Consequently they became active agents of acculturative change, not significantly dissimilar from the historical forces of western change which have, in part, created social "dis-ease" in Native villages. By "making the law work", rather than merely communicating information, some other advisory options may have been forestalled. Perhaps there is no avoiding the fact that "simply" providing a package of legal and electoral information inevitably contains the potential for catalyzing unplanned significant change in the personal and communal life of villages. This is particularly sensitive when the issue is not only law, but the power of self-governance.

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III. Community Purposes and the Local Option Law

What purposes do community residents seek to accomplish, if possible, through the local option law? Conn (7, p. 43) notes that in 1962,

"Eskimo Representatives constantly probed the illusive, seemingly irrational state law system for answers to the liquor problem as they understood it. They perceived the key to the liquor problem to be the supply available to young men who endangered themselves and others as they traveled from the town to the village and as they traveled into the villages. The representatives of state law emphasized the restrictions which the law placed on control of alcohol supply and suggested that these could be overcome by prevention at the village level by the council and, secondarily, by state police. State legal representatives offered no solution to the apparent chain of causation between the liquor store in (the regional hub) and accidents and deaths in the river and the village."

It was clear in 1962 and remains clear today that the villages' concern with alcohol is neither a moral judgement nor worry about the individual personal health implications of ingesting alcohol; the basic concern is the death of village members, particularly death among the young men. The deaths of young men, while terrible personal and family tragedies, constitute a major cultural concern. Many respondents consider that the future of their culture is dependent solely on the traditional values and the caliber of the future community leaders, that is, the young men of the community. They see youth and young people damaged by alcohol (through absenteeism from school, failure in school, disciplinary problems, work incompetence, excessive immediate self-gratification, accidents, suicides) and attempt to enlist parents, other adults, teachers, police, and others in controlling alcohol use. The language used to support alcohol control measures is replete with references to "protecting my people" and ensuring that "children can become the leaders."

Holding a local option law is a reaction to the successful control efforts of other villages, to the failure of past alcohol-control efforts, and to the tragic events, such as homicides, suicides, and accidents which continue to be

the most pressing public health problem in Native villages. The threat that alcohol poses to health is less in the area of serious but delayed effects, such as cirrhosis, alcoholism, and fetal alcohol syndrome, than in the immediate effects on mortality. The delayed effects are considered dangerous as well, but have some of the elusiveness that characterizes the village view of drugs; that is, effects such as decreased performance and inability to concentrate are viewed as somewhat less visible and critical than the public safety problem of dangerous alcohol-related violence. However, the education and prevention programs are now increasing the awareness of long-term health implications of drinking.

While everyone in a village becomes rapidly aware of alcohol-related violence, the awareness of and knowledge about alcohol use and personal problems appear nonrandomly distributed throughout a community. For example, the health aide is most likely to have a regular and routine flow of information due to his/her role in dealing with the medical and psychological correlates and consequences of alcohol use. This information is seldom transmitted to the village due to the confidential nature of such information.

Other members of the community are likely to have a less well-defined awareness of the problems, relying primarily on only those behaviors that are visible and, therefore, of public concern. Behavior that occurs in private remains far less visible or of concern to residents. For example, the importation, use, and consequent behavior of much drug use remains invisible. Drugs are easily transported and the behavioral signs accompanying the use are not familiar to all community residents. Thus, the community concern about drugs often is based more on hearsay than on direct observation.

Alcohol, on the other hand, commonly leads to a state of violence and serious negative events. Negative community events are a better predictor of village consideration of a local option law election than is technology transfer

adjacent or connected villages. Unavoidable awareness of the problem and promise of a potential solution are the critical elements in the village process.

Perhaps because a local option law election provides the first opportunity for all resident adults to record their view on alcohol, the petition-electoral process may assist in a redefinition of the problem. In some villages, for example, past meetings about the alcohol problem have been followed by attendees becoming drunk. They may have agreed on the collective problem (e.g., violence, victimization, fear, loss), but not seen themselves as part of that problem. An election may suggest that they are, indeed, part of the problem or, at least, that the common good requires them to participate in the collective response.

The utility of a local option law election following one or more tragic losses may be less in the solution offered by the law than in an election's ability to shift the focus of attention and emotion away from the individual loss and toward an identification of, consensus on, and action toward the underlying problem and its potential solutions. When the loss of an individual becomes understood as the loss of the community, culture, and a culture "carrier", more energy is released toward solutions and more license is granted to publicly discuss and analyze the loss rather than bury the loss in private mourning.

In some communities, it was reported that, after the local option law election was held, residents became more involved in community affairs unrelated to alcohol-control; residents suggest that the election process has helped them make other types of communitywide decisions.

It is possible that holding a local option law election is indicative of a village already in control or in the process of acquiring control over itself and its future; thus, the defeat of an option in a local option law election may be less significant in that community's life than another community's inability

to hold an election to come to grips with its problem. It is suggested that a local option law election may not create a healthy community but may be indicative that a community is becoming healthier.

In the petition election process, the community discussion of the problem and the establishment of community consensus became the important products. Certain communities decide not to petition to hold an election because they feel they can more effectively enact their own control measures. Other communities soundly defeated an option and subsequently passed their own unique ordinances which more exactly matched their local needs.

The local option law was reported to have contributed to significant consciousness-raising in the communities. Immediately upon enactment, state agencies were inundated with village-initiated contacts and questions. Having a concrete new tool seemed to mobilize community action that had been dormant due to lack of means to effectuate objectives.

Many community members hope that the selected option will be self-executing, that is, that the community decision, having been made, will:

- will not require extensive reporting of members to enforcement authority
- will not require extensive enforcement by internal or external authorities
- will not be regularly or significantly violated
- will result in an end to the manufacture, importation, sale, possession, presence, use, and consumption of alcohol
- will be a permanent feature of community life and custom.

In effect, these members hope that the simple action of achieving consensus through the election process will result in these positive changes. This somewhat "magical" set of changes is derived in part from their fear of continued alcohol availability and from the imagery of traditional law.

Older residents, in particular, expect the law to be self-executing since, in their memory of the past, some of the traditional authority had been absolute in its effect. Other community members somewhat more realistically anticipate a rapid increase in required enforcement effort and the development of credible penalties.

Those who expected the law to be self-executing were most disappointed to discover the limitations of the law and the law enforcement system, the freedom of action displayed by other members, the potential impermanence of the decision, and the necessity for a variety of additional community efforts. Some communities appear unprepared for these additional social and cultural costs and unwilling to meet these costs.

Many were surprised that their "intentions" were not contained in nor addressed by the letter of the local option law. They "intended", as noted above, that alcohol be totally prohibited; the language used to refer to the local option law is, almost universally throughout the Bush, "dry". "Dry" means no more alcohol, no more drinking, and no more drunks in the villages; it also means the power to enforce prohibition, including an end to homebrew and the right to search for and seize privately-held alcohol. Since village residents correctly see the local option law as having been written specifically for them, they do not understand why the law did not provide them with the tools necessary to accomplish their objectives. Many also do not understand why options other than "no sale, no importation" were provided. Rural advocates have contributed, in some degree, to village expectations that greater powers than those provided in the local option law could be or would be provided by state law, even though many villagers' purposes would have resulted in unconstitutional powers.

While many communities eagerly took advantage of the local option law, particularly Option #4, most did not view this most stringent option as the most

effective tool. Many suggested that they would have voted for "no possession", "search and seizure". Some communities were enforcing "no possession" and "search and seizure", until they were challenged on the legality of their actions or counselled by state troopers and magistrates. These communities were attempting to achieve "dryness", not a more "normal" state.

Many who listened carefully to ALSC presentations were horrified to find that ALSC not only explained that "no sale, no importation" did not mean "dry", but that ALSC, by pointing out the right to make and consume homebrew, seemed, by extension, to be encouraging its use. Others attending the same meetings tended to either not perceive or believe the distinctions made by ALSC, remained convinced that the local option law would result in "dry" villages, and conveyed this understanding to other village residents. It is not surprising that, following a local election adopting one of the options, villagers would be disappointed to encounter several unanticipated realities about the law, such as no provision for search-and-seizure, no restriction on possession, no prima facie relationship between possession and implied importation, no assurance that the new law would not or could not be rescinded by a future election, no awareness of the complexities of evidence and legal process, high and unreasonable expectations of immediate and automatic trooper enforcement, and expectations that the law would be "self-executing."

It is apparent that villagers also were unaware of:

- their increased responsibility for reporting on, swearing out complaints against, and testifying in court about their relatives and friends
- the potential ability to use a local option law election to introduce alcohol sales in the community.

The misunderstandings surrounding the law are many and important, regardless of the great efforts of ALSC and other agencies to communicate the law and its implications completely.

Purposes and concerns contained in the village decision-making process included unusual uncertainty. Villages were uncertain not only about the purposes served and procedures required in selecting an option, but the potential loss of control over penalties they think are appropriate for both the offender and the community. They believe that the penalty for misdemeanors are mandatory. They also appear to equate misdemeanors and felonies, expecting that a local offender importing a single bottle might be liable to a \$5000 fine or a jail sentence. They are uncertain whether the local and non-local magistrates will respond to community desires for either very stern and/or very flexible penalties for local offenders, depending on who the offenders are and the risk they are perceived to pose for the community. Both incorporated and unincorporated communities are uncertain about the implications of the local option law on village (or city) council governance; that is, these communities often resolve community problems through the rule-making or ordinance-making function of the council. Direct electorate voting is less common and voters are uncertain whether government will, may, or must pass implementing ordinances (definitions, penalties) or whether the terms of the option may be modified (strengthened, weakened, or altered) by council action; for example, some communities have expressed a desire to relax the rules or the enforcement during specific periods of celebration and do not know whether they or their council can accomplish this.

Some felt that a successful local option law election resulted in a new community power -- the ability to become "dry" by implementing ordinances. They seemed to desire more legal assistance in "writing up" these implementing ordinances 1) to meet community conditions and needs and 2) to be enforced by troopers and the courts. In effect, then, their view of the law is not a selection among options provided by the state, but a new power supporting and imple-

mented by more traditional and local means.

It is clear that the discrepancy between the perceived powers and real powers was not discovered in most communities until after the local option law had been held. Many elections were the result of a rush of events -- a failure of an emergency ordinance, a recent series of tragic events, excitement in the news of a local option law, a visit by the ALSC alcohol project and/or other interested agency, and so on. It was only in the implementation stage that the discrepancy was discovered; this discovery was often accompanied by demoralization and/or a renewed intense commitment to achieve their intentions, regardless of what they had been informed was possible under the law.

Why did these misunderstandings occur and could they have been avoided? Some of the misunderstandings were due to a failure to uniformly and universally communicate to the voters the strengths and limitations of the law. This failure to communicate is due, in turn, to a combination of factors:

- lack of a thorough grounding in western law, civil rights, law enforcement procedures, and electoral procedures among Alaska Natives
- inability of agencies to transmit, in an understandable and objective fashion, a complete, authoritative, and accurate picture of rights, responsibilities, systems, and procedures
- excessive reliance on these agency communications by remote Native communities
- deliberate misinformation provided by local option law advocates and opponents; for example, one community was informed that, under Option #4, "people wouldn't be prosecuted for bringing in small amounts of booze"
- the uncertainties surrounding the real, as-yet-unexamined or untested meaning of new law; "...since the letter of the law formed out of statute and case law is essentially reinterpreted through direct explanations, acts, or inaction by professional operatives in rural

- Alaska, the message of the law as written is in fact only a portion of the whole process of legal experience for rural residents." (8, p. 28)
- the intensity of villagers' desire to have the law mean what they wanted it to mean
 - the normal problems in communicating factual information; that is, what is said, how it is said, what is heard, what is remembered, what is translated, filtered, misunderstood, or distorted.

Since many villagers did not attend ALSC community meetings, these villagers had to rely upon use of media and information from those who had attended these meetings. Since the local option law has implications far beyond the language of the law, the interpretation of these implications becomes quite complex. Deliberate and accidental distortions leave residents unprepared for later realities. Corrections of these misperceptions are often not heard, translated, or accepted by voters.

It is clear that whoever controls information in these communities will have a great deal of control over the outcomes of elections. In the zealousness and righteousness of the alcohol-control effort, much of the dissemination of information will, of course, be selective. In some ways, no matter how thoroughly and clearly the factual information presented by visiting agencies may be, later discussions will still revolve around what people wanted to hear and thought they heard; the election will be the result of these later discussions more than of the factual information.

This suggests that it may be insufficient to provide legal education and assistance to a community only in advance of a local option law election; even more assistance may be required following such an election, to properly inform the citizens, the council, the local law enforcement entity, and the local magistrates. Failure to do so may result in significant dislocations and

decline of community morale.

IV. Village Character, Alcohol Use, and Control History

A. Alcohol Use

There is a popularly-held belief that Alaska Natives have a special problem with alcohol, that somehow they are uniquely susceptible to its effects, unable to control its use, and unable to control their behavior when intoxicated. This special problem, it is suggested, forecloses their ability to be subject to social controls while drinking. This belief is directly supportive of a particular remedy external to the individual or group -- prohibition, in any of its several forms.

An alternative view is that Native drinking patterns parallel the changing drinking patterns as they are manifest in the United States and elsewhere. This view suggests that Native drinking patterns are new behaviors learned from observation of the white men who first brought alcohol to Alaska and of white men seen intoxicated in regional centers. These patterns of consumption and intoxicated behaviors, it is thought, were modified by the peculiar patterns of distribution and law enforcement in earlier times and are now further modified by functional social purposes of alcohol use in modern Alaska villages and towns. In this perspective, alcohol use is a form of self-medication during a period of unacceptable rates of loss and change. In this regard, the villages' attempt to prohibit access to alcohol is based on the same consideration -- an unacceptable rate of loss, through death and disability, of its valued young people.

In this latter view, "Native drinking" is really "poverty drinking", the result of demoralization, loss of control, loss of roles, and intermittent access to money, indistinguishable from drinking in American urban ghettos. As men lose their economic roles, as women find greater access to wage employment, as young people's access to alcohol increases, and as alcohol use becomes part of peer interactions, patterned learned drinking behavior becomes a routine part

of community life.

The learned behavior that often results is binge drinking and drinking that finishes only when the alcohol runs out. The other behaviors that are learned are drinking for social closeness, stress release, and to improve morale.

There is no clear indicator which of the two perspectives about "Native drinking" noted earlier is going to prove more useful in decreasing the rate of negative events. However, it is quite likely that prohibiting the sale and importation of alcohol alone is going to be an insufficient response to the greater problem of demoralization and loss. Depending on what measure one uses, alcohol use and abuse, no matter how prevalent and pernicious in the lives of Native families and villages, probably should not yet be considered to be a universal or permanent cultural phenomenon in their lives; that is, were these multitudinous and uncontrolled transitions in their lives to slow or cease or were they to feel less powerless and alienated when dealing with change, alcohol might cease to be such a universal solvent. To the degree that alcohol is not yet a "cultural factor", limiting its availability by edict will be of less cultural significance than whether the edict derives from and is consistent with more important cultural factors such as kinship, family, leadership, authority, rule-making, social control, and the expression of feelings.

Attitudes toward drinking, drinking patterns themselves, and approaches to drinkers and their behaviors vary widely across Alaska regions, based on both cultural and historical differences. Culture dictates much in terms of thinking and, therefore, drinking patterns. Some cultures perceive reality in terms of absolutes, good/bad, white/black, wet/dry, leading them to seek absolutistic solutions, such as prohibition, no possession, and so on. Other cultures are far more relativistic, leading to the notion of drinking in moderation and moderate forms of social control and intervention into others' lives.

In an absolutistic culture, where there is only wetness and dryness, the result of all drinking is to get drunk, not a purpose but an inevitable conclusion. This is compounded where the missionaries have taught that the "devil is in the bottle", not in the person. This means that a bad event or behavior is not "my fault" or "his fault", but the "bottle's fault", thus exonerating the person from the negative results of drunk behavior. When violence is explained by "the bottle", community panic sets in when the same violence occurs without preceding drinking, without being "under the influence". Domestic violence when sober has no explanation, excuse, or rationale in a village and is viewed as far more dangerous than the same abuse when drinking. Without alcohol, the behaviors, the locations, or the victims would have to change, since direct personal responsibility for violations of cultural rules could not be diverted to "the bottle".

The more that alcohol is accepted as a functional substance, the greater, of course, will be the difficulty of designing, enacting and enforcing appropriate controls in the use of alcohol and behaviors while using alcohol. The more that villages view themselves collectively as unable to drink and behave in moderation, the more difficult it will be to believe in the exercise of local or internal social controls.

Drinking serves a number of social functions in Alaska villages, only some of which have been explicitly explored. The behaviors which are related to the function being served may be viewed as either positive or negative, depending on the values of the individuals and observers involved. Most societies provide some form of "time out" ceremonies or rites, during which members are sanctioned to vent their feelings. Often, the smaller and more closed the society, the more necessary it is to use these accepted opportunities. The social functions of drinking, celebration, release of tension, and relaxation are recognized by community members in the evaluation of "exceptional" behavior. In some areas

(1, p. 84-7), drinking is a dominant social activity which "retains the flavor of the traditional ceremony." It releases pent-up emotions and the strain of work, but is not disruptive to community, family, or work roles.

These periods of release do not always occur in the villages. In those communities which have traditionally disapproved of alcohol or successfully controlled alcohol, it is common for residents to "party" away from the village, particularly in the hub communities. It is common for these persons to be reported back to their communities as appearing to be "a totally different person." These persons also tend to not bring back their alcohol or related behaviors with them on their return.

In other settings, particularly those where residents may feel powerless and alienated from important aspects of their lives, drinking behavior becomes negative and often violent. It is these behaviors that give rise to the consideration of placing controls on alcohol. Availability of alcohol may be less significant than availability combined with these significant emotions.

Role loss during periods of major economic transition and displacement places individuals at great risk to alcohol related dependency and problems. While, for the whites, an adult is known because he/she "behaves as an adult," for Native cultures, an adult is known because he/she "is needed to do adult things." Among Natives, loss of adult tasks leads to a form of infantilization. Loss of roles, via loss of traditional economic tasks, decision-making authority, and family organization, results from a variety of sources -- changes in community economy, wage employment, subsistence employment, education, travel, marriage, religion, and governance -- most of which are not directly under direct community control.

Alternately, new non-traditional and stressful roles create hazards for individual residents. Different roles in the village (such as council

member, mayor, health aide, alcohol counselor, VPSO) result in different stresses, making these persons most vulnerable to bad events. For example, a health aide has complex and important tasks, is available 24 hours a day, has access to drugs, carries around the weight of intimate (culturally inappropriate) knowledge of physical and social facts in the community, has to appear unbiased, has great medical responsibility without either the technical skills or organizational ability to divert the responsibility, and internalizes many community problems as the community assigns its responsibilities for health to specific individuals.

Some of the healthiest people in the community may be at the highest risk for serious alcohol problems due to the social pressure related to their performing well on the village's behalf. These persons, who appear most successful to outside observers by their standards, are in reality doing everything to meet everyone else's expectations. This is, in actuality, a loss of control over their own lives and a tying of their own fates to events in the uncontrolled real world. Their feeling of loss of control over their lives often leads to unhappy personal outcomes.

1. Community Culture and History

There does not appear to be a single generalizable model of alcohol use encompassing all Alaska Native villages. Each community appears to have its own changing rhythm of drinking over time, based on its

- geographic isolation
- historical isolation
- economic isolation
- political isolation
- religious character
- traditional character

- cultural controls
- social controls
- family controls
- availability of alcohol.

These factors, among others, combine to form what may best be called the "culture" of villages. Villages have characteristics which precede the use patterns of individuals; that is, a village will have a culture which will dictate what is considered appropriate or permissible in the function and use of substances. What one does under or together with the use of alcohol is, in a sense, meeting the expectations of others. This accounts for the surprise experienced by drinking persons when their behaviors are rejected in non-home communities.

Drinking patterns and problem-solving techniques (such as suicide) are determined by the village culture; as one result, suicides are perceived to be somewhat less conceptually troubling to those villages where suicide is considered to be a normative means of solving problems. For example, one suicide-ridden village will not see itself as troubled because it is so accepting of bad events. It will not see that its old people hide in their homes in the dark while parties are going on, in the hope of being left alone by abusive drinkers. It will not admit how much anger there is, expressed in prejudice against outsiders, such as whites and others, and in the turning of anger against themselves and others. Thus, a village culture contains many of the roots of drinking patterns, rationales, excuses, and behaviors; persons often act in accordance with the expectations that are communicated to them by the village.

A significant part of village culture is attributable to changes induced by contact with outsiders. We have suggested that alcohol use was a relatively recent phenomenon in the lives of Alaska Natives, particularly compared to their long cultural development prior to contact with whites. While contact extends

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- economic isolation
- political isolation
- religious character
- traditional character

back over one hundred years, contact did not occur simultaneously or ubiquitously for all Natives in all regions.

Coastal people were first to encounter Russian and American commercial ventures, through trading, whaling, and so on. These contacts led to an introduction to alcohol as a valued commodity and also to the skills for home-brewing and distilling. These early contacts also led to the introduction of western religion and language, the outlawing of traditional religious practice and traditional language, and an induced dependency upon western goods. Alcohol occupied a central role as both a commodity of exchange and a replacement for banned ceremonial activity (1, p. 20).

Many Interior people tended to encounter westerners at a later time, through western exploration, trapping, mining, missionary work, and other enterprises. Many communities remained remote from these contacts due to their geographic and resource situation. Some elderly Alaska Natives, alive today, retain the vivid memory of when they, as children, and their parents saw their first white man.

In the late 1800's and early 1900's, most village Natives made their living hunting, fishing, and trapping, as they had always done. They would drink on their intermittent visits to the trading hubs until their money or goods were gone or the homebrew was finished, and then return to their village "dry". It was primarily Natives residing in hubs who had serious alcohol problems, due to their proximity to wages, a ready source of alcohol, and the white role models.

Periodic visits by territorial commissioners and officers, during whaling and open ice periods, would result in the confiscation of alcohol possessed or made by Natives and the brief arrest of the offender. Outsiders were seen to have introduced the alcohol and outsiders were seen as the force required to remove it. During this period of intermittent supply and covert use, Natives learned the value of consuming all the available alcohol immediately or running

the risk of losing it.

In the 1910's and 1920's, bootlegging became a more prominent economic activity, while enforcement continued to lag behind. More homebrew and moonshine became available in both white and Native communities. Natives continued to drink primarily in the trading hubs visited seasonally by barges or steamboat and, only secondarily, in the villages visited by traders. As trading and transportation increased and improved, the hub villages were literally "turned upside down", unable to control, protect, or care for themselves.

In the 1920's, there was a great increase in the making and consumption of homebrew due to the 18th Amendment; this source declined steadily over the ensuing fifty years, although it continues to be a problem for many villages. Federal marshals provided what enforcement assistance there was and, in the memory of some older Natives, were more effective than is the current system of protection.

In the 1930's and 1940's, there was a decline in subsistence economic activities, and a rise in the number of schools, wage jobs, and the population and roles of hubs. Increases in the availability of cash and regular visitation to hubs resulted in the major change from intermittent drinking to year-round drinking. It also altered the past patterns of seasonal celebrations, where visiting and fun had been accompanied by drinking and were not done for the purpose of drinking.

In the mid-1940's, many villages still did not tolerate their members to be drunk in public, even during major celebrations. Elders, chiefs, and councils still ran the communities with a good deal of authority. The hubs became populated and dominated by whites during the World War Two buildup of the transportation and communications systems. There has been a steady increase of military and non-military government employees since that time, until, in some hubs, government is now calculated to provide 90% of all direct and indirect

employment opportunity for new and old residents. Housing, school, and other construction brought in large numbers of jobs and outsiders who were not under village authority; younger people began to learn how to drink and ignore the elders. Wage employment, ability to travel, and survival and economic independence and individuation led to the breakdown in the authority of the old over the young, in which alcohol use was more a consequence than a cause.

By the early 1960's, only the most remote communities were still relatively free of the most serious problems caused by these significant economic and population changes. The problems were created less by the history than the substance of the changes which included:

- permanent settlement of seasonally migratory people
- split families, with mothers and children in communities and husbands were away in pursuit of wild resources
- seasonal, intermittent job opportunities and transfer payments underwriting male settlement in villages, creating economic dependency
- loss of past economic activities (e.g., trapping, hunting, mushing)
- lack of sufficient employment and employment preparation (e.g., new employment opportunities created by university, schools, fish and game, FAA, RCA, PHS, and utilities tend to hire outsiders; local and non-local schools do not prepare residents sufficiently for entry into the local job force)
- increase in leisure time, filled in by idle use of television and alcohol
- television and alcohol, as addictions, breaking into the transmission of information, problem-identification, problem-solving, sharing of concepts, language, traditions, values, philosophy, technology, history, crafts, and so on

- increase in intergenerational conflict, the younger generation growing up with high expectations, but few opportunities or roles

The consumption of alcohol in the past by entire communities used to be intermittent, to occur around holidays and celebrations, such as religious festivities and birthdays. Commonly, relatives would make enough homebrew (often no more than 10 gallons) for the celebration; when this amount was consumed, celebrants did not go out looking for more. More recently, parties have become more prevalent and regular, with the negative results appearing in school truancy and declining student performance. In addition, when parties ran out of alcohol, they found and a ready supply exists from local stores and/or bootleggers. They also began to drink in non-celebratory patterns -- individualized, isolated, all day, every day -- to, as many respondents noted, avoid dealing with their problems. In summary, what had changed was:

- the supply and use of alcohol had become regular rather than intermittent
- as transportation improved, wages increased, and relative costs declined, alcohol became more readily available through the year in each region, so that people could drink more of the time
- the use of alcohol was reported by many as shifting from older adults to younger adults and to become both problematic and chronic as availability improved.

It was reported that when the adults attempt to ban sale and importation, their "model" or "objective" is the "dry" state common to village life when alcohol availability was so intermittent.

B. Village Alcohol Control Efforts

It is into this cultural and historical setting that the local option law, among other legal mechanisms, was introduced. It is a common belief that long-established behavioral patterns are not amenable to the intervention of law.

While this may or may not be the case, it is important to examine what is meant by "long-established."

The history of the penetration of alcohol as a substance and as a source or concomitant of behavioral problems suggests that, while alcohol has been perceived as a problem by villages from earliest times, the actual magnitude of the problem has risen dramatically and recently. Thus, the rise in the concern expressed by villages is less reflective of changed perceptions than of the rising rate of community losses and previous failed attempts to acquire control over alcohol.

A generation or so in the past, many communities had no "alcohol problem"; there were, to be sure, problem-drinkers and federal authorities were very concerned about bootlegging. But many communities were basically "dry" with local rules disallowing drinking. In the 1960's, as more money began to flow into villages, more alcohol flowed along with it. Villages found that they did not have the social control means to stem this flow with any great degree of success, nor the problems that emanated from this flow. In earlier times, villagers died of sickness, old age, and unavoidable accidents; more recently, younger people began to die, related in part to their use of alcohol. It is this change which appears to have prompted new law-making in villages, accompanied by increased law enforcement, cultural revitalization, and religious and social supports.

While most respondents note that individual, intermittent, and tragic alcohol problems have been around in villages for a long time, they suggest that alcohol as a village problem has arrived more recently and rapidly, coincident with the other rapid social and economic changes in the villages particularly in the period from the early 1950's to the late 1970's. One respondent from an Interior village suggested that the full dimension of the community alcohol problem "was so new that people didn't realize what was happening to them."

Conn (7, p. 68) notes that

"although drinking was known to occur in Southwestern villages since the turn of the century..., the problem of alcohol traffic and consumption which village leaders confronted in their [early 1960's] discussions with state officials was of an entirely new dimension. It was as open-ended as the availability of liquor was open-ended. A social consensus, especially one that restricted universally individual rights to possess, use and share liquor, was hard to articulate and confirm through council action. State law agents provided no direct support for suppressing liquor use."

In the ensuing years, village leaders continued to search for social control mechanisms to stem the flow of alcohol. It is not difficult to understand why, in many villages, the problem of control seemed insoluble. Alcohol was only one of many forces eroding the traditional sources and modes of authority accompanying increased contact and basic economic change. While traditional sources and modes of power continued to be exercised over traditional problem areas (such as hunting and fishing), the magnitude, nature, and interactions of the new problems exceeded, at least for a time, the capacity of the village to deal with them effectively. This phenomenon is not unlike that experienced by rural communities anywhere during a "boom" period in their history. That period may not be permanent, but the problems experienced during it seem far beyond the capacity of local people to handle.

This suggests how powerful and destabilizing a force alcohol can be when the conditions with which it is associated or under which it is used or its purposes or functions are changed. Its role in social transformation, under periods of great and rapid change, is greatly potentiated and is properly viewed as dangerous to cultural and community futures.

In a small number of communities, alcohol has been traditionally outlawed. These communities, marked by different forms of remoteness, limited immigration or outmigration, and strong leadership based on traditional rules and religious precepts, have had only intermittent bouts of difficulty with alcohol. Other

villages, even with long histories of contact, had had manageable or tolerable experiences until more recent times. There is some suggestion that either the character or the self-image of certain communities or cultures is "controlling" so that they view themselves as in control of their personal and/or community fates. These communities may view the local option law as a unnecessary, redundant, and useless tool to reduce access to alcohol. These communities have had a long tradition of controlling access through internal formal governance (i.e., law-making, enforcement, trial, and punishment) and informal means (i.e., each community member sharing some of the active responsibility for controlling access and use). Some of the means used by these communities are legitimated by community consensus but may be illegal in that they violate the constitutional rights of residents; lack of complaint about violations is due, in large measure, to shared cultural and community values, respect for traditional and community authority, and a desire to live within the protected confines of a conservative but healthy community, that is, a sanctuary or retreat.

The sources of the continuing tradition of enforced "dryness" appear limited in number:

- geographic remoteness
- late contact with the outside world
- strong religious values from the origins of the community
- consensus about 1) the authority of the elected or traditional government and the community itself, 2) legal and/or traditional local sovereignty, 3) the merits of a conservative range of tolerated behaviors, and 4) absolute restrictions and tough enforcement being the only means to maintain a healthy lifestyle
- remoteness from state-supplied law enforcement agencies
- no tradition of extensive alcohol use, related problems, or tolerance of use
- a tradition of local law-making, continuous law enforcement, and reified attachment to the substance of the law and the pre-eminence of the law
- pride in having a good community reputation
- having the major penalty for law-breaking be temporary exile from community
- ability to control or maintain distance to nearby industrial development

- ability to control the behaviors of new Native and non-Native residents
- a healthy continuing subsistence resource base
- maintenance of distant relationships with government programs, resulting in reduced contact, fewer negotiated compromises, and greater self-determination
- family and cultural obligations which require extensive visiting and, thus, close uniform scrutiny of private lives as a form of social control and support.

While it is impossible to identify all of the roots of a "traditionally dry" community, these communities begin to acquire the reputation as being a "sanctuary" from alcohol and alcohol-related problems. It appears to be no accident that sanctuary communities maintain their basic consensus on alcohol prohibition:

- those members who cannot tolerate such close restriction tend to emigrate or export their activities
- those members who refuse to strictly abide by community rules are closely watched, counselled, penalized, exiled
- those members who violate the rules but whose behavior is not found troublesome are watched closely but not unduly punished
- persons who wish a retreat from more permissive communities are allowed to immigrate and settle in the village
- there is continuous discussion of, voting on, and enforcement of local restrictions
- there is continuous monitoring of the bad events in other communities.

The cultures of Alaska Native villages exist on a range of continua -- between traditional and western, between dry and wet, between controlled and uncontrolled, between community-focused and individual-focused, and between weak and strong; these are characteristics which villages often apply to themselves and to their neighboring villages as they evaluate themselves. These characteristics are important because, while no single community variable will predict whether a village will enact local option law legislation, villages which fall

at the most extreme ends of any continuum are least likely to hold a local option law election. For example:

- the most traditional communities which continue to exercise effective local authority are unlikely to hold an election because 1) the local option law would be redundant, 2) it would increase the contact with white law enforcement; however, some relatively traditional communities have held successful elections in order to have the state law as a "back-up" to local authority in controlling the activities of "outsiders" (e.g., teachers, alcohol distributors, air carriers)
- the most western villages are unlikely to hold elections because 1) they have adopted western attitudes toward drinking and control over individual drinking, 2) they have formal governmental powers to control retail activities, 3) they have an economic stake in local retailing, and 4) they have a smaller investment in maintenance of culture.

It is probable that, when we talk about traditional, dry, strong, controlled, community-focused villages, we are really talking about a single community character and that the same is true regarding western, wet, weak, uncontrolled, and individual-focused villages. It is also probable that most communities fall somewhere between these extremes and, thus, that many communities will have reason to examine the utility of the local option law.

In actuality, the use of the local option law appears to be most attractive to those communities which:

- 1) are predominantly Native in population
- 2) are not large regional hubs
- 3) are not on inter-community road systems
- 4) have not had continuous contact for a long period with (permanent and/or seasonal) outside populations or economic enterprises

- 5) do not have existing alcohol retailers
- 6) are in a period of controlled or directed transition
- 7) are assisted in this transition by regional or sub-regional political movements and/or institutions.

Conversely, the characteristics of villages which exercise neither formal nor informal controls are:

- extensive contact
- significant white populations
- direct road access to larger communities
- long history of no controls
- individual importation, rather than organized bootlegging
- no recent history of extensive internal social control
- improved access to larger communities.

It appears that the longer, more intense, and less intermittent the contact between the village and western life, the less likely the community is to entertain the local option law. Contact is considered to increase the likelihood of permanent white residents in the village, village acculturation to white occupations, industries, values, and drinking habits (characterized by some as "more mature", although it is difficult to translate this "maturity" into fewer behavioral problems).

For the purposes of this report, "contact" is considered to include:

- length of direct, indirect, regular, and intermittent exchange, visitation, immigration, and outmigration
- dependency on imported commodities (e.g., energy, food, tools, TV, money, etc.) and services (e.g., health, education, cargo transportation)
- availability of imported commodities (e.g., alcohol, cash, etc.)
- reliance on western institutional forms (e.g., corporations, city government, councils) to solve problems.

The more the local population consists of a mix of Native and white residents, the more likely the community will select individual rights over community rights and will not consider the local option law. However, demographic ratios are less determinative of being a more "white" or "Native" village than is the comparative economic power, political roles, values, and habits of these two resident populations.

Ease of transportation is an important factor in "contact." The greater the ease of transportation, particularly by private automobile, the less control communities feel they have over imported substances or the activities of residents. While transportation is easier now than ever because of aircraft, snowmachines, and powerful and affordable boat engines, inter-community roads which tie villages to hubs provide such ready access to alcohol that it is less likely and more difficult for road-connected villages to adopt a local option. However, some communities are on private stub-roads, not thoroughfares, and so can exercise somewhat greater control over importation. If bars and package stores are located on the road system outside of the village's limits (or other exempt lands within the boundaries), attempting to control sale and importation tends to result in exported drinking patterns and even increased accidents on the road system.

Availability of money and villagers' money management practices are important predictors of alcohol use. One remote village noted that money was so scarce that no one could afford to charter alcohol in, regardless of whether or not there was some form of prohibition. While cash unavailability is likely to result in increased production of homebrew, homebrew is most often made in small batches, quickly consumed, not in commercial size for sale and export. Since much economic activity in the Bush is seasonal, the availability of money, the management of that money, and the use of alcohol become problematic primarily on

a seasonal basis; seasonal problems are often seen to not require year-round solutions, such as the local option law.

As will be delineated later in this report, community actions are based, in large part, on the type, degree, and source of power available to and exercised by a village. A village which is not economically dominated by a single outside industry, which does not have resources actively being exploited by outside interests, and which contains a constellation of collaborative internal social control mechanisms both needs the local option law least and is most likely to consider it.

V. Alcohol Use Patterns and Regional Hubs

Recent years have seen a rapid and remarkable growth in the populations and functions of regional hubs, including the larger centers of Anchorage, Fairbanks, Juneau, and Ketchikan. Communities such as Barrow, Kotzebue, Nome, Bethel, Dillingham, Fort Yukon, Galena, McGrath, and smaller sub-regional transportation hubs have grown rapidly in importance. Many were, a few years earlier, larger Native villages developed around fishing, trapping, whaling, trading, and other forms of commerce. Now they are large towns, with significant white populations, city governments, and the entire array of services and agencies common to cities of far greater size. They serve as transportation hubs, seats of borough government, and corporate headquarters.

Due to their population size, demographic composition, economic activity, and other factors which distinguish hubs from villages, hubs are far more likely:

- to contain alcohol retailers
- to allow the sale of alcohol by the drink, the bottle, and the case
- to have more than one retailer
- to have large police units, detention and detoxification facilities
- to have attorneys, magistrates, judges, and troopers
- to have city ordinances and license restrictions governing the operations of retailers
- to have public-safety policies on the management of intoxicated persons
- to have after-hours retailers.

As a consequence, many of the neighborhood, policing, transiency, traffic, and other reported problems and concerns common to cities also appear in hubs.

Alcohol is readily available in all of the hubs, whether or not they allow retail sales. Since hubs do not have laws prohibiting importation of alcohol, the transportation systems which comprise the basic function of these

communities also provide sufficient quantities of alcohol to meet the demand of not only hub residents, but of their surrounding villages. The systems of mail and phone order service and bootlegging combine to provide a diversified supply to meet the tastes of a wide range of consumers, a flexible supply responsive to great seasonal change in demand, and at a price that, while higher than some other communities, does not constitute a significant inhibitor to use. In addition, given the high quality of air transportation services, call-in orders for alcohol from the larger cities can be in the hubs within four hours.

The histories of these hub communities, while different from one another due to different events which marked their growth, are similar to those of surrounding villages from contact on. These communities, too, were marked by a high degree of social behavioral control based on the authority of elders, chiefs, and parents. Alcohol use was frowned on and local laws were strictly enforced, with occasional support from federal marshalls. Alcohol was seen to be a bad and painful substance, more appropriate for tanning hides than for human consumption. Quickly, however, alcohol, particularly homebrew, became more prominent and bootlegging appeared as a significant economic enterprise learned from whites. Homebrew led to a deterioration in village quality of life and, in some villages, its manufacture and use were banned. Its manufacture and use became more covert; villagers did not object to homebrew as long as no one was seen to be drunk in the village, women and children were not frightened, and homebrew was not shared, given, or sold to others. Violations of these conditions were often heavily fined by local authority.

From the 1940's on, the prevalence of homebrew and the controls of it declined due to increasing contact and retailing of imported alcohol. Large numbers of casualties to alcohol began to appear, in the form of deaths, accidents, physical and emotional disabilities, and crimes. New populations, new

jobs, new experiences, and expanded and legal retailing of alcohol resulted in an increased presence of alcohol in the hub and the surrounding villages as well as a further erosion of the local capacity to control alcohol. From time to time, as problems increased, some hubs have banned the sale of alcohol and closed the local retailer. This resulted in increases in organized bootlegging as the distribution system became more covert. The intermittent nature of voting wet, dry, wet, dry, while inhibiting a highly formalized bootlegging system, has created, nonetheless, a continuing local enterprise. The rate of negative social and health indicators generally show a positive correlation between voting dry and a declining rate of the problems. However, the combined product of bootlegging and mail orders continued to provide ample, if more intermittent supplies of alcohol.

Whether or not a hub allows retail sales of alcohol, all hubs experience a certain amount of bootlegging to serve the after-hours demand, the chronic alcoholics, and the "dry" villages. That is, as communities place tighter restrictions on legitimate retail operations, bootlegging grows to fill the newly-created gap between demand and supply. Bootlegging results in a somewhat higher per unit price for alcohol and diversifies the economic benefits to covert entrepreneurs.

Bootlegging has been a significant economic enterprise in Alaska hubs for some time. In one subregional hub, for example, it was reported that in the 1960's forty Native families were making a living from bootlegging and from the manufacture and sale of expensive homebrew. Their base of imported alcohol was provided by regular charter flights from the then-regional transportation hub. Bootlegging did not originate with these families but resulted from their perceptions of charter pilots being successful at bootlegging and taking over the distribution themselves. Opening a retail alcohol operation in the hub put most of these families out of business, although a few remained to provide after-

hours sales.

Bootlegging, as a mode of alcohol distribution, comes in a variety of forms. There is a casual sale -- a resident returning with a case of alcohol and selling a portion to defray his costs. Bootlegging to and in the villages seems to be, predominantly, of the casual type. There is semi-professional sale -- someone tied to a hub and one or more villages, supplying a narrow range of clientele. And there is sophisticated bootlegging -- a formal and regular expediting service, taking large orders and charging high fees.

Bootlegging within the hubs is more prominent than from the hubs to the villag-es. Hubs which prohibit sale but allow importation invite bootlegging as a more convenient distribution system than each resident ordering his/her own supply from the city. In these hubs, the consumers tend to be Natives, while the whites order their own supplies directly. Hubs which allow retail sale (either bars or package sales) often limit the conditions of sale (e.g., hours) or substances of sale (e.g., beer only) while the demand for ready and wide access remains. Bootleggers will either import their own supplies or will make legal purchases from the retailer and resell the alcohol after-hours. It does not seem to matter whether the legal retail shop is owned by the community or a private concern for this bootlegging to occur. This form of bootlegging seems to be tolerated by local police, as long as the behaviors which accompany it are no more troublesome than that accompanying legal sale.

There is some similarity in the history of alcohol sales in the hubs, even though there are many differences in their character. Hubs choose to allow retail sale, based on the arguments that 1) having legal sales would give the community more control over alcohol than could be achieved over bootleggers and 2) legal sales would generate revenues to the city government. The major counterargument is that it would be self-destructive to have a store. It appears

that all the arguments are substantially correct, that is, that communities do acquire legal controls, generate revenues, and suffer painful increases in alcohol use and alcohol-related problems.

The reputation of most Alaska hub communities commonly includes some colorful judgement about the amount of drinking and public drunkenness that is regularly witnessed and the sense of danger that people, particularly visitors, older persons, women and children feel as a result. It must be noted that, for some of these hubs, this reputation has grown rapidly along with the rapid growth of hub populations, services, and visitation. No more than 10-15 years ago, many of these hubs were indistinguishable in their behavioral patterns from those of other villages in their subregions. Residents would enforce the general unacceptability of drinking behaviors by approaching a person who was chronically drunk and say, "Take care of your kids and your family. If you want to drink, make a time and place for it, not every day. Make some priorities in your life." The resident conveying this message was seen as a representative of the entire community and the person with the problem understood that compliance was being required.

With the rapid growth of hubs came a decline in the ability to exercise power over residents, due to increasing anonymity, economic independence, ethnic mix, and increasing differentiation in values and respect; in addition, as transportation systems improved, alcohol became far more readily available. One hub mayor concluded,

"Now people are complaining that we have a problem and we don't know how to deal with it. We don't know how to turn the clock back, to turn to our own culture for solutions, to keep from terminating ourselves through alcohol. So we turn to the outside to get community-oriented technical assistance and find out what our options are. But how do you take only the good from the other society?"

A. The Introduction of Retail Sales in the Hubs

There are very few Bush communities which have licensed alcohol retailers. It was suggested that, as a consequence, there is often more money available than there is alcohol to purchase. If the demand is greater than the supply, consumers will travel to acquire alcohol and will support the unlicensed sale and transport of alcohol. Perhaps the difference between the licensed and unlicensed distribution systems is primarily in the certainty of supply; that is, a regular supply is more conducive to ready access, sharing, and consistent levels of use and misuse while an intermittent or less certain supply is more conducive to private use, hoarding, and intermittent periods of problem behavior.

Retailers in hubs have a regionwide effect by improving access to alcohol through regular supplies and shortened transportation times. Other villages argue that, while these retailers may make positive contribution to hub revenues, there is little offsetting positive contribution made to the region. These villages see no improvement with the new retailing service; as one respondent noted, "Bootlegging was bad enough. Now we have the store and bootlegging, too." Other than the borough governments, there are no regionwide organizations to protest hub bootlegging on behalf of the villages. In addition, the size of hubs has grown so rapidly that hub populations constitute the majority population within the regions.

The placement of an alcohol retailer in an hub community does not signal the introduction of alcohol into the subregion served by the hub. In most instances, it merely means that the community serving as transportation hub has become more local; thus, the traffic pattern has changed more than the actual distribution system.

While a significant proportion of imported alcohol is provided to villages by direct mail order and charters from Anchorage and Fairbanks, the major regional source of alcohol appears to be the alcohol retailer located in the

hub; for this reason, the provision of retail alcohol sale in a hub will have an effect on the entire region, not merely the hub, as direct access to alcohol improves and relative cost declines. By reducing the transportation costs (through localizing the supply, through creating direct access by private vehicle) and regularizing the supply, alcohol has become more regularly and immediately available to villages surrounding the hub. The availability of alcohol as a substance is predicted on transportation/distribution systems and demand. Demand is limited only by the availability of cash compared to the price of alcohol. It is probable that the type of transportation/distribution system which supplies the demand is irrelevant to the consequent drinking patterns, as long as the legal retail system, the mail order/charter system, or the illegal bootleg system are reliable, timely, sufficient, and well-organized. Were hub communities to prohibit sale and importation of alcohol, it is likely that highly organized bootlegging would immediately move in to fill the continuing demand. While bootlegging is seldom a highly organized, high volume enterprise, its informality is not predictive of restricted access to alcohol or restricted individual use. Since all of these systems tend to operate on a "cash only" basis, the unavailability of money is a more critical factor.

Money availability lies at the core of changing alcohol use. In earlier years, homebrew was made for personal use and sharing with friends and relatives. Over time, homebrew began to be produced in larger volumes as the demand for alcohol increased, wages increased, and profits were able to be made. Profits led to various forms of bootlegging by aircraft, initially conducted by local residents, later by pilots. The prospect of profits eventually led to retail package stores and bars, regional supply systems, increasing convenience and access, increased volumes sold and consumed, decreased costs, and increased social and health problems, not only in hubs, but in the villages they served.

In the past, villagers without immediate and regular access to either the hub or to alcohol, came to hubs on an intermittent basis, to conduct their business, do some drinking and socializing, and return to relatively healthy home villages. Improved private vehicular access to hubs has led to increasing consumption in hubs and importing of substances and problems back to the villages.

Under high demand and volume conditions, it is understandable that hub communities would consider allowing a private or public alcohol retailer because such retailing would:

- allow legal transport, sale, and purchase
- control the local conditions of sale and consumption
- put an end to high volume, unregulated bootlegging
- bring purchase and consumption rates into the open
- retain more cash in the community for longer, via taxation or direct revenues
- underwrite public safety services to counteract alcohol-related problems through significant public revenues
- provide jobs in retail sales
- regularize the supply and range of alcoholic beverages
- reduce the price per unit for alcohol

The real experiences of hub communities acquiring alcohol retailers include an immediate growth in local government income (measured in tens or hundreds of thousands of dollars), continued high levels of local drinking, and altered forms of bootlegging (particularly after-hours sale). Since the hubs visited in this study were not seriously considering the local option law, the effects on the hubs of local stores were not carefully examined. For them, the issue of "store" versus "no store" was based on a range of concerns not examined in this study; there were strong feelings expressed that increased city revenues were a positive result, that city administrators had become overly attached to the con-

tinuation of these revenues, that white residents strongly supported this "normalization" of their access to alcohol, that increased policing had offset increased problems, and that the real issue was not access to alcohol but access to continuing wage employment, productive opportunities, and solutions to basic social problems. Respondents suggest that hubs allow the placement of a local alcohol retail outlet due to a chain of events not altogether under their control. They argue that the state has pushed villages to become second-class cities, in order to reduce the responsibility of the state for the direct provision of basic services, but has not provided, via revenue-sharing or other means, these cities with a sufficient income base to provide these services. The cities, then, turn to alcohol-based revenues to make up for the shortfall; the shortfall increases as per capita support from federal and state governments declines. As basic services (e.g., police, fire, sanitation) grow to meet the increased demand posed by increased population and higher expectations, the shortfall increases, thus increasing the reliance of the community of alcohol-based revenues. As one hub mayor noted, "The number of deaths here and in the surrounding villages has grown since the store opened. In our case, though, you have to damage the people in order to help them. It would have been a lot better if the government had just increased our revenue-sharing to reduce our need for the store."

B. Alcohol and Quality of Life in Hubs

The quality of life in hubs as seen by many residents is based on the quality of public services and facilities. To the degree that these services and facilities are significantly dependent on alcohol-based revenues, hubs become "addicted" to the continuing sale and consumption of alcohol. City employees tend to point out that hubs have no alternative income base to offset the potential loss of alcohol-based revenues, since the money expended on alco-

hol would not be diverted to other uses but would be sent directly out of the community to other communities which retail and transport alcohol. Thus, the community government is seen to be at least partially subsidized by its primary problem.

The placing of an alcohol retail outlet in a hub is likely to result in altered use patterns and/or related behaviors. For example, in communities marked by a formal or informal prohibition on the importation of alcohol, drinking tends to be covert and private. As in most white urban settings, public consumption, particularly drinking from a bottle in public, is frowned upon, even where it is not illegal. The new tolerance for alcohol that is suggested by a new retail outlet (particularly one that is owned by the community) is reported to lead to:

- drinking in public streets
- public drinking during the day
- increased drinking in proximity to the retail outlet
- social functions more marked by alcohol consumption
- decline in parties not requiring alcohol
- decline in retail prices for alcohol
- increased routine availability of alcohol
- increased visibility of leaders drinking before and after meetings
- increased visibility of non-drinkers
- increased divisions between resident drinkers and non-drinkers,
resulting in increasing isolation and declining family and social supports
- increased visitation by residents to the retail area to find and
socialize with others
- decline in the prevalence of evening visiting.

Hubs, like larger cities, are concerned with the reality of behavioral problems and the public appearance of their communities. They tend to restrict the operations of retailers to certain hours (e.g., evenings only, no sale on Sunday), during certain seasons (e.g., close enforcement during the busy summer season, during holidays and celebrations), and in certain areas (e.g., close enforcement in residents' living and shopping areas).

In communities where the local government owns and operates the alcohol retail shop, additional controls are occasionally attempted, to limit the behavioral problems without significant loss to profitability. In addition to limits on retail hours, they also attempt to control the amounts of alcohol sold (either to the community, an individual, or both).

Hub residents often perceive that their behavioral problems with alcohol are caused by "outside" people, particularly visitors from surrounding villages and some feel that they do not want to "foot the bill" for these visitors. In those hubs where the behavioral problems are identified as coming from outsiders (and even occurring outside), the alcohol control, prevention, and treatment measures become focused on the behavior of individuals rather than on the availability of the substance. The public safety aspects of behavioral control (e.g., policing, arrests, protective custody, involuntary commitment, transport for detoxification) become more prominent than alcohol control measures. The object of enforcement is to "keep a lid" on the problems, provide earlier intervention into dangerous situations, protect the intoxicated person, reduce the involvement of the judicial and corrections systems, reduce the amount of complaint by residents, reduce the paperwork for public safety officers, accomplish wholesale reductions in the numbers of public inebriates, increase the reporting by citizens by reducing the risk of serious penalty, reduce the severity of criminal actions, and not interfere with alcohol commerce.

This pattern of public responsibility has resulted in large numbers of

alcohol-related police and domestic violence calls. It does not appear to be the police priority that these numbers decline; the business of police is to manage these calls, reduce the injury to life and property associated with them, and reduce the severity of problems.

C. Villagers' Problem in Hubs

The regional hubs have served as a dumping ground for village problems for a number of years, due to the drawing power of hub activity and the tight controls and lack of privacy of villages. The local option law and other similar formal controls have made dumping not only easier but even required, for some.

If one of the purposes of alcohol use by villagers is to "let off steam", to release the pent-up feelings generated by village life, social and cultural change, and so on, the drinking by villagers in hubs exports the behavior and its related problems from the villages, where it is less controlled, to the hubs where it can be more controlled. It is somewhat paradoxical that visitors can engage in behaviors in the hubs that they cannot engage in at home and yet are more closely controlled by the hubs' formal systems. Other components which may account for this paradox include the desire by drinkers to engage in their extravagant activities away from the social pressure of their watchful village. There may be less social and psychological cost in dealing with the hubs' formal systems than the villages' informal systems.

Hub communities appear to act as nodes for some of the problems and problematic people of the villages for whom they provide services (e.g., transportation and distribution of goods, government and public services). The transportation systems bring people, problems, and substances to hubs and their associated villages. Villages often export their problem persons, problem drinkers, and problem behaviors to hubs for either the treatment services that are provided only (or mainly) in hubs and as more appropriate, tolerant, or

placed locations for certain behaviors. As a consequence, hub treatment agencies tend to receive problems rather than prevent problems.

There is some indication that the alcohol treatment, detoxification programs, and mental health programs domiciled in hub communities are not very effective in dealing with the problems of residents from "dry" villages partying in the hubs. Some treatment personnel aver that it is difficult to provide effective treatment when the presence of local alcohol retailers and tolerant behavioral standards conveys an opposite message to visitors. They also suggest that it is difficult to educate young people that alcohol is a problem, when alcohol is readily available and drinking, even to excess, is normative behavior.

D. Hubs as Regional Distributors

Many villages see their regional hub as the source of their major problems with alcohol. As they recount the history of their modern alcohol problems, they point to hub events (e.g., opening a retail outlet, voting "wet" or "dry") as the most significant factors. As Conn (7, p. 32) notes, "Village leaders had discovered that Bethel could set in motion a change in use of liquor in the villages and outside of Bethel by making it available." Similar actions in hubs could increase or decrease the rates of accidents, assaults, and so on. This was the result of:

- 1) villagers drinking in hubs
- 2) villagers purchasing alcohol in hubs and importing it to the village for personal and group consumption
- 3) villagers ordering alcohol for air delivery.

Villagers perceive that the hubs had created a regionwide problem, but did not underwrite regionwide or village solutions. As Conn notes (7, p. 47) "Bethel profited from the liquor store and could hire police from the revenues

it generated. The villages could not stop the liquor traffic, nor hire police from liquor revenues."

Liquor traffic could not be stopped because the villages did not have the legal power to do so, unless the carrier were violating state or federal laws. The villages in close geographic proximity could not stem the flow of individual importation on the road or riverine systems. While it is not uncommon for villages in such proximity to vote a ban on sale or importation, the ease of transportation tends to make this a rather hollow gesture as village residents either travel to the hub to drink or drink while traveling, thus increasing their danger of serious accident.

Villages often requested alteration in the retail sales in hubs, such as reducing the retail hours in order to reduce the commutation between village and hub, in order to discourage villagers from attempting to return home while drunk. However, the most popular request is that the hubs prohibit sale and importation.

E. Hubs and the Local Option Law

Were a hub community to successfully prohibit the sale and importation of alcohol, such an action would drastically alter alcohol availability in the region served by the hub. However, it is unlikely that any hub will vote to ban sale and importation. There are several important reasons why such a vote would be unlikely:

- large numbers of white residents come from communities where alcohol is readily available and self-controlled use is common
- many hub businesses cater to tourists and other visitors who expect the amenity of alcohol
- a great deal of the alcohol use by residents is non-abusive and non-problematic
- hub residents' alcohol use is marked by regularity of location, type of drinking, drinking partners, amounts, and so on, all consistent over time
- white and Native hub residents alike will resist controls on moderate drinking

- hubs feel they have invested enough in ordinances, police, and other public safety functions to manage the uncontrolled resident and/or transient problem drinkers
- a significant proportion of public services and employment is sustained by alcohol sales and taxes
- any loss of local retail capacity will result in referring these retail dollars to Fairbanks and Anchorage
- much drinking in hubs is social, bar drinking, under the controlled hours, easily policed conditions, under the eye of sober employees who watch out for both the customers and the premises, where alcohol is available by the drink rather than the bottle or the case
- if any controls ought to be placed, some hub residents feel, they are best placed on bottle shops which lead to bootlegging
- hub residents feel that the transients cause most of the alcohol-related problems in the community
- hub residents see no reason to limit access to alcohol by law or by increased taxes
- elders, health care personnel, churchgoers, and other persons interested in stricter laws constitute a small proportion of the numbers and sentiments of the overall hub population
- because hubs already have large police powers and police forces, the added support of state police authority would be redundant
- in communities without existing retail sales, hub residents with an interest in local option law restrictions on sale and importation are fearful that their hub will use the local option law to expand existing use, creating additional access through Option One or Option Two.

One hub, for example, bans the sale of alcohol under its city ordinances. Some residents fear that a vote for Option One or Option Two would result in an increase in public inebriation and signal the symbolic defeat of alcohol treatment programs. It would also, they fear, split the community along racial lines, with whites voting for expanded access and Natives voting to retain the ban on sale. Even some of the white health care personnel appear to be split on the issue, asserting that controlled drinking is preferable to uncontrolled bootlegging.

Many of the deaths and most of the police contacts in hubs are alcohol-related. While many of the Native residents of hubs might, as do some of their small village counterparts, finally become intolerant of these losses, it was reported that some Native and most of the white residents would vigorously con-

test any community restriction on their access to alcohol, on the grounds that "our rights" are more significant than "their behaviors and losses." In effect, the quality of life in hubs is measured differently by resident subpopulations.

In summary, the ability of hubs to strictly control access to alcohol is attenuated by the demands of hub residents, the outlet function the hub provides for the villages of the region, and the financial commitment of the hub to alcohol commerce.

VI. The Sources of Village Controls

The central assumption of the local option law is that village control of community life and behaviors is the key to control over alcohol-related problems. Control over the availability of alcohol is intended to be provided through village local option law elections. Conn (7, p. 102) suggests that the political authority necessary to define and control drinking behavior is not new but was lost when the working relationship with outside law enforcement disappeared in the early 1960's. While the local option law appears to restore some form of this lost political authority, it does not, in fact, provide the flexibility to "define and control drinking behavior" but only establishes the conditions under which alcohol may enter community commerce.

A. Types of Formal Authority

It should not be assumed that the villages are totally lacking in the exercise of formal and informal controls. In fact, the source for the exercise of power in the villages varies widely across the state. Some villages derive a portion of their power from the traditional authority accorded them by their members. Others derive a portion of their power from their tribal status, that is, exercising powers available to them under particular relationships with the federal government. Some derive a portion of their powers from their land status as reservation or private land; for example, two Interior villages require a license to trespass on their commonly-held private land. One of the many conditions of that license is a ban on the importation of alcohol; they control alcohol importation as a matter of contract, rather than criminal law. And, finally, some derive a portion of their power from incorporation as cities under State law.

Incorporation as a city provides access to state funds and services and provides opportunities to exercise local control through ordinances. On the other

hand, it is often seen as a mechanism for the intrusion of the state into community affairs. Because it is based on the formal election of councils, its democratic form may be at odds with traditional legitimation of authority and allows access to authority to women, young people, and white and Native newcomers. In addition, city authority is limited by statute; both state and federal law pre-empt the ability of city governments to diminish the civil rights and due process by passing ordinances which contravene state and federal law. This is specifically the case in the control of alcohol and other substances.

Without careful examination, it would be incorrect to assume that local control results from or is equivalent to local city government, because:

- the purposes of local government may be more reflective of services and revenue sharing objectives than of a desire to control the behaviors of individuals
- local government is more often local administration rather than consensus over control of the community's future
- local government often does not have the power to control some of the more significant aspects of community life, powers retained by federal, state, and borough authorities
- local government cannot set aside the individual rights provisions of state and federal constitutions, no matter how significant the perceived public health and safety are viewed by the community members and no matter how unanimous the residents may be in passing stringent rules on behaviors
- local governments are not always equipped to interpret or deal with the residents' perceptions of the problems and/or their solution
- local governments may not be able to respond to crises in a creative fashion and simultaneously satisfy local demands and legal constraints (e.g., some local communities would have written far more extreme laws than the local option law to solve the problem)
- the financial and other interests of local government may be at odds with the social welfare priorities of residents
- local government may be unable to effectively deal with and resolve the opposing values inherent in the most difficult social issues
- local government does not fulfill residents' sense of themselves as still "sovereign".

Some communities originally voted for incorporation in an attempt to gain

local control in the face of the negative aspects of Bureau of Indian Affairs administration. Some have even attempted to unincorporate when they perceived that the state was no more beneficent than the federal government and that incorporation could be used as an instrument to strengthen white control of the community.

IRA status provides communities for access to federal monies and powers, including Native courts, that would otherwise be unavailable. In particular, IRA status provides opportunities for communities to acquire direct local control over some important social programs. IRA status, which predates statehood for some communities, is perceived as a threat by many in state government who are opposed to separate relationships between Alaska villages and the federal government. IRA membership and councils are open to Natives only and the span of IRAs extends only to Natives; whites are neither represented nor controlled by IRA councils. As a single form of local government, unaccompanied by private land ownership or reservation status, it has little influence on non-Natives. Many IRAs are not intended by their members to exercise formal governmental or tribal power but only to provide access to federal programs. They remain as skeletal forms of autonomous local village government.

Traditional village councils are recognized as a form of local governance. They incorporate some of the leadership patterns which preceded contact as well as some of the forms of government introduced by teachers and missionaries. Their composition, operations, and span of control remain both limited and uncertain since they are based on the consensus (of the governed) through which they are legitimated and operate.

B. The Mix of Authority

The power of villages consists of a mingling of these sources of power and is exercised through a range of formal and informal systems and institutions.

Each community exhibits its own unique arrangement of these systems, based on the cultural, racial, economic, and governmental variables which comprise its history. The village arrangement is continually in a process of testing, reaffirmation, reconstruction, and change based on its perceived effectiveness in meeting community objectives.

Communities generally contain potentially competing forms of formal governance. It is not unusual for a community to be incorporated as a city government under state law and also to be established as an IRA (Indian Reorganization Act) council, in effect, a tribal government with certain political powers. Such a community may also have a traditional village, elders', or chiefs' council which exercises authority over other aspects of community life. Each of these forms provides its distinct strengths and weaknesses and areas of authority.

As the problems confronting a village change, the amount and location of authority desired for these various forms also change. As white populations or economic enterprises increase in number and prominence, there is often a greater push by these new residents for community incorporation in order to achieve formal representation and to become eligible for state-sponsored capital projects. This is often met by an opposite reaction from Native residents who desire greater investment of authority in exclusively Native bodies to retain Native control over vital community interests. Even among Native residents alone, there is often some conflict about which form provides the best solution to a particular problem.

Problems arise when communities find themselves vacillating among these systems, trying to develop a course of action among federal, state, and local powers which meets their objectives without subjecting them to consequent losses of power; that is, villages (and entire regions) constitute the smallest party in a three-party game with federal and state players. They increase their power by siding with either of the other two competing interests, issue by issue. They

seem to feel that total identification with state or federal power would result in total reliance and therefore total loss of local control. They operate to maximize their gains and minimize their dependence.

The result of this changing mixed-power arrangement is often uncertainty of responsibility, gaps in law and authority, and frustration over failed objectives. For example, a village voting under the state local option law cannot require federal enforcement assistance; a village turning to the IRA for enforcement of tribal prohibitions cannot require state assistance. Since federal and state authorities tend to think in terms of "exclusive jurisdictions", it is often community objectives and enforcement that fall into the gap. When this happens, communities often feel not only frustrated but powerless.

Power exists in a number of formal and informal relationships far more complex than the basic systems noted above. It exists, for example:

- within a community
- among communities
- among agencies (e.g., Department of Law, Department of Public Safety, Alcohol Beverage Control, regional non-profit corporations)
- between communities and agencies (e.g., Department of Community and Regional Affairs, Alcohol Beverage Control)
- between communities and their tribal, traditional, cultural, and religious authorities
- within land and resource owning or managing institutions (e.g., village corporations, regional corporations, government land managers)
- among overlapping and intersecting law-making authorities and bodies of law
- within a community or regional (e.g., borough) electorate
- within community sub-populations, clans, families, individuals, groups, councils, clubs, churches, enterprises
- within community and regional alliances and coalitions.

There does not appear to be a clear division between formal and informal forms of power. Formal systems, such as city council, IRA councils, and traditional councils of elders or chiefs tend to overlap with less formal systems such as the Spirit Committee (Northwest Alaska) and other forces. This mingling is due to the small size of villages, resulting in overlapping memberships, as

well as villages operating as large families with formal and informal forms of authority patterned in traditional ways.

There may be routine roles within governance for all age groups. Elders tend to operate through various traditional councils, while younger men and women tend to be more active on city and IRA councils, working through western forms to accomplish community objectives. In some communities, these western councils are seen as "staff" or instruments of elders' councils which remain distant from day-to-day operations. While there is considerable overlap among these entities, serious gaps often appear among these as well, with a tendency to shift authority for difficult, if not intractable problems, such as alcohol, away from one's own area of responsibility.

C. Sources of Power

There appears to be no single village political structure which is immediately predictive of a local option law election or its result. This is due to the great variety of power sources in any one village. To account for the power sources, one would have to identify the power relationships among

- elders
- city council
- village council
- IRA council
- administrative staff board
- corporation
- church
- school board
- health council
- alcohol council
- spirit committee
- local businesses
- families
- employers
- village public safety officers
- magistrates
- outsiders
 - teachers
 - troopers
 - judges
 - lawyers

- retailers
- air carriers
- regional non-profits and their program personnel
- state health and social service persons
- military
- guides and other entrepreneurs
- industry.

These sources combine with other factors to determine how a community controls itself. These factors include:

- quality of leadership
- support of leadership
- consent of community authority
- form of social control
- quality of enforcement
- support of enforcement
- certitude of enforcement and punishment or correction
- remoteness or nearness of supports
- past history of local and non-local controls.

It is, of course, impossible to delineate the consequences of the interactions among these sources and factors. It is sufficient to note that there is authority within many communities that is not derived from nor dependent upon state or federal assistance or even acknowledgement.

What is more significant, however, than the number or form of community power sources is how they are integrated with one another. If they share an objective and are mutually supportive, they operate as a single power. Thus, if community powers are not divided on the issue of alcohol control, this is a far better predictor that the community will exercise control than the mere presence of a Village Public Safety Officer, a Village Alcohol Education Counselor, a village Alcohol Council, or a local option. These latter persons and actions are more likely to be the result of an emergent community control consensus than to be its source. Its source is more likely to be an increasing dissatisfaction with community quality of life and a shared feeling that the village can solve its own problem.

Some respondents voiced the hope that the local option process in villages would become expanded and permanent. Once a community becomes "dry", they

suggest, there is reason to think it will stay that way due to the confluence of positive changes; these include not only holding a local option law, but increased health education, education in general, alcohol education, alcohol counselors, health aides, VPSOs, growth of local government, development of shelters for women and children, large-scale and careful community programs, planning and planned change, and a "controlled entrance to the future."

It would be naive to assume that these internal control mechanisms operate in a vacuum, impervious to outside influences. Perhaps the most profound influence which can alter local community power is introduction of outside economic interests. Loss of control may occur when the village divides over insoluble conflicts between traditional village values of modernization and industrialization. Communities lose control over their local economies through major industrial developments, through new harvesters competing for local resources, or through new populations immigrating for economic gain. This is considerably less common when village residents retain ownership or other control of the resource and the extraction enterprise and are not merely employees in the enterprise. To the degree that village residents can control the rate or extraction or production, the geographic location of the resource extraction and the housing of newcomers, work conditions, local employment, rate of immigration, and prices and wages associated with new economic development, they will be less subject to loss of control; in effect, they exercise at least partial control over the transitions which lie at the heart of alcohol-related losses.

It is in this area of control that state or federal assistance (via stipulations) can be of more assistance than it is in law enforcement. That is, if alcohol misuse is a symptom of uncontrolled transitions, assistance in controlling the transitions may be of greater utility than treating the symptom.

D. Local versus Non-Local Sources of Power

Several respondents to this study saw the process of empowering the Native people by investing them in the use of their law-making power as the most beneficial by-product of the local option elections. Alcohol control was seen as the catalyst for increasing Natives' overall involvement with the Western electoral process.

The key to the people becoming invested in voting, however, rests on their perception of the success or failure of the option they enact. If they experience a significant, long-term reduction in alcohol-related problems, they may begin to view their vote as having the power to directly effect their quality of life. The failure of the local option, on the other hand, to reduce alcohol-related problems for any significant period of time will have the effect of further alienating people from the voting process.

In addition, failures in the enforcement of the local option are likely to lead to extralegal local control efforts to solve the alcohol problem; as a result, residents will perceive their participation in state-sponsored local law-making as ineffective, particularly by comparison with their own, more flexible solutions.

These potential outcomes are more likely to increase the attachment of village residents to local power systems than to state-provided systems. Power does not flow from its authorized distribution from the state, but from its successful exercise; that is, as long as local power is exercised and not successfully challenged by the state, the courts, the residents, or outsiders, it is as real as any derived or designated power. Such power may be exercised by the most traditionally non-democratic as well as the most consensually-governed and democratic systems.

The source for the exercise of many local powers is often uncertain. Claims are variously based on references to tribal authority, elders' authority,

chiefs' authority, reservation status, private land ownership, trespass control, sovereignty, and the formal consent of the governed. Some communities which were reservations in the past continue to be reservations or claim undiminished reservation status have the experience of controlling alcohol using reservation powers. In the late 1930's, for example, the exclusively Native population and government of one reservation, using their own initiative and local police powers, successfully prohibited alcohol. According to one observer, "With the passing of the use of liquor the entire tone of the village has changed incredibly. Morally, physically, mentally, and spiritually, these people revived." Reservation status allows one community to continue to operate under its own reservation constitution and by-laws, with its own governing council, ordinance-making power, magistrate, penalties, and so on. Because its claimed reservation status is not recognized by state or federal governments, another tribal group exercises control over the importation of alcohol by requiring a private property trespass license, one of the conditions of which prohibits alcohol.

Communities which claim sovereign, reservation, or tribal powers are unlikely to hold an election under the local option law since that would both recognize and increase the authority or presence of state government. Those communities with clear ties to federal authority will call upon the Bureau of Indian Affairs, the Federal Bureau of Investigation, and federal marshals to report, investigate, and enforce violations of criminal law. Communities without such ties must continue to rely on state enforcement of state criminal law. Some communities are simultaneously comparing the local option law with some expansion or explication of tribal law, using state law enforcement only as a backstop for more serious criminal investigations.

Communities which feel that they have maintained sovereign powers to control their internal affairs and their relationships with the outside world tend to

expend more energy than other communities in the construction and enforcement of local laws. That is, since they do not derive their authority from larger governments or bodies of law, nor do they feel they can depend on outside law enforcement supports, they must exercise their authority continuously; it is likely that continuous exercise of authority makes it easier to continue. Characteristics of continuous law-making and enforcement in these communities include some of the following:

- signed commitment by each community member to support community laws and the actions of council members
- commitment by each community member to physically and psychologically support the law enforcement effort
- annual review, reconsideration, amendment, specification, rejection, and re-enactment of law by the entire community
- creation and maintenance of local law on a wide range of daily life matters, such as loose dogs, curfews, speed limits, truancy, drug use, drunken behavior, theft, threatening behavior, family neglect, gambling, fish and game salvage, and others
- no assignment of enforcement to specific individuals, so that responsibility rests with each and every community member
- enforcement by large numbers of persons (men, women, children, elders, council members) at the same time and place, creating mutual pride and support and de-individualizing the burden
- formal investigation, trial, and punishment methods
- no record kept of violators except in community memory, so that there is no long-term permanent impact on the future of individuals
- formal methods of exile with hoped-for and encouraged returns and re-integrations
- semi-permanent exile of consistent violators, particularly violent persons and substance distributors
- increased, rather than decreased, enforcement of alcohol restrictions during major celebrations
- extensive monitoring of luggage and freight at point of entry into community
- immediate destruction of prohibited substances at point of entry, as the basic fine for attempted importation (rather than later trial) and as the basic social embarrassment
- more intensive enforcement of repeated violators' activities within and without the village (through villagers or relatives reporting systems in other, particularly hub, communities)
- convicting violators on the grounds of possession and use or using possession and use as prima facie evidence

- of illegal importation
- exercising controls over visitors as well as residents
- illegal search, seizure, and destruction of alcohol from private homes based on observed and reported possession and use
- unaltered policy of prohibition, but methods and penalties of enforcement renewed or otherwise modified to meet new needs; for example, penalties may be stiffened by reducing the amount of basic physical support provided by peers
- non-reliance on outside enforcement entities or procedures, since these commonly result in after-the-fact actions; the village desires and achieves immediate behavior intervention and modification.

The local option law is only one mechanism of many which encourage more self-control. Such self-control, as the end result of some decentralization of government, is not assured merely because central planners desire it. Self-control requires more resources than the simple desire to have or shift power; it requires individual and group talent and energy, the consensual and active support of the community, and less restricted fiscal and other supports than are commonly available.

Self-control is not, however, a new phenomenon in rural Alaska; however, past government policies and practices, the introduction of western law, and the lack of education of rural residents in the modes of self-governance available under western law have eroded the confidence that villages have in their own integrity and control. Laws and supports like the local option law and the VPSO program result, in large measure, from the past failures of central government to resolve the problems to which it has, in part, contributed. It is, perhaps, not required that central government formally transfer power to communities, but that these communities, by exercising these powers, regain a sense of their own autonomy and strength. This "sense of community" is likely to be more predictive of positive village outcomes than would be more formal gesture of power transfer, since central government's final authority to alter power arrangements makes all gestures appear temporary at best. Since the state reserves the ability to alter law, definitions, interpretations, limitations, and classifica-

tions, the local option law cannot be considered wither fixed in its meaning or even a permanent feature of state statute.

VII. Village Control and State Control

Many villages see that their ability to control the availability of alcohol has rapidly declined since the repeal of legal prohibitions on Native access to alcohol, the end of federal territorial jurisdiction and enforcement, and the replacement of the federal law enforcement and judicial system with the state system. It is apparent that some villages turn to the local option law to enable them to control the behaviors of individuals that are not controllable by other local ordinances, authorities, and social control mechanisms. The statute appears to provide the required tools for local (primarily Native) residents to control those persons who do not feel bound by local rules adopted under the authority of city councils, traditional councils, councils of elders or chiefs, or IRA councils within which they feel they or their interests are not represented.

Those who tend to deny the authority of local councils include young people, white residents, teachers, visitors, retailers, carriers, and adjacent military and industry personnel. These persons, most likely to challenge local authority, are also the most likely to challenge the authority of the law and the procedures which implement it. The local option law is also likely to be least effective with residents who had challenged local authority and most effective with outsiders and nonchallenging residents.

Other than increasing the legal burden of commercial carriers and alcohol distributors, the power of the local option law does not extend beyond the near boundaries of the village; it does not extend to include other communities, non-local retailers, or federal enclaves (such as military and aviation facilities). Thus, it is a relatively limited power.

The implications of the local option law as a form of local empowerment are quite complex. It is unclear whether use of the local option law increases or decreases the internal authority of the community. Has the local option law

returned past powers to villages to control this important aspect of their lives or has it contributed to the continued removal of such power and increased villages' dependence on and acculturation to larger, non-local legal systems? What are the costs and benefits of the consideration, election, and implementation of utilizing this power?

For example, the passage of the local option law removed the power of the incorporated villages to enact emergency ordinances providing the same purposes as served by a local option. In effect, it removed this immediate and flexible tool of a council and replaced with a less immediate, more powerful and inflexible tool available to voters. By engaging the law enforcement and judicial powers of the state, there was a potential for a new coalition between village and state justice systems in pursuit of a common interest.

It has been suggested that the substance of the local option law is less significant than its form and the processes through which villages meet their objectives through it. Some observers sense that the local option law is one "hook to control the kind of change in your community, a lever, a throttle, not on change, but on the response to unavoidable change." To the degree that both incorporated and unincorporated villages are granted formal powers by the State, this arrangement is of great interest to many who are looking at the local option law in terms of the appropriateness of its form and processes.

One perspective on the appropriateness of the local option law suggests that the law is demeaning to rural villages. The essence of this perspective is that these villages cannot control themselves and that the non-local government must help villages to control themselves. In this perspective, the law is construed to mean "we will let you help yourselves by your voting to have us come in and help you." In this perspective, the villages become the agents of state authority within the village pursuing state objectives. In effect, the powers

continue to flow from the top (the state) to the bottom (the village electorate). The village electorate can only accept or reject one of the four options; they cannot otherwise alter the terms of the authority open to them.

One unresolved question is whether the authority to exercise power has shifted from the village to the state or vice versa. Where power resides is often called the locus-of-control. Shifting the locus-of-control in either direction seems to result in increased culture contact. When the locus shifts to the state, the villages must abide by procedures designed by the state and increase their reliance on state agencies and personnel. When the locus shifts to the village, the presence of western influence in the village increases (e.g., police powers, elections). "Bringing the state into the village" may change some of the basic conditions and processes which comprise village life, such as internal power arrangements, family obligations, control over the lives of other individuals, and so on, all at potential odds to vital cultural givens.

By taking the power offered in the local option law, villages must take all of the constraints and risks that come with it -- elections, reporting, trooper involvement, arrests, testimony, evidence, convictions, jail, parole, probation. It is possible that the "medium becomes the message;" that is, that villages learn that the only power that they have derives from and is completely dependent on state law, policy, and agency personnel.

Since the law is intended by many villages to be used as a "backstop" to village power and authority, it is possible that they also intend to tap into the power of the state on an intermittent basis. This is akin to tapping into electricity; the consumer has control over the power switch, but the real power resides elsewhere.

Some villages see the local option as returning power to them without requiring any additional contact with or reliance on the state troopers. They see the threat of calling in the trooper as consolidating the internal authority

and rules of the village. They attempt to control residents' behaviors by small penalties meted out by the council convened as a community civil court; it is only when community efforts have been exhausted that the villagers intend to call the troopers.

The local option law appears to promise more state involvement in the enforcement of locally-elected options without, in fact, ensuring it; as a consequence, villages may be trading other legal and extra-legal methods for controlling alcohol and for the potential of increased external assistance.

If there is not an intended power shift, is there an unintended shift; that is, do villages take by exercising it, even though the power is intended to be retained by the State? Some observers feel that the local option law was designed explicitly to help the villages "turn the corner" in achieving a greater degree of local self-determination. By learning the use of law-making, the power of the vote, and the use of law enforcement, these observers feel that the villages will achieve profound "downstream" social products such as greater education into and use of government power and community organization.

In many communities, there is little tradition of the electoral process in the passage of laws; more commonly, an elected council or a council of elders passes rules without requiring the formal assent of the governed. In many communities, councils would not pass such ordinances without first ascertaining through a variety of means that there was community consensus on the rule. This has ensured some continuity in traditional decision-making processes. In these communities, a local option law election may be seen as a threat to traditional decision-making authority, by removing the basis for the exercise of that authority from the council and by establishing decisions on majority vote rather than on consensus.

These changes may or may not be significant. For example, the electoral

process has been replacing or supplementing traditional processes for some time, due to the rise of elected councils and corporate boards. In addition, where the traditional council's authority has been eroded by successful challenge by some residents, elections provide a means to support community decisions both formally and anonymously; elections may also constitute simply a re-affirmation of council actions.

Some respondents hoped that the local option law would return powers to the community removed over the past thirty years. They hoped that the new law would be as effective as their old laws. Yet many perceive the law to be an effective obstacle to community objectives.

These residents suggest that the state law diminished and makes invalid some of their own local ordinances and processes. The process of considering the local option law also highlights the extra-legality and illegality of some of some of their own effective controls.

The issue of highlighting extralegal activity dates from statehood where, as Conn (7, p. 9) notes,

"Village leaders were confronted with two problems. First, the backing of state law was not evident in dealing with the major liquor problem of the period and, second, they, as law enforcers, were warned by police authorities that their acts in protection of community interests might make them subject to law suit or arrest. Village leaders had too little experience with courts to evaluate these warnings of legal actions which might be brought against them.

The decline in legal prohibitions since the early 1950's, as acts of government, have elevated the freedom of the individual to drink and to be drunk at the evident cost of the community's freedom from fear and loss. This suggests that the local option law, while utilized immediately and gratefully by villages, contains a competition of values which is creating serious difficulty for some, requiring extensive extra-legal manipulation to make the law work for them. Western values and law emphasize individual rights and pursuits, with the

common good being limited by the inalienable rights of the individual. The conflict between these two value systems is embodied in the limitations and enforcement of the local option law. The community purpose in passing a local option is to control or prohibit the sale and importation of alcohol; more directly, communities wish to ban the possession or use of alcohol. The communities wish to ban alcohol not to limit the freedom of individuals but to protect the individuals and the community from the dangers posed by alcohol. The community welfare takes precedence, in these life-threatening conditions, over individual rights and desires.

Communities that wish to ban the presence of alcohol are confronted with federal law which protects the private production and use of alcohol. This is viewed as a paradox because, for many years, the making and possession of homebrew was banned by federal law. "We want no liquor here," residents say, "but you say anyone can make it here and we can do nothing." Communities ban the importation and sale of alcohol with state support but fail to understand "why the state would allow people to possess alcohol in their homes but they won't let them bring it from the airplane to their home." They are confused by the paradox that, once a person has successfully eluded the effective ban on alcohol importation, he is rewarded with the freedom to use and share the substance in the community without penalty or control.

Communities also do not understand 1) why they are denied the tools necessary to enforce the ban on importation such as universal body searches on arrival, universal luggage search, X-ray of all cargo, and other methods which constitute unwarranted search and seizure, 2) how it is that state officials can search and seize illegally-taken wildlife used for food but that village officials cannot search and seize alcohol resulting in death, and 3) why neither state law nor tribal law can limit the civil rights of whites or Natives. They express more interest in devising pragmatic solutions to real-life problems than

supporting abstract principles. One observer suggested that this is the result of learning western law from troopers who are similarly invested in "getting the job done."

While there is great cultural and social variability among Native cultures within Alaska, there is, generally speaking, great reluctance by community members to actively and forcibly interfere in the behaviors of others. Interference usually takes the form of invading privacy by open visiting, shaming, ridiculing, counseling by elders, and so on. However, drinking in communities is seen as predictive of, even equivalent to, violence between and death of members. Communities see that, no matter what methods are used to curtail alcohol, lives are saved and therefore the methods are justified. This "means-end" argument runs counter to constitutional protections of individual rights, where the individual has the right to drink and then to be punished if and after his behavior has violated the law. As one villager noted, "We don't have a legal mind. Things are not legal or illegal. It is right or wrong." This disparity in approaches extends to liquor retailing as well. Conn (7, p. 34) points out that

"The logic of traditional village council activity and control would have suggested that a liquor store responsible for setting in motion conduct that resulted in accidents and death should be closed. The logic of the state legal control was that problems on the part of those who drank and misbehaved should be dealt with only after misconduct had occurred. Neither the state nor the rural population had the capacity to act on its logic.

Some have suggested that it is important for Native village residents to become better educated into western law and its utility in order to achieve their objectives. In the Voting Rights Act submission on behalf of the local option law, the authors wrote "The alcohol local option election process helps rural Alaskans to become 'vested' in the system, to comprehend a few of the intricacies of law enforcement and, most importantly, to feel some measure of

control over their own lives within 'the system'."

The local option law, while empowering villages to control aspects of their own lives, still remains a western law. It was not designed or written by rural people and its purpose, intent, powers, procedures, language, limitations, and relationships to other parts of western law and law enforcement remain quite unclear to many rural people. Villagers also see that other, vaguely understood aspects of western law formally prohibit villages from taking actions which would solve the very problems for which they are turning to the local option law. In order for them to fully utilize the local option law, they may wittingly or unwittingly violate other laws.

In effect, villages using the local option law are not writing their own law, consistent with the underlying elements that make aggregations of individuals and families into "communities." The writing of law comes from receiving or assuming generalized powers, then convening to draft, adopt, implement, and revise one's own laws to deal directly with self-perceived problems. The use of the local option law is less an exercise in the writing of law than of trying to solve one of their most difficult problems through a complex election which adopts a pre-formulated option. In the case of villages with alcohol problems, only four options were available, perhaps none of which could be expected to deal directly and effectively with their problem. In any event, whether a system of law is received from elsewhere or generated internally, it is likely to fail without the fully aware consensus of support systems, sufficient time to set realistic objectives, a humane rate of policy and legal development, and the ability to modify and change solutions as necessary.

Thus, an alternative view is that goal-directed power comes from within the local community, not from state law, Indian law, or other powers provided by external, non-local authorities or systems. Education into the powers available

under state and federal law appears less to expand the options perceived as available to Natives than to narrow the options they would like to use or are using to manage their problems. Conn (8, p. 39) points out that "there has been far less enthusiasm for mounting a system of law based on cultural pluralism than in other colonial situations. It is not in the American tradition, we have been led to believe, to allow separate justice systems in a single state to coexist."

There is little evidence that communities are "investing" themselves in the larger, external systems. They appear to be manipulating the western systems, at times, to meet local needs through maintenance of local powers; because "social control is not ultimate control in modern village Alaska" (8, p. 41) communities rely on the threat of external force, the enhanced local control authority, and the flexibility afforded by their remoteness and the consent of the governed.

Villages appear to be more capable of subtle differentiations and solutions in social control than does state law. For example, some villages differentiate among the types and consequences of importation. They assign different weights to chartering planes for importation, bringing smaller amounts in personal luggage, and being intoxicated while traveling. They view importation of alcohol as more serious than personal use, since importation potentially involves more users. They also view persons who receive alcohol to be less culpable than importers and internal distributors, since the intent to violate the law is much clearer on the part of importers and distributors. Some view the ban on alcohol importation as a right reserved by the village, with sanctioned exceptions during festivals and celebrations.

Some villages are quite intent on retaining the flexibility inherent in internal power. They have more knowledge of the offense and the offender and more surety of conviction and penalty than is provided by external systems which

are limited by:

- statutory design
- statutory exclusion
- other constitutional limitations
- the organization of external police powers
- evidentiary and other requirements
- non-local judiciary.

The local option law may be, for some villages, a weak approximation of local forms of power; it is less complete a solution, less personal in application, and less certain in its application than is the exercise of internal power. It does not necessarily 1) involve the community as a community, 2) involve the other parties to the violation, nor 3) weigh the penalty against the life situation or the intent of the offender.

In some communities, internal control is based upon the consolidation of legitimate forms of authority -- traditional council, elders, city council, IRA, village corporation, and so on. This consolidation provides a single form of continuing internal self-governance. Some villages see the local option law as an avenue to dissipate this community power. Power is seen to be dissipated when 1) the electoral process replaces council authority, 2) reliance is shifted to outside agencies, 3) the state provides and legitimates only certain methods and disallows others, while the villages continue to utilize methods deemed appropriate and legitimate to and by the village residents, and 4) formal systems remove the ability for local residents to negotiate solutions to problems. This is an opposite principle to that suggested by the local option law, that the power residing in the state is somehow shared with or shifted to the community.

VIII. The Exercise of Formal Village Controls

The local option law cannot be examined as if it were operating in a social vacuum. The law is used by real communities, with long histories of formal and informal social controls. The purpose of this chapter is to introduce the reader to these social controls with which the local option law may be well or poorly matched.

Given the great variety of Alaska Native villages, there is no simple measure which would predict their local ability to manage local problems. Geographic proximity is often expected to predict the actions of clusters of villages, based on similarity of culture, kinship ties, and history. However, coastal villages often tend to be as dissimilar from one another as they are from riverine villages or road-connected villages.

Community differences are not able to be reduced merely to the variety of procedures they use to accomplish their objectives, but to the fact that the exercise of law enforcement and punishment is specific to each individual resident, based on who he/she is within the community, the family, and so on. In these communities, justice is in no way blind to person or situation.

The ability to effectively control alcohol can be limited by many factors suggested in earlier chapters. However, it appears that the ingredients necessary to control alcohol-related problems include:

- clear identification of the source of the problem
- community consensus on the problem
- council support of control and enforcement
- means to control the source or supply of alcohol
- active community and agency involvement in control activities
- continuity of control over long periods of time
- certitude of enforcement and penalty
- integration of the forces of decision-making and control.

All of these factors are critical to successful accomplishment of community management of the problem as they define it. As noted earlier, perhaps the most difficult to accomplish for some communities is the last item -- integration of the forces of decision-making and control. This includes not only formal entities but the informal power arrangements among families, women's groups, fraternal organizations, dog-mushing associations, charismatic individuals, and economic forces, such as the store-owner, air carrier, subsistence association (such as whaling captains and walrus hunters), fish and game advisory committees, and so on.

While in some communities the membership of traditional and city councils is overlapping, this does not mean that the two councils operate as a single decision-making force. Indeed, they are often at odds with each other over powers, objectives, methods, and limitations of authority and powers. Elders, for example, may have control over various traditional activities, such as celebrations and subsistence hunting; they also may be the final source for very long-term decisions about the future of the village. They may not be engaged in the more active, day-to-day management of village affairs. More critically, when confronted with new problem commodities (such as television, alcohol, snowmachines), elders may have neither the span of control nor effective methods to control these novelties.

The traditional council is an institution which often has great pressures placed on it, without offsetting increases in resources to deal with these pressures. In response to the problem of alcohol, for example, these councils may pass rules and yet lack any method of enforcement. As the repository of village desires for effective social controls, they are often criticized for their inability to enforce their rules.

City councils are formed to provide municipal services, such as water,

sewer, power generation, roads, and other utilities. As a consequence of revenue-sharing, they have the financial backing and paid staff which IRA councils and traditional councils generally lack. City councils begin to acquire the role of the traditional council and/or the IRA council in the protection and enhancement of culture. The city councils pass enforceable ordinances and direct the priorities and tasks of the VPSO.

Because city councils are elected bodies, their composition is quite significant. The more broadly-based their membership and political support, the more likely that they will represent a variety of areas of concern; for example, having more women on the council may be predictive of stronger actions to protect women, children, and old people. On the other hand, if a community elects a council based more on family ties or other factors, there is less likelihood of concerted community management. For example, one village voted for Option Four under the local option law and then proceeded to elect a council with particular weakness for alcohol. This suggests that the option selected was more symbolic than real, because the new council was unlikely to direct strict enforcement.

The growth of community government infrastructure, on the whole, tends to increase the span of community control by shifting power from individuals to coalitions which results in more anonymous decisionmaking and more consensual support of decisions and actions. As the numbers of organizations proliferate, some communities find it necessary to integrate them more closely in order to solve problems as a collectivity. That is, in these communities, the institutions must all line up in the performance of their particular tasks in order for problem management to occur.

In some communities, the village council or the city council alone appear to be held totally responsible for the control of certain problems, such as alcohol. This consolidation of authority within a few hands places a great burden

on incumbents but relies on a long established pattern of traditional controls.

By "traditional", we do not mean that the council form of government is embedded in the culture of Native people; indeed, it was far more common for the power to govern to reside in a clan chief, elders, or heads of prominent families or economic enterprises. This was due, in part, to the seasonally "nomadic" subsistence existence of Native families and bands; that is, it was primarily with the coming of white men, missionaries, and schools, that seasonally-occupied traditional hunting, fishing, and trading sites became permanent settlements known as villages. These permanent settlements were encouraged to create councils for the purpose of conflict resolution, adherence to school demands, and alcohol control (8, p. 11). These "traditional" councils, in some cases, later became tribal councils, IRA councils, and, following statehood, city councils.

These "traditional" councils relied for their authority on the consent of the governed. More modern councils began to exercise new powers, often at variance with traditional modes of social control. Over time, the federal and state governments and law enforcement authorities have attempted to invest these councils with additional legal powers.

"In short, councils had been transformed into an agent of state legal power in a realm where village consensus had not been firmly established. The mantle of state authority was also suspect because it was measured, ultimately, by trooper activity." (7, p. 48)

Due to the lack of effective western presence in these villages,

"The legal system of the state had very little to offer village residents by means of support or prevention [e.g., troopers, judges, prosecutors, public defenders, police, magistrates, jails]...the most active legal force in the villages were councils. These councils, however, had not been active traditionally as police mechanisms to fine and jail. Instead, they had acted to confirm pre-established village consensus." (7, p. 32)

A. Council Enforcement and Adjudication

Local communities, whether they are organized under traditional councils or city councils, pass rules governing the behaviors of their residents, including alcohol use. In those communities which do not have assigned enforcement personnel, the authority for the enforcement of local rules resides in the consent of the governed. As a practical matter, in many communities, the councils sit not only as administrative and legislative bodies, but as judicial bodies as well, trying citizens for violations of local rules and meting out penalties. Any challenge to their authority by an accused can be met only with informal means since formal linkages to external authority are generally absent or attenuated.

It is important, at this point, to understand better the history of the role of councils, in order to reveal the roots for some of their perceived failures in achieving certain goals, as established and measured by village and non-local observers. For this history, we turn gratefully to Conn (8, p. 12-18):

In the Eskimo communities, representatives of leading families formed a consensus within councils. Village councils fit within the process of community and state law. Councils back-stopped and extended dispute adjustment. This reflected the classic approaches of conflict avoidance - conciliation, gossip, ostracism and counseling among Eskimos. But, as important, they were supported from the outset by white village residents (teachers-missionaries deputized under federal law), the board of elders in Presbyterian and Moravian communities, occasional resident U.S. Commissioners and nonresident marshalls, Coast Guard cutters and even a distant court system.

Councils were the last stop in a process of evolving inter-personal customary law ways and the first step in a process of Western intervention that could result in referral to a police and court process outside of the village. Councils settled into a routine of dealing selectively with persons whose social ties to the village made them somewhat less responsive to approaches that were geared chiefly to drawing an offender back into a social consensus. These ties were based both upon the need to retain and to sustain economic relationships upon which survival depended. Confessing or compromising before a council also avoided removal by the Western law process.

Councils were draped in official and ex-official legal authority. In territorial days (pre-1959) this allowed them to operate as police courts where a U.S. Commissioner was not present. The status of many under federal Indian law gave them power (according to visiting Bureau of Indian Affairs officials) to govern members of the Indian community... Suppression of alcohol use among villagers became their special legal task.

Intervention by marshall, Indian police, liquor suppression agents and later territorial police, while limited by geography and state resources, was sufficient in territorial days to reinforce the council when it responded punitively. More important, however, it shifted its focus to deal with matters before a situation exploded into violent or actual conflict...By reacting to incipient conflict or to the seeds of later conflict, councils avoided confrontation with either villagers or with agents of the official legal system.

A variety of factors destabilized the council as a mechanism for dispute adjustment in the years immediately following statehood. In meetings with state officials, council presidents learned that state officials would not support bans on liquor possession or manufacture...

Villages were informed that they were to handle matters on their own and notify the police only when violent felonies had occurred. Letters to police during the period demonstrate that detailed descriptions of repeated violence were often left unanswered. Second, in the early 1970's drunken behavior in public or in private was decriminalized.

In the late 1960's, the court system introduced appointed Native justices of the peace (called magistrates) into about 30 Native villages. Where this occurred, village councils deferred to this official authority and refused further complaints. Yet because matters heard by councils were often pre-or sublegal in Western terms because complainants did not wish to confront fellow villagers, and because village policing was unstable, transfer of authority did not induce a transfer of the activity which councils were best equipped to carry out. Most villages did not receive magistrates, and could not appoint them without court approval.

Councils as institutions have continued to play a central role in dispute processing in more than 100 villages without magistrates. Yet to continue that activity councils were forced to become less "council-like," by earlier definitions, and more court-like by magistrate terms.

Councils confronted a more persistent stream of conflicts of a magnitude and severity unlike the immediate past.

With external punitive intervention less reliable, many councils shifted from bodies of reconciliation to bodies which directed fines and other sanctions at offenders. This shift from council-like to court-like approach was never completely successful. Fines were not collectible. Official support for fining was verbal but never explicit. Young persons challenged council authority.

In the early 1970's troopers began to train village police. In conjunction with the councils, council marshalls had existed as extensions of the council in many places. These new village police, hired and paid by the council, were trained as Western police and charged with reporting felonies to the state troopers and lesser matters to councils. Some reported other matters to the local authority. Others ignored the council.

Still reports from police indicated that by the mid 1970's eighty percent of their arrests resulted in council and not court disposition. In a 1977 survey of 55 villages a quarter of all matters processes as criminal law violations resulted in council or problem board disposition. In other words, village police appended themselves to councils, as adjudicative bodies for minor offenses despite the fact that for the judicial system, councils were illegal institutions.

The irony of the position of the village council by the early 1970's should not be overlooked. As an official matter, the state legal system viewed village council process as an anachronism, a fixture of law ways of a distant past. As an unofficial matter, field professionals armed with mandates from their superiors to carry out impossible tasks of representation, prosecution and law enforcement over distant villages were vocal in their support of what they perceived to be continuing examples of Eskimo justice. Cultural sensitivity or other rationalizations aside, they needed Native community justice systems to resolve their own smaller problems without professional intervention.

An example of a council acting as a court appears in the following draft ordinance of a modern village:

- Sec. 1. Establishment. The Council hereby reestablishes the VILLAGE COURT, which shall exercise all judicial authority for Native villagers provided in this law
- Sec. 2. Organization. The VILLAGE COUNCIL shall constitute the Village Court. Decisions shall be made by majority vote of the Council sitting as the Court.

Sec. 3. Powers. The Court shall exercise the following judicial powers:

- 1) hear and decide criminal charges for violation of Village Ordinances by members, provided that the Court shall not hear cases involving criminal charges for violation of village ordinances by nonmembers;
- 2) hear and decide civil charges for violations of Village Ordinances by members and nonmembers;
- 3) hear and decide disputes between members according to village, state and federal law, or village custom;
- 4) hear and decide disputes between members and nonmembers according to village, state and federal law, or village custom;
- 5) perform adoptions and make foster placements and
- 6) advise State and Federal Courts on matters of village law and custom.

Sec. 4. Enforcement of Decision. When the Court decides a case, it may, where appropriate,

- 1) require a member to serve up to 6 months in jail or a fine of no more than \$500, or both, where the Court finds a criminal violation of a Village Ordinance by a member;
- 2) require either a member or a nonmember to pay a fine of no more than \$500 where the Court finds a civil violation of a Village Ordinance;
- 3) allow a person to perform community work to satisfy a sentence or fine;
- 4) refer a person to treatment or counseling;
- 5) determine who rightly owns property and require a person to return property to its rightful owner;
- 6) require a person to pay for damages to another person's pro-

perty or person; and.

- 7) do other acts according to village law or custom to preserve peace within the village.

The form of western adjudication has not made councils into substantive western courts, informed by a precise set of procedures, limitations, and professionalism. Indeed, according to Conn (7, p. 56),

"...those who saw in village council activity kinds of tribal police courts were somewhat misled.

While IRAs can establish Native courts, the substance and operations of these courts could not be automatically assumed.

Council techniques were originally not explicitly those of Western courts. They did not meet merely to assess innocence and guilt according to preset rules and to punish with fines and jail sentences. (7, p. 56)

In the past, elders would deal with problems not by focusing on individual offenders of custom and rule, but would raise the issue for entire classes of residents (such as all young people) or the community as a whole. Their action would constitute a re-affirmation of communal behavioral standards rather than punitive action toward an individual. As the standards became obscured or behaviors deteriorated, this re-education process was intended to intervene before problems became endemic and destructive. This process was incorporated into council functions.

Conn (7, p. 56-59) reports that:

...council techniques were calculatedly cautious and non-coercive. Persons asked to appear before Eskimo village councils and bystanders both had to be persuaded that council intervention was logical and appropriate. Councils did not enjoy the automatic, unquestionable authority behind badges of Western authority. They were, first, fellow villagers. Councils had to develop a clear, rationale for intervention and for punishment, if merited, on a case-by-case basis.

Council intervention was highly selective. The guilt of deviants who appeared before the council was assured by investigation prior to inviting the deviant to appear.

Councils isolated and dealt with those persons not as likely to be amenable to other more important forms of village social control. Social ostracism was a method of non-intervention of far more influence than council process or even intervention by the trooper. Thus, for persons with roots in the village, and with a desire to remain there and economic and social survival rooted in continuing good relations with village people, the council served merely as a backstop to other forms of non-legal social control.

The village council dealt with problems which had escaped ongoing and more pervasive controls, controls that checked individuals without necessary intervention of others, be they police or merely relatives or neighbors.

Those strangers or persons with limited reasons to maintain a consensus with villagers were usually addressed on several occasions. Deviants were persuaded, educated, counseled and warned regarding village norms. Repeated offenders were fined or put to work, but only after both offender and the community were satisfied that the offender had broken faith with village norms. An attempt was made to "blue ticket" or expel persons who proved repeatedly that they would not abide with village norms.

While the norm of non-intervention into the conduct of others placed special checks upon the operating authority of councils, village councils had a special kind of knowledge that made their selection of deviants far more accurate than the mechanistic selection of deviants by police.

Village councils also had the capacity to see serious problems developing and to recognize their chain of causation. Problems were perceived, accurately, as problems that evolved from and that influenced ongoing relationships.

Councils then were adept at constructing approaches to intervention that focused not merely upon punishment for past acts, but on the deviants' stake in preserving ongoing relationships in the village.

As a legal mechanism, the village council was neatly balanced, between noninstitutionalized methods of social control, and the apparently unchallengeable and often unpredictable intervention of outside authority, police authority meted out without concern for village opinion, village reputation or ongoing relationships.

When the council met to deal with individuals' alcohol-related behavior, it did so within the social norms of the village. (7, p. 59-61)

Social norms had evolved to explain and place drunken comportment in the town and villages. In capsulized fashion, they were these:

First, that a drunken villager and a sober villager were perceived two separate persons. The conduct of a drunken person could not be ascribed to his known sober self. To place the responsibility upon a sober villager for what he did while intoxicated would be to undeservedly stain his social reputation, a reputation based on his behavior while sober.

Drunken behavior challenged the basis of the reasoned village council approach to social deviance. If the community did not blame a sober person for the acts of his drunken separate self, how then could a village council counsel or punish a person for those same acts? The focus of the council's blame, logically, came to rest on the source of the liquor.

A second social norm firmly rooted in Eskimo experience was that a person was not expected to remember what he did or why he did it when drunk. Village councils could not review acts of conduct over which a sober person had no recollection, nor could they fairly assess blame for those acts. The logic of repeated fines could and was questioned. Fines were not logical. The fining agent and not the person fined was made suspect by his unwarranted intervention into the business of a fellow-villager.

Third, the villages recognized that unlike pathological bullies or crazy persons, drunken behavior was temporary misbehavior by a person who was usually well behaved. A sober villager returned immediately to the fold of the village social consensus regarding conduct, appropriate and inappropriate without council intervention. But for alcohol, he was above reproach.

Fourth, the decision to drink was not per se a socially disapproved act which merited intervention. It was an individual decision that effectively shifted the responsibility for making rational decisions to others. Thus, fellow villagers could join the drinking villager by sharing his liquor supply or retreat from the scene in order to avoid him. Control of drinkers required special authority in the person who sought to control a fellow villager.

B. The Role of Magistrates

Without the protective system of previous prohibition and without a culturally-consistent mode of behavior management, councils had little effective control just as major socioeconomic and other transitions were rapidly encountered. Into this gap were introduced the magistrates.

Conn (7, p. 57-8) reports that "villages without duly appointed judges or

lay magistrates were officially presumed by state officials to be without law. What councils did and continue to accomplish to supplement state legal process was viewed as extralegal or even illegal, much to the chagrin of village councils challenged by strangers or young people for their acts."

Magistrates are village residents appointed by the Alaska court system to preside over village cases -- small claims, misdemeanors, and preliminary hearings on felonies. Magistrates have the power to pass sentence on those misdemeanants who plead guilty and the power to try those misdemeanors in which the defendant consents, in writing, to be tried by a magistrate. Magistrates also provide other routine administrative legal services for the village.

Magistrates have very limited powers and legal training. They duplicate, in many ways, the judicial burden that was borne by councils to judge violations of state law and local ordinance. In communities with both councils and magistrates, there is often an uncertain division of labor in the exercise of legal authority. Where they are mutually supportive, the council provides moral support to the socially-isolated position of magistrate and the magistrate relies on the council to help determine penalties appropriate to the offender, the offense, and the community.

The magistrate, like the council, appears to rely more on the form than the substance of western systems of conflict resolution. Their performance seems highly responsive to the norms and will of the village.

It has been suggested that these courts, while rationalizing and coordinating aspects of the justice system, also tend to erode the concentrated authority and counseling role (8) of the council in much the same way that local authority is eroded when the VPSO identifies more with state than local objectives. While the magistrate is likely to give considerable weight to community values and opinion and to formulate more regular procedures of jurisprudence,

the authority under which the magistrate acts derives from the state rather than from the community.

C. Local Law Enforcement

In order for rule of law to occur, both the passage and the enforcement of law are required elements. As there has been a general tendency for villages to delegate rule-making authority to the council, the council attempts to delegate enforcement to its own police, Village Public Safety Officer (VPSO), or state trooper. The VPSO is bound to enforce both village ordinances and state law in the villages; the trooper is bound to enforce state law only. Both the VPSO and the trooper are bound to enforce the local option law. Villages differ widely in their satisfaction with local law enforcement. Those larger communities with city police and/or resident state troopers or constables appear most satisfied with the level, if not the effectiveness, priorities, and methods of local law enforcement. Villages reliant on local VPSOs and distant troopers appear less satisfied because of the burden on the VPSO, the VPSO's perceived skill deficiencies, and the difficulty in obtaining trooper support. Some villages feel that the troopers come only after a major violation has occurred and spend their time building cases after-the-fact, whereas the village is more interested in keeping the peace. As a result the village invests more in its local council, that the council "be on the ball, have lots of meetings, and insist on things being in order."

For some communities, the threat of the state trooper and being sent to jail appears to be a more "viable", important, or effective deterrent than local penalties. This requires a good degree of certitude in the actions and outcomes of the coordinated efforts of VPSO, trooper, and court; as importantly, the outside threat appears to result in greater internal individual and community self-control.

Villages which have adopted an option under the local option law generally

still understand this law to be the "council's law" as enforced, for most practical purposes, by the VPSO or city police. Although the council does not directly enforce the law, it does establish many of the priorities and practices of the VPSO and/or police and does, in the absence of a magistrate, act as a court. The VPSO is the onsite person to support council directions and requires direct trooper assistance primarily when persons ignore the VPSO, the council, and the law.

Many communities feel that the small number and geographic distance of state troopers has led to less certain law enforcement and, therefore, increasing local self-reliance. However, many do not have the resources to hire their own policeman and must rely on the state-provided system. As a consequence, there is often great discontinuity in both obedience to law and in law enforcement. The more tenuous the links between law-making and enforcement, the less consistent law and order become.

Some communities attempt to resolve this problem by engaging more local energy in and support of law enforcement, through support of the VPSO and of the council members as representatives of the community. Because these solutions are also new and often untried, there appears to be great variability over time in law enforcement. As a consequence, the pattern of bad events leading to new ordinances which are effective for only a short period appears to be continuing.

The alternative solution is the local option law which, while redundant in many instances to existing community ordinances, is backed by state law enforcement and judicial processes and appears more permanent due to the electoral form of its adoption. Communities, however, are aware that the local option law did not create more accessible or timely trooper support, more effective VPSOs, or better cohesion between law making and enforcement.

D. The VPSO Program

The VPSO program is a new program, contemporaneous with the local option law; this has resulted in a coupling of these experiments and important interactions between them. While enforcement of the local option law is not a significant proportion of VPSO work (no more than a small percentage of the total law enforcement portion in most instances), the purposes of both innovations include the reduction of the serious behavioral consequences of alcohol misuse. Larger communities require their VPSOs to spend a large amount of time and energy to law enforcement, while in the smaller communities, public safety (fire safety, water safety, emergency, rescue, education) consumes the greater proportion of time. In terms of small village law enforcement, 80% involves alcohol-related disturbances, domestic violence, and other forms of violence. The VPSO provides earlier identification of and intervention into the trends leading to these serious results. The local option law is a tool which assists the VPSO in constraining alcohol which is one of the key contributing factors in these trends. In dealing with alcohol control, the VPSO needs to be seen as representing not only the council and the trooper, but the same community consensus which adopted the local option law. In instances of the control of negative social behaviors, the VPSO needs to be identified with the power of the state trooper since "no one wants to tackle the troopers."

The law enforcement tasks are the most problematic tasks confronting the VPSO because his/her other roles do not require the same level of social control. Community expectations are that the VPSO is to succeed with these serious problems (via observing, intervening, controlling, reporting). This places the VPSO at a high social and physical risk in alcohol-related (therefore, potentially seriously out-of-control) situations, particularly if the VPSO is operating without the close support and direction of both the village council and the supervising state trooper.

Some VPSOs want to be full-time police, rather than fulfill their broader tasks as public safety officers. These "police" VPSOs would, if they could, spend all of their time dealing with disorderly conduct, family disturbances, misuse of weapons, and all alcohol-related assaults and other offenses. Their presence has already contributed to the sense that there are fewer serious crimes and more misdemeanors being reported now.

Some of the communities that rely on VPSOs for law enforcement have had earlier experiences with so-called "CETA cops", local police personnel who lacked sufficient training, equipment, support, and facilities to accomplish community objectives. Lacking detention and sleep-off facilities, these "CETA cops" would often take the drunks off the street and take them home with them. This form of intervention was probably quite ineffectual if one examines the unfortunate public safety statistics of this period. These communities often tend to view their VPSO as being the "babysitter to the drunks", a poor image for the public safety officer as well as a diminished assessment of the alcohol problem in the community. These communities, in reviewing their recent past, appear to have drawn two conclusions: 1) drinking must be made illegal and 2) the babysitters must be traded in for law enforcers.

It appears clear that, in those communities which require assigned formal police powers (unlike those communities which have maintained their traditional forms of authority), the local police, constable, or VPSO constitutes a critical element in providing the certitude of reporting, early identification and intervention, and pursuit of conviction and penalty of alcohol and alcohol-related violations. Underlying this element are several others, without which these officials lack effectiveness:

- council support
- trooper support

- judicial support
- community support
- equipment support (particularly holding facilities and reliable, secure communications)
- remuneration sufficient to family, livelihood, and status needs (in particular, comparable pay for comparable work; sufficient pay to offset inevitable risks and long hours away from family; sufficient pay to offset loss of peer support and to induce reduced turnover)
- continuous skill training, particularly "hands-on, on-the-job training" in the home community in areas of both practical law enforcement and the practical interpretation of legal language and procedure.

These findings are consistent with those of Conn (7, p. 84) who reported that:

"Where the police were most effective, they found support in strong councils. The councils, in turn, were prepared to deal with alcohol-related conduct before it had turned violent because these communities were also prepared to do so. Both the councils and police were capable of intervening while problems were still minor ones.

What rationale developed to allow for successful intervention into the drinking behavior of other persons? It appears that policing at the village level was successful where both constables and councils shared with the community - both drinkers and non-drinkers - a belief that intervention before violence occurred was appropriate.

Without this shared attitude, the Native policeman was required to endure violent responses to his new role without reinforcement by village councils."

There is a very broad range of on-the-job problems confronted by VPSOs, including low pay, long hours, limited training, limited local support, limited external support, lack of legal training and expertise, and so on. Village and city councils, while disturbed about the high turnover rate among their initial VPSO incumbents, are still invested in obtaining real VPSO support.

One problem confronting councils and their VPSOs is often a discrepancy bet-

ween them on their desire and ability to set and enforce rules. This does not appear to be a value conflict, but a time lag between these desires and abilities. A council that moves slowly in establishing and enforcing local laws will frustrate an ambitious VPSO by denying him/her the direction and support desired.

Alternatively, a council may have more demands of a VPSO than he/she is prepared to provide. VPSOs require clear direction and support from their councils, in the form of paper instructions, instructions to the community residents, physical support (such as deputies), all of these in addition to the requirements placed by the state and the supervising trooper. One respondent suggested that his community voted to go "dry" but would prefer not to be dry. He knows this because the VPSO gets very little support in enforcing the local decision. The power structure of the community opposes strict enforcement, thus resulting in no enforcement. The VPSO needs a clear majority in support in order to enforce. Otherwise he is alone, threatened by bootleggers and buyers, and so on; these dangers are a current reality in some communities.

Since the role of the VPSO is one of a classic peace officer, his primary responsibility is to act on behalf of village standards and authority; if the village does not support him personally or if the laws are not consonant with village objectives, purposes, standards, or methods, he has no function. To the degree that the council supports the VPSO, the lawful actions of the VPSO are depersonalized (that is, removed from him/her as an individual person) and made communal (that is, acting in the place of and on behalf of many or all the residents).

In the same way that the VPSO avoids individuation by acting as the agent of the council, the council avoids individuation through group action. This is most clear in those situations where council members and others actually accom-

pany the VPSO in difficult situations.

The VPSO also requires the support of the state trooper, whose agent he/she is, as well. The VPSO needs to be seen as having the weight of the external authority behind him/her, even though that authority is not directly present but only implied.

Finally, the VPSO may need the presence of and community support for a local alcohol control option. Since the authority of the local electorate and the local council seem enhanced by the VPSO and the local option law, they appear to be mutually supportive. In fact, it is probable that the local option law, without a local enforcement person like the VPSO, would not succeed in a number of villages. Conversely, the VPSO, without the legal tool of the local option law and the authority of the state, would have a difficult time constraining the behaviors and the substances not already constrained by village ordinances.

The VPSO's response to the enforcement of the local option law is dependent on who that individual is, why he/she was selected, and the stand taken by those who selected him/her. An individual selected because of his/her reputation for supporting law and order by a council that strongly supports the enforcement of the local option law will be an effective law enforcement officer. An individual selected without regard for the fact that he/she is related to several bootleggers, has done some small time bootlegging, and has a reputation as a "partyer" would be predictive of less effective enforcement.

The villages and the contracting agencies try to hire non-drinkers, in order to have VPSOs who are less likely to turn to alcohol when they are under great stress. A VPSO who drinks in public, who drinks to excess, or who has other drinking problems that come to the attention of the community, makes it harder for the VPSO to enforce laws controlling alcohol or behaviors "excused" by alcohol. VPSOs tend to do their drinking outside of the community (hopefully where they won't be seen or reported) or in the privacy of their homes. Much of the

turnover in VPSOs is attributed directly or indirectly to the use of alcohol, because it has affected their performance to a point where the council finds it unacceptable.

The VPSO does not appear to have a special problem enforcing the local option law among friends and family because all of the VPSO's enforcement contacts involve friends and family; indeed, most involve alcohol as well. Again, the more basic issue is "who" the VPSO is. If his own personality, family identification, loyalties, or drinking behaviors rule his work role, he is prey to accusations of selective enforcement, double standards, factionalism, and disloyalty.

The growth of local police and public safety functions, as presently constituted, funded, and administered, has so short a history that it is difficult to draw firm conclusions about their ultimate merits. Nonetheless, respondents in this study, while readily admitting many of the serious problems confronted in the early implementation of new systems, continue to assert that these systems will be required in the future. They are troubled by perceived deficiencies, as noted above, but suggest that improvements in these and other areas (such as candidate screening) will result in more professional personnel, a lower turnover rate, improved law enforcement practice, and better communications between citizens and law enforcement personnel on issues such as selective enforcement and interpretation of existing law.

It is difficult to assess the meaning of the high turnover rate among the initial set of VPSOs. The factors which contribute to turnover include:

- individual failure or inappropriateness
- inadequate compensations
- high social costs (loss of peer relationships, family relationships, personal drinking, threats, and so on)
- inadequate council and community support
- inadequate trooper support and training for the required tasks.

It is important to note that the high turnover rate is not an indication of program failure. It is an experiment for the VPSO, the state troopers, and the community. For the individual, it may be the first serious work experience and may overtax the capabilities of that individual; he/she is nonetheless introduced to new work experience, new skills, and new self-awareness. Other VPSOs are lost upward, through upgrading to village or city police.

For the community, the council may see the VPSO as just another wage-earning opportunity for one of its unemployed residents or a political or family plum. By the time the initial VPSO leaves his work or is terminated for cause, the community may have discovered a greater purpose for the VPSO and be more careful in the selection and more supportive of its second incumbent. It also retains, in the person of the former VPSO, some of the important skills learned by that person. For the state troopers, lessons are learned which lead to the modification of the program to solve initial problems. They also have available a pool of persons in the villages who have more specialized training in law, law enforcement, and public safety which can provide long-term benefits, if unmeasured, to long-term community welfare.

Most villages want the trooper rather than the VPSO to handle the serious alcohol violations; it is easier to have an outsider do the enforcement, since local social constraints do not apply to troopers. This preference depends somewhat on the amount of power given to or available to the VPSO, his personality, his geographic and/or cultural origins, and his position in family and cultural obligations. The more "outside" a VPSO is, the more like a trooper he appears.

In summary, the relationships among the local option law, the city or traditional council, the village public safety officer (VPSO), the state troopers, and the local or regional judiciary are critical. Adequate enforcement depends upon the mutual support between the council and the VPSO and the mutual support

between the VPSO and his/her supervising state trooper. The relationship between the VPSO and the council requires a clear commitment of the council to actively and publicly support the VPSO's mandated responsibility. The relationship between the VPSO and the state troopers requires the troopers to provide extensive and continuous skill training, close supervision and directions, short response times, and direct physical support. The more isolated the VPSO is from council support or from close trooper support, the less likely that the VPSO will be seen as an effective enforcement person and the more likely that the VPSO will not remain at the job. The actual numbers of VPSOs may be less significant than the maintenance of these mutual support systems.

E. The Role of Religion

Religious beliefs play a multi-faceted role in both alcohol use and alcohol control in village Alaska. Most major religions strive to control the excessive use of alcohol and the behaviors resulting from that use. Enforcement is achieved less through the threat of punishment than through the shame that would result in being caught.

Different religions and ministers of different religions also differ on the importance they attach to the ban on alcohol. Some religions apply very strict standards on their members on a year-round basis, some are more tolerant of its use, and still others have standards that vary during the year. For example, while Lent is a period of abstinence in many churches, the periods immediately preceding and following Lent are commonly periods of excess.

Religious beliefs can be, concurrently, a mechanism for alcohol control and the rationale for increased consumption. These apparently conflicting forces are reconciled when viewed in the context of the ceremonial role of alcohol. Alcohol is often used, for example, as a component of celebration. Having completed prescribed periods of abstinence, a celebration is often called for.

Villages that are described as "very religious", in which the church members are also community leaders, commonly exercise a great deal of social guidance and control over other residents; they appear to be able to exact greater conformity through both secular and spiritual pressure. The continuity of strong church presence and leadership is often a key factor in villages' ability to retain the goal of alcohol control and to maintain efforts in behalf of this goal. The support of other members of the church and the power of prayer are often mentioned as key elements in "saving" village members from alcohol.

F. External Forces and Supports

There is no evidence to support an argument that the local option law, the VPSO program, or any other single action or program is responsible for the perceived improvements in quality of life for those villages that see improvements. It is more likely that many concurrent actions and events are combining to generate this impression. Other factors include health programs, alcohol prevention and treatment programs, revenue-sharing, growth of local government, slowed outmigration of young people, increased employment, positive changes in demands on and performance of leadership, increased community goal-oriented activity, and increased health awareness and practices (diet, sleep, exercise, relaxation, social ties, stress management through time-outs, absences from villages, subsistence).

Negative changes include the desire for instant solutions to problems, promoted by agencies and television. Many villagers desire a pill or a shot and other magic to instantly cure problems. They are dismayed when they are told how much their community and personal lifestyles have to change. The problems, they have been told, have been determined by society, so society is expected to fix it.

The range and quality of new supportive services are not distributed equally

through all regions and villages. Their presence is due to a combination of factors including the village knowledge of the service, their desire to have it, the responsiveness or assertiveness of councils and non-profit corporations, the ability to receive legislative (and therefore financial) support, and so on.

There is no basis to demonstrate that communities which receive such service are better because they receive the service; it may be that the healthier a village is, the more likely that it is to seek and receive services. Thus, it may be that the less disabled communities need support services less than other communities but can put them to better use. Once a community has determined to acquire control over its problems, the services appear to interact to move it faster but in the same direction. Services without preceding community determination will not create the determination. The source or impulse of the desire to exercise such control is unknown.

The regional non-profit corporations often constitute the villages' best support team in acquiring new services, since many village health, alcohol, public safety, and social services programs are contracted to and through these corporations. These corporations operate according to the particular character, needs, and politics of their regions. For example, some have been quite outspoken and aggressive in "assisting" their villages to hold local option law elections.

The regional profit corporations, while having a smaller chartered role in supporting the social and cultural well-being of their shareholders, have also exercised some influence in stemming the rise in alcohol problems. In some instances, corporate economic decisions have been made subordinate to the effort to control alcohol. These corporations can be a powerful ally to villages seeking control over regional retailers.

There is a wide variety of alcohol treatment and prevention programs in the

different regions and regional hubs of the state, as well as village-designed and village-based programs. One of the most prominent programs provides Village Alcohol Education Counselors (VAEC) to subregions in the Yukon-Kuskokwim region. The tasks of counselors include working with individuals and families with alcohol problems as well as provide educational opportunities for the community, in particular the school children, on the dangers of and solutions to alcohol abuse.

In the Yukon-Kuskokwim region, a village must develop an active alcohol council before the regional health corporation will fund a VAEC. This requirement recognizes the need for tangible, if not unanimous, community support before inserting yet another service provider. In many villages, the alcohol counselor must adopt a very low-key approach to the problem, due to the sensitivity of and lack of community consensus on alcohol.

There does not appear to be any discernible relationship between a community having a VAEC, an alcohol council, or a VPSO and holding a local option law election. There are probably too many other factors which can account for lack of, including other forms of local control, concern about state troopers, different perceptions about the severity of the problem, different modes of consensus, and facticism.

Although having an alcohol counselor and an alcohol council does not predict a community's holding a local option law election, a strong counselor and supportive council can keep the community's attention actively focused on the alcohol issues and produce local efforts in behalf of their solution. While it is unlikely that having a VAEC will produce a local option law election, the spirit that underlies obtaining a VAEC is also likely to support effective controls on alcohol.

Other external supports include the State Office of Elections, the Alaska Legal Services Corporation, RurALCAP, the Department of Community and Regional

Affairs, the Department of Public Safety, the Department of Law, and the Alaska Court System. The Office of Elections is significant in that it supervises the procedures and certifies the products of local option law elections. The Alaska Legal Services Corporation (ALSC), through its Alcohol Project and its field attorneys, has proved vital to the dissemination of detailed legal information to villages and to other support agencies. The Department of Community and Regional Affairs will be largely responsible to respond to village inquiries about the law as the ALSC special project is closed. ALSC has ensured that there will be continuity in support of villages' information needs, that other agencies will be there to answer their questions, and that a variety of materials will be readily available as support documents to community considerations.

The state law enforcement and judicial branches will be responsible for completing their separate obligations as required by the local option law, to see that the enactment of options is not an empty gesture by villages. They are also in the difficult position of encouraging villages to adopt a variety of appropriate and necessary alcohol control measures as long as these measures are not illegal or excessively extra-legal; they do not want to be caught in the position of sharing a village's values, but having to side against the village in civil rights disputes.

The most important immediate representative of external support is the Alaska State Trooper. Although the selection and training of troopers are of a very high order and the entire service viewed as exceptionally professional, the troopers are so thinly spread throughout the Bush that the entire service is assessed on the basis of each village's direct experience with "its" trooper. This trooper is judged by the community's demands and expectations, the trooper's own personality and problem management style, and the limitations

imposed on him by state law, his supervisor, and environmental conditions. As a consequence,

- some are viewed as an immediate safeguard for villages
- some are viewed as far too few, distant, and busy to constitute a viable deterrent
- some are viewed as too interested in post hoc criminal investigation and too uninterested in deterrence
- some provide a range of extra-legal supports, such as the trooper who, while cautioning the community against illegal laws and practices against members, still counsels the community offender and puts him on notice that the trooper is watching him closely
- some provide insufficient support, as viewed by the community, such as the trooper who was asked to explain how the local option law was best established, implemented, and enforced and who replied, by phone, "Make up your own law."

It was reported that troopers stationed in rural areas were familiar with and supportive of the local option law. Later, we shall note in what ways troopers attempt to assist villages in their own control of alcohol. However, within the villages there was a general disappointment that trooper support of village rule and control of developing situations were so limited and late.

This current evaluation was not unlike that found in the early 1960's:

Critical to the operation of the system was effective state backing. What council presidents and village residents discovered was that the State Police were capable of dealing only with the limited number of violent occurrences and not with lesser offenses that could lead to violence. Many requests for assistance went unanswered." (7, p. 24-5)

Two other critical elements in external supports are those alcohol distributors and commercial carriers who serve villages. Generally, the local and non-local retail distributors and carriers appear to positively respond to the new

restrictions imposed by village adoption under the local option law; indeed, in the past, many distributors and carriers, with a few noticeable exceptions, were reported to have responded positively to village letters informing them of ordinances announcing restrictions on importation. Distributors and carriers appear to honor these restrictions up to the point of violating the rights of buyers and travelers. They suggest that it is really up to the villages to take action once the alcohol has been purchased or delivered.

Air charter services appear to accede to community restrictions on alcohol importation whether these restrictions result from ordinances or the local option law. (The strength of the community feeling may be more significant than the language of the ordinance.) Air carriers were assisted by the specificity of the new law which not only authorizes, but compels, them to restrict the alcohol-importation actions of passengers and the contents of cargo. Previously, these carriers did not want to assume the liability of coming between the rights of passengers and the wishes (via local ordinances) of villages. The air carriers now bear the presumption of importation if they knowingly transport alcohol even though they do not intend to deliver it to an intermediate dry village. Carriers, it is reported, have created paperwork difficulties which increase the burden, time, and risk involved in illegal importation.

For the purposes of effective enforcement, some police would have preferred being able to pursue all the elements in the chain of handling which have been put on notice about restrictions on importation and which know or should know that their actions violate these statutes. These elements include -- alcohol advertisers, retailers, mail and phone order suppliers, all handlers and transporters, and receivers.

IX. The Form and Limitations of Local Ordinances Governing Alcohol

In addition to persons and institutions exercising social controls over alcohol, social controls have been written into formal ordinances and rules. For many years, city and village councils have used ordinances and rules to control a variety of aspects of community life. Many of these ordinances have been poorly drafted, violated either state or federal law, and have proved to be unenforceable by villages, due either to lack of state law enforcement support or successful challenge by residents or non-residents. Conn (8, p. 39-41) reports that

Villages have requested assistance in the drafting of their own town statutes. They realize that some skilled professional advice is necessary in order to make the laws enforceable within the state system and to allow them to meet local problems, remedies and reasonable sanctions.

When ordinances have been sent to Juneau to an agency constitutionally obligated to help towns and villages, they have been filed away without comment. Villages have been left in a legal never-never land as troopers and state officials refuse to apply village ordinances. Even village magistrates scorn village ordinances.

No single area of village lawmaking has suffered more from this inability to discover and frame ordinances capable of support and reinforcement than the realm of alcohol control. This can be of little surprise when one realizes that until 1953 Alaska law prohibited sale to or purchase of liquor by Alaska Natives. With its repeal and the coming of statehood, in 1959, village councils discovered that their own bans on possession of liquor in villages were not officially lawful. In the early 1970's public and private drunkenness statutes were decriminalized. While towns responded with vigorous law enforcement under the guise of "protective custody," villages lacked this option. What had occurred was the removal of territorial and later state legal support for preventive actions which villages were capable of carrying out to anticipate and avoid liquor related violence.

Villagers were told to turn back to "the old ways" and draw upon a village consensus on possession backed by village law. But the "old ways" were formed out of a coalition of white and Native authority. The "old way" did not contend with prepaid orders by telephone, improved air and land transport and wage opportunities of a younger generation as demanding of their official legal rights as other Alaskans.

In response to this breakdown, villagers looked for support from each "legal expert" who flew in. Few visitors were prepared to discuss legal options available when prohibition was not. Most took the path of least resistance and gave verbal support to searches at the airport and other village remedies. It was, after all, "their village."

Villagers discovered that it was almost impossible to draft ordinances which directly accomplished the villages' purposes and still met externally-imposed legal requirements. Among villagers' unpleasant surprises were:

- the inability to ban possession or use of alcohol, marijuana, and other substances under the individual's right to privacy; possession, use, and privacy are not viewed as rights but as "loopholes" by villagers
- the inability to search and seize cargo, luggage, and property on the person of or in the homes of individuals
- the inability to require state enforcement of local ordinances
- the inability to require state enforcement when local fines for violation of local ordinances have not been paid
- the inability to pass more effective bans on bootlegging and contributing to the delinquency of minors than existing state legislation
- the inability to ban the making, possession, and use of homebrew
- the inability to expel or banish residents for violation of ordinances or prohibit the return of convicted offenders
- the inability to ban only certain alcoholic beverages
- the inability to limit the amounts of imported or possessed alcohol
- the inability to limit importation to certain seasons
- the inability to limit the importation of possession by specific persons
- the inability to make rules that were more lenient or more strict than those of the state (7, p. 7)
- the inability to curtail the civil and procedural rights of individuals, even for their own safety
- the inability to protect villagers from arrest for violating the civil rights of other citizens.

In effect, villages were thrown on their own devices yet told they had very few of them. Conn (7, p. 7) reported on a 1962 meeting wherein a public official said that "the villages, legally, cannot have an ordinance that will conflict with the State laws, but she felt that the village councils can make their own rules and make their own punishments as an unincorporated village."

In order for the troopers to act in support of the village, the violation would have to be re-cast as a violation of state law. For example, since the state does not allow villages to ban the making of homebrew, the trooper will intervene only when the maker sells the homebrew or gives it to a minor; so the call from the village to the trooper "suggests possible sale to minors."

Some ordinances are redundant to already existing state statute, such as ordinances prohibiting the sale of alcohol without a license. These actions are probably due less to ignorance of state law than to a village desire to symbolically embrace this ban and re-emphasize the great concern about bootlegging.

While villages have passed local rules and ordinances for many years, apparently many incorporated villages did not know that they also had the ability to pass emergency ordinances governing alcohol. Emergency ordinance-making is a power municipal governments have to enable them to deal with or abate short-term crises, such as unsafe timbers on a dock. Stretching the intent of the statute, no doubt, this power was used by city governments to ban alcohol importation for a period of 60-90 days. This enabled an immediate, temporary solution to local governments. Following the enactment of the local option law, this power was removed, thus requiring a lengthy time delay between problem-recognition and effective action and resulting in a semi-permanent solution to a potentially short-term or seasonally intermittent problem. While in some cities the passage of emergency ordinances banning importation of alcohol was seen and treated as permanent and had long-term positive social outcomes, most communities and, in particular, their younger members clearly understood the limited nature of the ban; they treated the ban as illegal, invalid, and unenforceable, thus eroding the basis of consensual law.

The power to pass emergency and standard ordinances on alcohol use and behavior was important to villagers because it was used to isolate exactly those

actions hanning the community, to limit the ability of distributors and carriers from delivering alcohol, and yet avoid the implicit immediate threat of trooper involvement and penalties imposed by non-local courts. The "emergency" nature of these ordinances does not appear to have been a frivolous use of power. In some instances, the emergency occurred on a regular, intermittent basis (such as fishing season when outsiders appeared, or during major celebrations) making regular intermittent bans appear to be a reasonable response. In other instances, communities were indeed responding to novel emergencies.

The basic arguments for passage of emergency ordinances against alcohol have been:

- alcoholism is epidemic
- violence and public disturbance are out of control
- visitors from elsewhere have overloaded the ability of the community to deal with their drinking and related problems
- availability of alcohol is too easy and rapid
- alcohol-related problems "jeopardize the wellbeing of families, the employment of individuals, the stability of businesses, and the health of individuals."

Although this use of an emergency ordinance may stretch the "intent" of that power, the effect has been that the community perceives itself as having banned alcohol and residents reduce their overt importation activities and attempt to conceal their drunken comportment from other community members.

Below are presented two examples of preambles to emergency ordinances:

In recent weeks problems directly related to the availability of alcoholic beverages have increased. Residents from outlying villages as well as residents of the City of...are able to obtain sizeable quantities of alcoholic beverages within three to twenty-four hours. The size and numbers of the shipments indicate that much of this alcohol is being sold in violation of local option and consumed in..., causing problems of violence and vandalism which the City is not in a position to control. Alcoholism is becoming epidemic in...,

jeopardizing the wellbeing of families, the employment of individuals, the stability of businesses and the health of individuals. The only viable course open to the City at present is to stop the importation of alcoholic beverages into City limits. Because the need is immediate and requires quick action, an emergency is declared.

The City Council recognizes that the over-consumption of alcoholic beverages is responsible for an increasing amount of violent incidents which often cause severe personal injury or property damage and also contribute to the breakup of families, the neglect of children, wife abuse and other problems. Alcoholism has in recent months been the direct or indirect cause of a number of tragic deaths in and surrounding... Alcoholism has also been jeopardizing the stability of businesses, the employment of individuals and health, has contributed to considerable vandalism and has generally caused the quality of village life to decline. The sale, in violation of local option, of bottles of hard liquor has been a major factor in most of the above mentioned incidents. In most cases, it has been hard liquor rather than beer or wine, which has caused the majority of severe problems in our community. Recognizing that a critical problem exists and at the same time not wishing to overly interfere with the rights of individuals, the City Council wishes to address the problem by prohibiting the importation of hard liquor only, thus continuing to allow the importation of wine and beer. Because the need is urgent and the Council wishes to reduce the danger of alcoholism before the boating season begins, an emergency is declared.

The passage of ordinances did not cease with the enactment of the local option law nor even with local option law elections in the villages. While in some instances, a local option law superceded existing ordinances, in other instances it led to a spate of new ordinance-making. Some of these ordinances were seen to modify, by specification and council action, the results of the election. There is no basis in the law for such modification. In other instances, the ordinances specified the fines to be levied on misdemeanor violations of the local option law. In still other villages, the local option law was used as a backstop; that is, the communities would enact their own desired ordinances governing alcohol use, importation, and behavior with the threat that, if violators repeatedly ignored these ordinances, they would be reported to the trooper for violating the local option law.

It is noteworthy that these ordinances are sponsored not only by the city or village council, but by other community institutions:

- "the 1983 new X Village Council and X Women's Council have met and decided to reinforce the Village Liquor Law. This Ordinance is supported by the Village Council, Women's Club, and the State Trooper."
- "Joint agreement in session made by both city council and IRA council members of X ..."

The following are examples of some of the legal and illegal ordinances passed by some Alaska villages. They are presented to show the variety and intent of villages and some of their awareness of legal limitations:

- Any person seen or reported to be drunk and disorderly in a public place be immediately removed to his or her place of residence by a police. If this person is violent or in any way resists such removal, person will be taken into protective custody within the City Sleep-off Center until such time as the person is able to be released at no personal or community risk. Additionally, if the return of such a person to his or her place of residence is seen to cause a safety hazard of any that person will be similarly confined to the City Sleep-off Center.
- The police officer in charge of the situation may take any steps to ensure the safety of those involved, including body search, confiscation of all potentially dangerous objects and the use body restraints needed for safety purposes.
- It is not necessary for the City Police to bring in (the) complaint for the ordinances to be enforced. The Council may and will act on its own initiative or on the complaint of any private citizen.
- Confinement to the City Sleep-off Center will constitute protective custody. In no such case will an arrest be made or any entry made into that person's criminal record in regard to such confinement.
- Baggage coming in at the airport, or river front may be checked by the police only if the police have clear, specific reasonable cause to believe that such baggage may contain hard liquor. Clear and specific cause is defined. A person's private baggage which does not show any obvious sign of containing hard liquor may not, under any circumstances, be inspected by the City Police or other deputized person.
- All persons taken into protective custody and confined within the City Sleep-off Center shall be billed for the costs of such confinement, as determined by the City Council.

- It shall be unlawful for any person in the City of...to carry, conceal or transport any open bottle, can, or other container of intoxicating liquor or beverage; such open container being defined as a container, bottle, or can which has a broken seal or which is in some other way obviously open, on any person in a public place as defined in Section 2 or in any automobile, or on a boat, or on a snowmobile, three wheeler or any other vehicle.
- It shall be unlawful for any person(s), firms, partnership or corporation to bring any alcoholic beverages to the City of...by ALL means (such as personal carrier, luggage, mail order, air freight, etc.).
- It shall be unlawful by any person(s), firms, partnership or corporation to possess, consume or conduct in disorderly manner due to intoxicating beverages within the City of...
- It shall be unlawful for any person to motivate or induce another person to furnish him or her with any intoxicating liquor or beverage.
- It shall be unlawful for any person to consume any intoxicating liquor or beverage in any public place; be it an alley, street, restaurant, recreation hall, or other business establishment.
- Any alcoholic beverages brought into or found within the City of...shall be confiscated. Upon conviction of the violation of this ordinance, any alcoholic beverages which were confiscated shall be destroyed.
- Disorderly conduct, whether or not under the influence of alcohol, is prohibited in all public places, public functions (movies, dance, etc.), and in the homes of other people. Violations are subject to a fine of not more than \$100 for each offense or, at the discretion of the City Council, work at a rate of \$2.10 per hour until the fine is paid.
- It is prohibited to discharge a firearm while under the influence of alcohol, or to threaten a person with a firearm, knife, or any other weapon, whether or not under the influence of alcohol. Penalties shall be a fine of not less than \$100 nor more than \$500, or immediate referral to State Troopers, at the discretion of the Council.
- It is prohibited for a minor to drink alcohol or to inhale the vapors of volatile liquids (gasoline, etc.). Anyone who does will be restricted from movies and other activities and will be made to work as the Council sees fit. Anyone who willfully furnishes alcohol to a minor is subject to the same penalties as for ordinance 1.
- Anyone making alcoholic brew without a license will be reported to the State Police. (7, p. 4)
- No alcoholic beverages may be imported into the city limits of...except for the following:
 - A. Alcoholic beverages used in religious services.
 - B. Alcoholic beverages ordered prior to the passage of this ordinance upon proof of the date of order.
- No Alcoholic Beverages may be imported into the City of...except for the following:

- A. Beer or Wine.
- B. Other Alcoholic beverages ordered prior to the passage of this ordinance upon the presentation of proof of date of order.
- It is unlawful to bring in, send, or order by one person or charter more than 2 1/2 gallons of hard liquor or 3 cases of beer or 3 gallons of wine within one day. (10 quart bottles or 1 case of 5ths).
- ...can only bring in or possess 3 bottles or more than one case of beer.
- If a man is drunk and makes trouble, will be stopped by the council and if he does not obey the council will be fined \$10.00. (7, p. 4)
- If anyone from any other village should get drunk in town or making trouble, should be fined \$10.00. (7, p. 4)
- Person contributing alcohol or liquor to a minor will have two (2) charges against him, both Village Law and State Law.
- Anyone of age transporting liquor to the Village of..., or appearing to be under the influence of alcohol will be prosecuted as follows:
 - 1st Offense: \$150.00 Fine
 - 2nd Offense: Will be reported to the State Trooper.
- Any teenagers appearing to be under the influence of alcohol will be prosecuted as follows:
 - 1st Offense: Will be brought before the Council with the parents.
 - 2nd Offense: \$50.00 fine
 - 3rd Offense: Will be reported to the State Trooper.
- All fines must be paid within five (5) days.
- Fines
 - Section I
 - 1. \$150.00 or 25 hours city work within one week
 - 2. \$200.00 or 33 hours city work within one week
 - 3. \$250.00 or 41 hours city work within one week
 - Section II
- Minors must appear before Council with parent or parents for probation and/or city work program.
- ...is a Dry Village.
 - Therefore, there shall be no drinking any alcoholic beverage of either store bought or home made.
 - Therefore, there shall be no alcohol beverage brought into the Village by any kind of transportation.
 - Anyone breaking either one of the above rules in the first offense will be warned of rule number 3 by either the village police or council members. He/she will be recorded in the book.
 - Second time who was warned before will be fined not less than \$100.00 and put to work in the village, any work detail made by the village council.
 - This will also effect anyone from other villages.
 - In either case any damage done will be paid for and fix the damage done by the person.
 - Please note that we have you in our (file) book, which means that we (the council) will enforce these laws next

time you are seen drunk.

We hope not to do this but you give us no choice.

Reservations exercised even greater restrictions. For example, the Council of one reservation ordained that:

Sec. 1. It shall be unlawful for any person to bring in or aid in bringing by any agency, intoxicating liquor in or onto (the) Reserve.

Sec. 2. It shall be unlawful for any person to barter, give or sell intoxicating liquor on (the) Reserve.

Sec. 3. It shall be unlawful for any person to have in his possession intoxicating liquor within the jurisdiction of (the) Reserve; the term "in his possession" shall include intoxicating liquor in the home, residence or abode of any person, and also upon the boat of any person within three thousand (3000) feet of the above line.

Sec. 4. The term "intoxicating liquor" as used in this ordinance shall be deemed to include whiskey, brandy, rum, gin, wine, ale, porter, beer, hooch, and all spiritous, vinuous, malt, and other fermented or distilled liquors fit for beverage purpose and having an alcoholic content of more than one percent of alcohol by volume.

The power of incorporated villages to fine persons for violations of local ordinances is of interest. Conn (7, p. 12-3) reports that, in 1962, shortly after statehood:

"To the further surprise of some councils who had emulated territorial commissioners and levied fines, state police officers now informed them that this authority, along with the authority to prohibit manufacture of homebrew did not enjoy overt support of state legal officials. The council's fining authority had given them symbolic identity with other mechanisms of white law such as the Bethel commissioner. Now it appeared that this method of identifying village legal power with state legal power would not be supported by state legal authorities. It appeared then that the only basis of authority to be found for this form of alcohol control would be through uniform action among the Eskimo villages and not from state law."

The significance of Conn's choice of language -- "overt" should not be ignored; repeatedly, state legal officials have encouraged villages to take advantage of all of their options and tools to combat the serious threat posed by alcohol and have informed them of the severe limitations on such actions posed by state and federal law. In effect, their message has been heard as "Do what you must, don't let us catch you doing it."

Conn elaborates further that, while villages were concerned that their fines be uniform with one another and with state penalties, a reasonable act of equity, the state was concerned about informing villages that they were not allowed by law to fine offenders, unless the offenders are agreeable to pay the fine; that is, villages only have power if members and others voluntarily consent to that authority. The villages fine offenders in order to deter them from future offenses. When the villages ask for trooper assistance in enforcing the fines for purposes of deterrence, the trooper can work only on a criminal complaint itself, not on the fines.

When a community sees that its ordinances and enforcement methods are effective in accomplishing community aims, it tends to keep these same systems rather than experiment with other methods. Thus, some communities feel that the state support provided by the local option law and the limitations contained within that and associated laws would be a step backward in terms of community self-determination of purposes, goals, methods, and autonomy.

The effectiveness of ordinances and enforcement appears to decline over time, due to changing community priorities and the assignment of enforcement responsibility to individuals. This decline is stemmed somewhat by council elections, circulated petitions, and other regular opportunities to discuss, amend, adopt, and advertise public policies, laws, and ordinances. While the community is often in a hurry to solve its problems and hopes for immediate positive changes in response to public actions, most community members accept that change cannot completely occur overnight and that it may take two or three years of concerted and repeated action to finally effect the change.

A significant number of villages appear to be finding that the real-life outcomes of the local option law have been positive, so far. On the other hand, many feel that the framing of the law was in many ways inferior to the creative

and flexible council-designed, enacted, and amended ordinances already on the books. Some of these legal, extralegal, and illegal alternative responses have been mentioned earlier. One issue that was raised repeatedly was the villages' inability to limit rather than totally prohibit importation; the villages tend to be more concerned about the importation of cases of alcohol than about bottles of alcohol. Some feel that there would be more community unanimity over limited importation than prohibited importation, because many residents do not want to be hypocrites and vote for laws they know they themselves are going to break. They also note that cases of alcohol are more visible, more open to resale, more likely to find their way to children, constitute a more publicly flaunted use, and can be prosecuted easier and without testimony from family and friends.

As a result of the inflexibility of the local option law compared to village-designed methods, the Yukon-Kuskokwim Delta Mayor's Conference in 1982 passed a resolution specific to this perceived inflexibility. It states that:

WHEREAS, allowing local communities maximum flexibility in dealing with alcohol related problems within municipal boundaries is in the best interests of community residents, and
WHEREAS, reflecting those feelings, some Municipal Councils have enacted ordinances which have selectively prohibited the importation of certain types of liquor or regulate the amount of liquor which may be imported into a village at any one time or during any time period, and
WHEREAS, the State has taken the position that such ordinances are not an acceptable option and cannot be recognized under state law, and
WHEREAS, the more flexible options mentioned herein have been tried and found to be workable in other areas outside of Alaska,
BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE:
That the State Legislature consider amending the State Alcohol Local Option Laws to allow Municipalities greater flexibility in dealing with their local alcohol related problems.

Community concern with the local option law has, perhaps, been best expressed by one community opinion which reads, in part:

Our City Council has taken full and serious consideration

of the use and abuse of alcoholic beverages in our community. After reviewing our situation last fall we signed into effect a city ordinance which limited importation of alcoholic beverages to our city. This ordinance has worked very well for us. We feel it has been a positive step in the right direction. The ordinance has not stopped the abuse of alcohol, but it has remarkably slowed it down. After careful research of the alcohol abuse problem in our community we decided that all the state and federal programs, bits of legislations and community health programs which are available to village community's to "help us with our alcohol abuse problems" simply do not meet our needs. They are not good enough for us.

We needed to make some kind of a stand and enforce our own city ordinance to take care of our own "problems," in our own way, to meet the needs of our people at that particular point in time. And this is what we did.

Legal complications have sprung up as we continue to enforce our ordinance. The worst of these, and the most disappointing is that outside of...City boundaries our ordinance means nothing. We do not have the legal support of the state to penalize air charters for any illegal cargo they may carry to our village which exceeds limits as stated in the ordinance.

This is where our "alcohol problems" persist. We have written letters asking the local air charters to help us in our alcohol control endeavors. A few have, a few have not. For those who continue to bring in the illegal cargo we can do nothing against them. We have even been told our ordinance has no power over the pilot and his air charter who land within municipal boundaries with any kind of cargo. This does not seem right or fair. We cannot get the state support that we would like when we are trying to do something that we feel is helping our community best.

Now Legal Services has informed us of Senate Bill #65 which was signed June 19, 1981 and "allows each village in the state to begin the process of holding local option elections to do something on a local level about alcohol use and abuse." In order for us to get the legal support of the state we would need to adopt one of the four local options as stated in the senate bill.

After reviewing the four options by the City Council and the Village Public Safety Officer we feel that the state's new Senate Bill is not good enough for us. It does not meet our needs. Most of all, it definitely is not a "step in the right direction," for us. Any of the four options would do more harm than good.

Still we look for state support of our local ordinance, and still Legal Services replies that in order to create some "real" action concerning alcohol control in our village

we should promptly adopt one of the four local options. Our city ordinance, no matter how insignificant it may seem to the number of agencies that attack its strength, it fits our needs better than any alcohol control legislation ever created. As far as we can determine, the rate at which we as a city council are taking control of the importation of alcohol is the best we can do for ourselves right now. The very best. Any positive change it creates should be exemplary to the state legal systems. We would hope that if other villages would adopt an ordinance such as ours that they would be successful.

Our main complaint is that our ordinance does not have full legal support and recognition by the state law makers. We are hurting in that regard. As we see it, there needs to be more local alternatives or options than the four presented by the state. The unusual part of Senate Bill #65 is that it states that its use is for villages. But we say we can't use it! Who can? We need more options than only four. We, as "villagers" should be the ones making stipulations, comments and concerns about any bill made for villages. Nobody consulted us. Here in...we never heard of Senate Bill #65, we were never brought together in a group to air our thought on the issue. The state had never invited us to make decisions concerning our own welfare in this bill. Our village members were never consulted.

In order to draw up better State alcohol control laws we are seeking out Mental Health and Alcohol Treatment centers throughout the area as well as villages who may have ordinances such as ours.

We wrote up this ordinance on our own. It has worked well for us. We did it for ourselves and the safety of our people. We are upset by Senate Bill #65. We could never use it. Our village has had an alcohol abuse problem for many years. To vote it completely dry with no importation would be devastating. We believe in freedom of choice by our people. Very few people would petition the city completely dry.

To even consider the other options of liquor license put us in shock. A liquor license?! Hasn't anyone seen the trauma the X liquor store has caused for itself and the surrounding villages? How many lives have been lost by people on their way to or coming from the Y liquor store? Has anyone got any statistics? A liquor license for (us)? That's not the kind of alcohol control we need. All four options would not be feasible for us, or for many villages. We are looking for support from others interested in creating more alternatives or more options than just the four.

To limit options or alternatives concerning alcohol control is wrong. The alcohol abuse problem is different for each village. We are saying that each village should be able

to create an ordinance on alcohol control that best fits their village needs and be able to have state legal support as well.

These eloquently stated positions re-assert many villages' need to do more than "select an option"; they feed the need to design their own village-specific solutions, appropriate to the residents and the problems as they define them.

X. Village Control of Alcohol

Alcohol and its resulting behavioral problems and tragedies are viewed by many villagers and agencies as epidemic; the village and agency response is to attempt to deal with it directly, immediately, and forcefully, as they would respond to any other epidemic. This perspective is supported by the perceived relationship between the presence and consumption of alcohol and the causes for rising mortality rates. In one village, for example, residents could recall only one death from natural causes in the previous ten years (since the opening of local package liquor store), although there had been a large number of deaths due to alcohol-related suicides, homicides, shootings, and accidents. In villagers' calculations of loss, they also include those whose physical or psychological health and family well-being were and remain seriously damaged by their own alcohol-related behaviors and/or the behaviors of others. It is important to note, however, that villagers do not assess changes in rates, as do agencies, but view these losses as personal, family, community, and cultural tragedies.

In order to reduce these tragedies, communities use a variety of means to control what they see as the problem -- alcohol as a dangerous substance. Rather than controlling, through punishment after the fact, the individual who misuses alcohol, they attempt to control, even prohibit, all individuals' access to alcohol. They do this by ordinances, by enforcement, by fines, by hiring police, by voting a local option, and so on.

A. Local Ordinances

Many of the communities which have adopted a local option have also adopted, by village or city council action, a set of implementing regulations to accomplish the same objectives through explicit rules and fines, locally applied. These regulations do not derive from the local option law, but the

threat of using the law and the trooper gives the regulations far greater weight. On occasion, the trooper enters this game, pretends to enforce local regulations, but with the intent of really enforcing the next offense. This is a negotiated interface between local regulation and state law and a negotiated order of law enforcement, where all the players contribute to making the awkward formal system work in support of community objectives. When individuals challenge this "game" on the basis of their legal and civil rights, they can easily win, but not as a collectivity; their actions do not constitute a serious challenge to the community ethic. Challengers must either overturn the political direction of the community or finally bow to the increasing peer pressure which will be applied.

Many of these powers, such as ordinance-making and local option, derive directly from and rely heavily upon state authority. Others derive from traditional village authority, IRA powers, and unlegitimated individual and group action. Some are complementary to the local option law and others operate totally independently of the law. In the aggregate, however, their use attests to the seriousness with which communities regard the alcohol problems and their desire to reduce the problem by whatever means prove effective.

The roots of village control over alcohol date from the introduction of alcohol. For example, in the past elders would put an intoxicated person into the steam bath in order to "get the devil out of them." In other communities, "in the old days we would tie up the drinker and the next day they would feel sorry for what they did." However, alcohol began to create too many problems too rapidly for traditional village control methods to respond effectively. In addition, western systems rapidly removed the ability of traditional authorities and methods to exercise control, requiring instead uniformity with and reliance on external government.

The decline of the local formal and informal control methods and the rise

of non-local formal methods has not achieved any greater success at reducing the alcohol epidemic. Each system has failed, but for similar reasons, including lack of village consensus, conflict between western and traditional values as expressed in legal systems, conflict between the legal rights of the individual and the legal rights of the community, weak and/or uncertain penalties, poorly drafted laws, legal and physical challenge of enforcement procedures and authority, and uncertain enforcement effort over time.

For example, one community attempted to limit importation to a specific number of bottles by city ordinance, to be enforced by the VPSO and city police. Drinking residents immediately questioned what was meant by "bottle" (e.g., a pint, a fifth, a quart, a magnum?); they also claimed that they could import into the community the maximum number of bottles multiplied by the number of persons for whom they had shopped. This resulted in the importation of cases of alcohol, with resulting dismay and disillusionment among law enforcement personnel and the council which had drafted, amended, and re-amended the ordinance to keep pace with the challenges. In addition, since the penalty for violating the ordinance was only loss of the alcohol (a monetary loss only), the seriousness of the intent of the ordinance was not conveyed. The ordinance lost its "steam" relatively rapidly and the community was then compelled to consider the local option law.

The local informal and formal systems often allow for far greater extralegal intrusion into the lives of residents than does the external formal system, because the formal system is complicated by a complex balance between the abstract rights of the community and those of the individual. In addition, the formal system is greatly encumbered by formal standards and procedures which comprise "due process." The formal system binds the actions of citizens and officials to these standards and procedures, such as those governing what

constitutes a lawful statute, how individual rights are protected, what constitutes admissible evidence, who may judge another, and so on.

As a result, the penalty attached to violations is far less certain in the formal system; the greater the uncertainty of penalty, the weaker the force of law. The informal system, requiring less stringent standards of action and proof, is considerably more certain in its penalties and, therefore, likely to constitute a deterrent. However, the penalty, while it may be severe, is less likely than the formal system to cause long-term problems for the offender because the offender is seldom removed from the community, pays his penalty under the protective eyes of the entire community, is welcome in the community during and following the penalty period, and has no permanent record.

On the other hand, if the governed do not consent to the power of local authority, local laws have no enforcement capacity and are therefore not credible. It is then that local authority turns to the power of the state to make the law more credible. In doing so, local authorities become bound to the self-imposed limitations of western law as well as dependent on uncertain law enforcement and judicial support.

Communities evince a great deal of ingenuity and concerted effort in enforcing greater control over access to alcohol, whether under their local ordinances or through a local option. How they enforce either or both forms of control is predicated less on which form of control is the basis of their action than their perception that they actually have the power which is being exercised. In few instances is the local option law treated as a routine and self-executing community power; in most instances, through incomplete knowledge of the limits of that law or through lack of confidence in its provisions or the state services which support it, communities devise their own understanding of the purpose, content, methods, and procedures of the law and invent their own modifications to make the law more appropriate to desired community ends and

existing community organization.

The creativity exhibited in the establishment and enforcement of local ordinances and/or the local option law reflects the intensity of their concern and resolve around the alcohol issue. That creativity takes many forms, some of which are highlighted below:

- one new-elected village council, during the period in which it was reviewing existing ordinances, simultaneously circulated a contract to be signed by all residents; this contract bound the signatories to abide by and individually support the council actions which had not yet been enacted. In effect, the signature to the contract indicated individual assent to the authority of the council and consent to its rules for conduct. Thus, a person not only would be in jeopardy of violating a communitywide rule but violating a freely-adopted contract. How "free" the adoption was, due to peer pressure, would, of course, be open to question.
- some communities held meetings in which they adopted their ordinances by consensus, to show that the authority exercised by council was directly derived from the entire community; each member was bound, not to the council, but to the community, to not only abide by the law but to enforce it.
- Some communities established automatic fines for various types and numbers of offenses; one community assessed:
 - 1) \$25.00 for "drinking"
 - 2) \$100.00 for "smuggling" (importation) plus \$25.00 for presumed consumption of smuggled alcohol
 - 3) call state troopers for giving alcohol to minors, notify the parents, and fine the minors
 - 4) if cash fines could not be paid, council would accept a short-term promissory note; failure to repay the note would result in a higher, more severe cash penalty or other penalty
 - 5) repeated violators who ignored the imposed fines could be reported to the state troopers
 - 6) repeated violators exiled for specific time periods
- communities notified air carriers, retailers, law enforcement agencies, and others of new restrictions asking for compliance
- communities broadcast over regional radio and television when they imposed new rules
- communities required air charter services to buzz the village before landing on the local strip to be sure that no alcohol was delivered locally
- communities create delays and obstacles on the airstrip when air carriers violate community desires, require them to return their passengers and cargo, thus creating a cash disincentive to continue violations

- communities select village members to attend all aircraft, boat, and snowmachine arrivals
- communities check all baggage and the persons of drunk passengers at disembarkation, destroy or return to embarkation point all alcohol found; the cost to violator is the money already spent on the purchase of the alcohol and travel
- guard all aircraft containing alcohol until they depart
- "chase" back onto plane anyone who refuses to either destroy or return all imported alcohol
- if someone escapes detection of importation, some communities will gather a large delegation, go into that person's house, conduct an illegal search and seizure, conduct a meeting, and fine the violator.

B. Behavior Modification and Penalties

The methods and effectiveness of local formal and informal social controls are quite varied. In some villages, a person who does not conform is talked about increasingly until that person's behavior changes. In these instances, village residents are very concerned about being caught or seen doing something wrong. If the indirect means (that is, being talked "about") does not work, a person may be talked to directly by an elder or group of elders regarding his/her behavior. A person might even be required to explain his/her actions to the council. The attempt to blend these traditional methods with western law does not appear to work too successfully. For example, various attempts have been made to use "shame" as a penalty by western judicial systems; an example would be sending a person to his home village with a penalty of doing community work. Councils and other residents, particularly relatives, tend not to want to embarrass the guilty party nor others in such a formal way.

Continued non-conformity can result in expelling the person from the community for a prescribed time, a traditional practice in protecting communities but with lesser cost than capital punishment. Exile of violators of community laws is the most extreme form of punishment for a community and the individual, because it deprives the community of a family member and deprives the individual of the only support system he may have. Because villages seldom have the capa-

city to control alcohol-related violence and violators continue to be returned by the judicial and corrections systems, villages can assure themselves of non-recurrence only by exile. In addition, exile is often necessary because there is no way for the individual to provide restitution for dangerous or deadly actions.

Villages often conclude that exile is the result partly of the actions of the violators, partly of the disjuncture between community and state legal systems, and partly of the inability of the legal, judicial, and corrections systems to ensure real penalties. As one respondent noted,

"We did what we could with fines, until we finally had to tell him (the offender) to get out or we would call the troopers. We called the trooper and he said there was nothing he could do. So we end up stuck with that person after all that effort. That ticks us off. Then we have to chase that person out, regardless of all the family obligations he may have. If we don't back up our ordinances with prosecutions, others will not obey, so we have to do it. If we show toughness, then the others will be scared. We kicked out a lot of people. Two are out now with one year banishments. The courts and the (district) attorneys told us there was nothing they could do to help us. There are lots of problems in taking the law into our own hands, to punish our people ourselves. We do have lots of alternatives. If someone doesn't accept banishment, we can still cut off all community services to him. That's worked OK."

Expulsion can be accomplished without the consent of the individual. For example, in one village, a white female teacher was known to have brought alcohol into a community which by tradition did not allow alcohol. The teacher was within her legal rights to possess alcohol. A rumor was spread that not only did she have the alcohol, but she was also providing young men with sexual favors. The council then petitioned her employers not to allow her to return the following year. She did not. This process has an impact not only on the individual violator but also on other "outsiders" residing in the community or entering after the event.

Exile commonly results from a series of failed attempts (e.g., increasingly

large fines) to alter an individual's behavior. Exile may appear as a standard ordinance, giving the council the power to "throw people out of the village," a power intended to be used primarily against non-residents. (The favoring of residents over non-residents appears in several forms; for example, one ordinance calls for residents to be fined \$50 on their first offense and \$100 on their second offense, whereas non-residents were to be fined \$100 on their first offense.)

Villages desire penalties that are sufficiently significant to modify the behaviors of individuals. However, it is important to remember that villages do not wish the penalties to punish the individuals for past behaviors but to deter them from violating the agreed-to controls on alcohol. The objective, after all, is not punishment through fines, imprisonment, or banishment, but the elimination of alcohol and alcohol-related behaviors from the community. There does not appear to be a pattern of penalty that is predictive of achieving this conformity; this is due, in part, to the lack of a history and tradition of weighted penalties, active enforcement, and successful application of penalties.

Western penalty systems have been imitated by some Alaska communities, particularly those that had had long and continuous experience with territorial government which relied heavily on the swift application of fines and incarceration. The penalties imposed by local ordinances, village councils, and magistrates include:

- loss of alcohol
- cash fines
- required unpaid service to the council or community
- loss of privilege to use private vehicles
- expulsion from the village
- time in the local jail.

All of these penalties may require the consent of the offender in order to be accomplished. Often, the offender will accept local penalty in order to avoid being tried outside of the community, with the potential costs of enforceable fines, jail time, and having a police record.

These penalties, combined with the implied threat of turning to external law enforcement and judicial systems, often result in modified individual behavior as well as a re-affirmation of community self-governance. As a result of stringent enforcement, some residents assist each other to keep the alcohol, the use, and the related behaviors hidden, a fair approximation of the outcomes desired by community members when they enact new law and supported new enforcement.

It must be noted however that too stringent enforcement and penalty, while reducing the alcohol-related problems and mortality in the village, may also simply externalize the problems to the hub; similarly, the numbers of persons who die just outside the village boundaries or in transit between the village and the hub may markedly increase. Finally, stringent enforcement may encourage an increase in the production and consumption of homebrew.

Thus, villages seem less desirous of punishment for its own sake than to alter the boundaries of interpersonal behaviors. Exile is intended as a learning experience (e.g., learning what is in the community mind) and a boundary-setting experience, more than a permanent rejection of the offender. Even the violation of the offender's civil rights is seen as a positive act of caring for and intervention on behalf of the individual.

Non-local enforcement of laws tends to be negative, but to leave the values and minds of the offenders alone. Local enforcement tends to be positive and supportive, but to demand conformity of thinking and acting.

Communities which exile their members for repeated violation of accepted norms of behaviors may not be punishing these members; they may be more

interested in awakening these members' awareness of community values and protecting the community and these members during the rehabilitation period. They would not be pleased to see exiled members in jail, with a criminal record, or not eventually returning to contribute to community life. In other words, community actions are never self-evident in their purposes, even though their methods appear similar to what is familiar and routine elsewhere.

The many informal methods of local social control (e.g., half the village meeting the boat, 20 people coming into the house) may also be considered caring acts; that is, it may not require such a show of numbers to enforce a community mandate but to show that a large enough number of persons is willing to embarrass a resident or interfere with his life for both his benefit and that of the community.

For example, many villagers reside in hub communities. When they see a boat leaving for the home village with quantities of alcohol, they either phone ahead or notify the next plane that is enroute to the village. Word usually arrives before the alcohol. One respondent asked, "Do you know how embarrassing it is to come around the bend and find half the village there on the beach waiting for you in the boat? Then they pour the bottles out. You don't need any more punishment than that."

Thus, the most effective and immediate law enforcement may result from the collective efforts of some or all community members, reducing the physical and psychological risk to each as an individual, reinforcing the community standards to recalcitrant individuals, multiplying the number of reporters and enforcers, and building a greater sense of community self-control. This form also runs the highest risk of excesses, potentially violating the constitutional rights of individuals on behalf of the community-at-large.

The purpose, then, of group action to embarrass or intervene is to convert

the offender, to get that person to change his/her perceptions of the responsibilities accompanying village membership. It is understandable that the worst offenders can become the most stringent enforcers. There is no mechanism in the formal system to achieve the same end.

C. Methods of Alcohol Control

While the Alaska local option law is a new law, it is an old solution to an old problem. Almost all of the solutions that are available, formally or informally, legally or illegally, have been tried elsewhere earlier. The solutions imported from outside the communities do not seem markedly more successful than those the communities devise for themselves; the aspects which hamper both sets of control have to do less with their form than with whether or not they have properly identified the problem, addressed the problem, and received uniform and aggressive support.

Villages appear to be highly creative in their control procedures, as noted earlier in this report. Several communities, following the initiative of the local option law, placed a fifth option before voters which included a ban on sales, importation and possession of alcohol. In at least one community the electorate passed the total prohibition. Although such an election is unconstitutional and invalid, it does demonstrate the neo-prohibitionist intent among these rural Alaskan residents.

It is clear that many villagers are enforcing their intent, not the letter of the local option and other laws; that is, when the legal means are insufficient to the ends, the villages operate as if their methods were not so constrained. For example, one city council passes an emergency ordinance banning the sale and importation of alcohol. They were informed that the ordinance was invalid; they decided to enforce it anyway. It was explained to another council that they could not enforce a ban against alcohol possession

without risk of a damage suit; the mayor indicated he was willing to risk the suit. Other councils, when informed that their bans of possession, their search procedures, and so on were unconstitutional altered their formal actions. However, the response of many communities was "What do you mean we can't? We'll do what-ever is necessary, regardless."

These actions include:

- universal search of all luggage, cargo, and passengers
- X-ray of all baggage
- banning all possession and consumption
- illegal search
- banning the manufacture of homebrew
- seizing all transport vehicles
- selective searches of individuals
- selective blacklisting of individuals from ability to purchase
- selective blacklisting of individuals who are required to be searched
- banning only certain alcoholic substances (beer, wine, spirits, by percent of alcohol)
- limiting amounts that may be imported, by person, by time period
- exempting bans during specific purposes (e.g., fairs, potlatches, holidays, celebrations, birthdays) and periods (e.g., weekends).

Actions suggested by but not adopted by villages include the issuance of a revocable drinking license, issued to individuals and limited to specific substances or amounts. These actions occur both in conjunction with and separate from the adoption of a local option. It is unclear whether councils and communities recognize that these actions are not authorized by nor derive from the local option law; it is also unclear whether these extra-legal and illegal actions unduly disturb these control agents.

Western law allows for the control of access to alcohol (no sale or no sale/no importation) and it allows for punishment of criminal behaviors performed while intoxicated. What Western law appears less able to do is to allow access to alcohol on a discriminatory basis nor can it intervene in behavior from a preventive standpoint. That is to say, Western law could not "black list" cer-

tain community residents from having alcohol while allowing others to have it. Nor can Western law stop an individual from drinking more than a certain volume of alcohol on the basis that if he/she drank more, he/she would abuse his/her children.

Formal systems of law cannot be this flexible or discriminatory. The informal systems, which cannot be legislated, are the only means of ensuring controls over both the substance and the individual consumer. Community consensus and community action in response to the consensus establishes this informal system.

What appears to be of greater concern to communities than the noncongruence of western and local law and law enforcement methods is the relative success of these control efforts. This is measured by significant changes in perceived alcohol-related problems.

One measure of the success of local rules on alcohol importation or use/possession is a total absence of alcohol and its use in the community. Few, if any, communities have achieved this level of success; no community touched by this study reported such success. All communities reported that drinking was still going on, which disturbs some residents more than others, depending on their level and type of concern; however, since the majority of community members either hoped or thought that, following rule-making, there would be no drinking at all, there is often considerable disappointment at the failures -- lack of successful voluntary adherence to local rule, lack of successful enforcement tools and methods, and continuing drinking (at some level) in the community. On the other hand, since much of the community concern is with alcohol-related public behaviors and violence rather than with private drinking, communities see their option as "sort of working"; they "sort of overlook" the remaining drinking as long as behaviors do not overstep other residents' standards, rights, or safety. This creates a new synthesis, wherein law is not stringently enforced and behaviors are kept within tolerable bounds.

D. Selective Enforcement

Some simple statutes, such as the local option law, are by their nature both rigid and exact. They do not lend themselves to the flexibility of methods and selectivity of enforcement desired by many rural residents. Villages express a desire for the enforcement of local laws to be selective -- by person, practice, and season. For example, many villages will identify those persons whose access to and use of alcohol should be absolutely banned; conversely they will identify those persons whose private use is non-problematic. Selectivity may be used to control or punish "outsiders", seasonal visitors (such as miners, fishermen, firefighters, construction workers), and "bad people". Villages will suggest that, even under option #4, drinking in private and importing small quantities should not be banned.

Similarly, they suggest that there are periods of the year when alcohol control measures should be either more stringently enforced and other periods when enforcement should be relaxed. This selectivity, as it actually occurs, is not legally sanctioned under the local option law; thus, its application to a particular individual or time or substance may be construed as arbitrary.

On the other hand, in most communities, the priorities of law enforcement officials are dictated by councils and these constantly change as the community assesses its changing pattern of problems. This power to shape the enforcement effort is as significant a tool of local self-control as is the ability to manipulate or interpret the meaning of laws. In fact, selective enforcement was available earlier, when communities had the power to pass emergency ordinances which could be targeted to control persons, practices, and seasons.

One of the principal instruments of selective enforcement is the VPSO who receives his directions directly from the council. For the VPSO to act without this direction would put him/her in serious jeopardy. In different villages, the VPSO is told to search all or only some cargo and luggage, to interrupt only

bulk importation of alcohol, to selectively search only certain individuals, to perform a variety of illegal searches and seizures, and to report only certain persons to the trooper for criminal investigation and prosecution. For example, one community was interested in voting for "no sale, no importation" primarily to stop serious bootlegging. One resident said that they would have to bring in a jumbo aircraft to take away everyone who imports.

Selective enforcement by season places the VPSO in the greatest difficulty because, during those periods, the law is violated in a visible and wholesale fashion. During this period, the VPSO will be either sent out of the village, participate in the violation, or simply be stymied because he lacks council and community support.

Alcohol control is not the only area of selective enforcement by the VPSO. Other examples of selective enforcement by VPSOs include fish and game regulations. Alcohol and fish and game regulations are the hardest laws for VPSOs to enforce, because of family and cultural obligations and traditions.

The demand for selective enforcement is often difficult for those VPSOs who feel that they are true police officers, responsible to the state for uniform application of laws. It is also difficult for those citizens who voted for "no sale, no importation" and really meant that there would be absolutely no alcohol tolerated in the community. It is expectable that, over time, strict enforcement of any law will wax and wane, depending on community feeling. For example, village elders are likely to demand stringent and uniform application over time. Others, whose vote was in reaction to a serious tragic event, will lose interest over time. Selective enforcement is likely to be supported by younger people, including the VPSO who is likely to be a member of this peer group.

E. Symbolic Rules and Self-Indications

It is not possible to conclude from an overwhelming vote in favor of banning the sale and importation of alcohol that the voters actually intend to prohibit all access to or use of alcohol. Many voters are willing to support such an option because they see that the option will assist the community in managing its major problem; however, they do not see their own use of alcohol as part of that problem. For example, in one village, the city council members partied for a week, then met formally to levy a fine against itself for having violated the law. In this sense, the village is gesturing to itself, particularly to some of its most abusive drinkers and recalcitrant, lawless members, that it intends to control behavior. It is also gesturing to the village youth that drinking is a bad activity. This use of symbolic gesture gains significance when one recalls that the passage of the local option law and the adoption of a community option does not result in any increase in enforcement and judicial resources or efforts.

Some communities regularly indicate to themselves that they continue to support these community controls. In one village, for example, the residents regularly sign a petition re-affirming their individual and collective support for council ordinance banning alcohol. This re-affirmation indicates not only support of the ban, but the individual assenting to and sanctioning the authority of the community and giving control to the community. By assenting to this "contract", the individual is self-imposing a law and is therefore not having the will of the majority imposed on him/her. Admittedly, some residents place their names on the petition under the weight of peer pressure; on the other hand, when they are accused of having violated the law, the indictment is not that they have violated the will of the majority but have violated a freely-entered contract with the community.

F. Real and Certain Enforcement and Penalty

A significant problem for village law in transitional communities (that is, communities which no longer exercise traditional authority and which lack sufficient law enforcement and judicial control) is making the violators of laws see the resulting penalties as real and certain. Penalties appear real and certain if 1) law enforcement personnel are readily at hand, 2) judicial functions are readily at hand, and 3) conviction and penalty are not easily avoided. In those situations where local law enforcement is absent, where communications, transportation, and logistics delay trooper response, where evidence is easily lost or mishandled, where testimony long after the fact is difficult to secure, where witnesses must leave their home communities to testify, where judicial personnel are unfamiliar with village conditions, history, organization, and persons, and where detention or other punishment cannot be assured in the village, penalties for violations are not seen as real. Even in the instances of successful arrest, prosecution, and time served in jail, the home community may not view the outcome as successful, particularly if the community views the time served as either insufficient or excessive (compared to the offense, the situation of the offender or his family, or the standards of the community) or if the community feels that the return of the offender is threatening. Even though the troopers tend to be in fairly uniform support of the formal and informal village methods to control alcohol, they cannot shorten the time between report and conviction in the formal external system. Each step in that system is time consuming and energy-consuming, with no certitude of success.

Conn (8, p. 23) points out that "inadequate trooper response...destroys the credibility of village law within its own realm. That credibility is, in part, state determined." Inadequate trooper response does not necessarily mean that the troopers have failed to meet their obligations but that there is a limited number of troopers scattered throughout the Bush areas, travel is complicated,

travel time is lengthy, response times are often slow, troopers often hesitate to come to the village on minor matters or to intervene in developing problems, and troopers often appear only following a serious act of violence.

As a consequence, villages are often left to their own devices to enforce their laws and intentions. Those communities which use traditional and informal means to control alcohol use are bound by less rigorous (and often extralegal) means and standards for identifying violators, trying and convicting violators, and fining or otherwise punishing them. There is little uncertainty about conviction and punishment under these circumstances. For example, while bootlegging may remain invisible to a non-local judge basing his understanding on admissible testimony and evidence only, bootlegging in the village is a very visible activity.

State troopers, city police, VPSOs, magistrates, and judges are bound by more stringent legal standards and means -- civil rights, the handling of evidence, "probable cause", and so on. The development of legal evidence often requires a great deal of time and effort by both the VPSO and the trooper. By the time the trial occurs, the village is no longer interested in the crime or the criminal, because the final result is uncertain, delayed, and of little utility. That is, the community is interested in modifying the behavior of its members; delayed and uncertain punishment is not perceived to modify behavior effectively. It results in only retributive justice, a product of little use to a community which values its members.

Some village residents suggest that penalties would be more "real" if trials were held in the village and penalties served in the close and unpleasant confines of village detention facilities and/or in VPSO supervised community service work. They suggest the most rigorous pursuit and punishment of cases of organized bootlegging and other alcohol-related felonies, and more personalized

penalties for misdemeanants. The exact penalty, they suggest, should be stringent enough to result in positive behaviors, but also related to the life situation of the offender; "what purpose," they ask, "is served by placing an unemployed person in a warm jail cell for 15 days?" Villages are more concerned that the penalty fit the individual than that the penalty fit the crime.

Penalties become "real" only when residents report on one another to the council or to law enforcement personnel, when trial and conviction are fairly certain, when penalties are perceived as neither too weak nor too stringent to alter behavior, and when the enforcement of the penalty is also seen as uncertain.

Enforcing the law in the formal system introduces a component which is relatively new in village life -- reporting of a resident's behavior to an external authority. This is distinctly different from the traditional forms of social control through visiting, talking, and shaming. Reporting is, most commonly, an individual act that is not shared with the rest of the village. An individual reports someone to a VPSO or trooper and testifies in writing or in public.

The more inter-related the village and its members, the stronger will be the feelings of guilt about reporting on the unlawful behaviors of other members. The cost to the reporting member can be heavier than the penalty applied to the lawbreaking member; these costs include guilt about penalty itself, concern that the penalty (such as jail, money, or vehicle loss) will damage the offender or his family, violation of family ties, violation of trust, individuation within the community, fear of retaliation. It is difficult for informers to remain anonymous since:

- 1) criminal defendants have the right to confront witnesses against them
- 2) background investigation must be accomplished to determine the likely veracity of witnesses supporting a search warrant
- 3) the informer, to have such vital knowledge, may have been an active

participant in the violation.

It appears that anonymity of reporting can be maintained only if 1) the accused freely admits his/her violation, 2) the prosecution can present sufficient alternative evidence, 3) there can be proved a danger to the informer, 4) the informer was not a witness but only a "tipster", or 5) the informer was only one of several witnesses. Reporting can be done with greater relative safety and cost if a group (e.g., council, elders, consensus) conducts the reporting and has a voice in suggesting or determining the appropriate penalty. Reporting is enhanced when the residents can report to an internal rather than external agency and when the village can either recommend or effectuate a person-specific penalty.

If residents have little or no say or contribution to assigning the penalty, they hesitate to report for fear that the penalty will be too damaging to the individual or, alternatively, insufficiently protective of the village.

Indeed, Conn (8, p. 23) reports that

"when villages complained...that offenders returned home to their villages on the next plane after their arrest and before victims returned from hospitals, they communicated a concern about state justice which not only reflected their perception of its activity but one that suggested that the offender's rapid return affected ongoing collaboration [between the village and state justice systems]. Defendants had been released on their own recognizance because each enjoyed a constitutional right to bail. They may have returned with restrictions placed on drinking and use of firearms, but these restrictions were not communicated. Even when the chief justice issued a memorandum asking that restrictions be explained, field operatives were uncertain as to whom to communicate this information. Villagers were uncertain as to who was to react to this information on behalf of the State."

Villagers reported that, on many occasions, the offender returned home earlier than the witnesses who had gone to court to testify.

Many villagers report that judges are excessively lenient with offenders, often giving them suspended sentences with minimal conditions and sending them

to their home communities without fine or jail time. One judge was even reported to be lenient with bootleggers, under the assumption that the villagers wanted bootlegging. Villagers view that, in these court actions, no action was taken.

In an attempt to address the problem of courts returning an offender in a shorter period of time than the community wanted or was willing to tolerate, councils and others will write directly to the courts or through the troopers, indicating their level of concern and their desires. On occasion, judges have been reported as making exile from the community for a specified period of time a condition of probation.

While the villages understand some of the constraints on the western system, they find that it continues to place both villagers and offenders at increased risk. The villagers are placed at greater risk by having the offender returned home without penalty (thus encouraged in their negative behaviors) and angry enough to seek retaliation on reporters and witnesses. Similarly, villages without effective police powers or agents can provide little protection for the drinkers themselves; that is, these villages are not sheltered environments for the drinkers, either. They can protect neither the offender from his own actions nor those of others.

Given this lack of protection, villages find themselves compelled to deal with the negative effects of drinking such as loss of life, fear among elders, neglect and abuse of women and children, and failure of village officials to perform adequately in their community, council, or corporate roles. The communities turn to either formal or informal, legitimate or illegitimate authority and means to protect themselves.

There is a very long history of Alaska Native disappointment with law enforcement, prosecution, and judicial systems in their perceived failure to actively

pursue alcohol-related violations. This has led to growing disrespect and disregard for the law and its agents. Villages' belief in the reality of external enforcement of the local option law occurred when a village reported and the troopers arrested a trooper who allegedly violated that law. The successful prosecution of that trooper enhanced the villages' feeling that the State was serious about this law and that internal power was more effective when it was tied to external power. Their feelings of some magical new control and effectiveness were seriously dampened when the penalty assigned to that trooper was perceived as insignificant.

The short-term costs associated with failure to arrest, prosecute, convict, and punish violators of the local option law include erosion of community morale and self-confidence and continuation of alcohol use and related-problems. The long-term costs are, potentially, as or more severe; if this high-profile law were ignored without penalty, it is feared that young people will follow bad role models in lawless and irresponsible patterns of behavior. Thus, villages feel, short-term positive outcomes, unless supported by long-term correction of system-wide deficiencies in the enforcement and judicial systems, are an insufficient and misleading measure of long-term success.

Communities find that enforcement of the local option law is more complicated and difficult than is the passage of this law. Some factors which contribute to this difficulty:

- the unworked out relationships among traditional informal and formal enforcement methods and the new systems relying on new enforcers (e.g., VPSOs) and external enforcers (e.g., state troopers)
- the required level of political, physical, psychological, and technical support for the VPSO from the community, the council, and the state troopers
- the reluctance to report violations to the VPSO and/or the trooper, due to family ties, lack of investment in external judicial and corrections systems, the time lag between offense and arrest, and uncertainty in the minds of the reporters about whether their reporting is helping or damaging the offender

- the variable factor of the white residents in villages, some of whom support such controls, some of whom reject not only the ordinances but the authority of traditional village councils.

G. Enforcement Personnel

The presence of law enforcement is absolutely critical to successful implementation of the local option law. Such law enforcement can be in the form of state troopers, city police, constables, VPSOs, council presidents or chiefs, entire councils, community committees, or the community as a whole. Each of these has its own costs and benefits. In general, the more external the system, the more fear is created of serious penalties; on the other hand, the more external the system, the more likely that it is seen as too distant or too self-constrained (by rules of evidence, by legal charge) to be an effective deterrent.

The more local the law enforcement, the more pressure can be brought to bear, by political or illegitimate means, to deter real law enforcement. The more that local systems delegate the enforcement authority and responsibility on specific individuals (e.g., mayor, VPSO), the more vulnerable these individuals become to isolation, personal risk, and abandonment of their charge. The low pay, low prestige, long hours, and other personal costs of local formal law enforcement encourage these feelings of isolation.

These individuals are vulnerable to intense pressures, unless they are publicly, physically, and psychologically well-supported by other community members. For example, in one instance, a young council president was ostracized by some community members and had important personal property destroyed by anonymous vandals. He persisted because he:

- 1) saw that the future of his village culture rested with the young
- 2) the young were damaged by their own alcohol use and the practices of their peers and parents
- 3) it was incumbent on him to save the culture by protecting

the young through vigorous enforcement of the local option law.

The local option law can be an effective statute when the community, its VPSO, and the trooper work together, to report, collect and maintain evidence, conduct investigations, monitor the actions of the alleged violator not only in the home village but elsewhere, establish probable cause for search and arrest, testify in court, and so on. In the attempt to control the flow of alcohol, the community cannot enforce intermittently, on a selective case-by-case basis only. Enforcement of the local option law does not rely on the individual reporting of a violation, but on the constant vigilance and determination of residents and the VPSO to intercept illegal importation. That constancy is undermined the greater the distance in time from the tragic events which precipitated the vote, the more unwieldy and ineffective prosecution appears, and the more the younger people successfully challenge, ignore, or forget the law and the authority of the community.

Even the VPSO will hesitate to provide constant effort in enforcement of the local option, particularly the "less serious" infractions such as importing a small amount for personal and private use. This hesitancy is due to:

- uncertain council or community interest and support
- problems in obtaining and maintaining evidence
- inability to engage in illegal search and seizure
- heavy paperwork burdens
- pressure, even threats, from friends and relatives
- other job priorities
- their own violations of alcohol restrictions
- discontent with the legal process and procedures
- successful challenge by offenders who understand and use their rights
- the effort required to intercept alcohol through its several access routes, transportation methods, and schedules, particularly in communities connected by road to retailing or exporting communities.

H. The "Problem" of Legal Requirements

The effectiveness of the local option law is constrained by normal legal and police procedures, such as establishing probable cause, issuing warrants, gathering and maintaining evidence, and so on. Early in the local option law implementation process, there was a lack of civil rights knowledge and education among local law enforcement personnel as well as residents. One of the consequences of this lack of knowledge was the development of very effective search methods applied to persons and cargo entering the community. As civil rights education improved, searches became more restricted, less enthusiastic, and less effective, resulting in reduced search effort and increased importation. Some communities interpreted this change as reduced VPSO effort rather than as a response to limited powers, methods, and success. It also appeared that VPSOs were selectively enforcing the law on the easiest targets -- drunks, rather than on the more covert and cautious bootleggers.

The stringent requirement for the proper handling of evidence coupled with many residents' reluctance to testify and the violators' knowledge of civil rights often result in an inability to assure conviction and penalty. This is particularly true for those cases which involve chronic violators who have had extensive experience with the courts, who refuse to have their cases heard by local magistrates, who refuse to plead guilty to the charge, and who demand legal counsel. Thus, those who are most likely to be successfully prosecuted under the law are those who:

- are not chronic or serious violators
- have little prior experience with law enforcement
- freely admit their guilt to the charge
- freely accept the penalty imposed by the magistrate or council.

Since the law is least successful in curbing the behaviors of the most recalcitrant and dangerous offenders (that is, specifically those that the com-

munity wished to control through a local option), some residents view the product of this process as neither appropriate and equal justice nor meeting community objectives.

Some of the evidence which had been presented against violators in the early stages of local option law implementation was the product of illegal search and seizure. While some was gathered by VPSOs new to the legal system, much was also due to illegal search and seizure by council members and other private citizens. These took the form of establishing illegal roadblocks and searching all private vehicles, searching all airline luggage and cargo, and breaking into private homes where drinking was occurring. Since neither public officials nor private citizens may violate the civil rights of other citizens, the product of these illegal actions may not be admissible evidence in court and those who violated these civil rights are open to legal action, both criminal and civil. In addition, it is possible that law enforcement officials receiving the illegally obtained evidence from private citizens may be accused of complicity in those illegal acts, since it may be construed that these citizens were acting at the direction of law enforcement officials.

One of the peculiarities of the local option law is that, as noted earlier in this report, since the most restrictive option is "no sale, no importation", a person who possesses or uses alcohol within the village boundaries may be doing so legally, even though he or she has violated the "no importation" clause. In effect, since the law does not make possession, use, consumption, or drunk-in-public illegal, the ban on importation can be enforced only as the person is transporting the alcohol through the community boundaries; this seems to reward the successful covert importation and importer.

The authors have found few cases of successful prosecution of a violation of the local option law where the possession of alcohol was construed by the court as "circumstantial evidence" that the ban on importation had been violated. It

is primarily those cases in which the violator freely admits his guilt that possession has been successfully equated with illegal importation.

It is not clear to what degree possessing alcohol or appearing intoxicated in public has been used as "probable cause" in seeking a search warrant or making an arrest under the local option law. In an effort to establish "probable cause" to, for example, search luggage, VPSOs and council have tried a variety of means; these include conducting searches on anonymous tips, asking that villagers and others submit to voluntary random searches (with refusal used to indicate probable cause), and other techniques. Since VPSOs and troopers are few in number, some citizens have attempted to make "citizen's arrests" of persons they thought, knew, or perceived were violating the ban on importation, only to discover that the power to make citizen's arrests was limited to direct knowledge of or good reason to believe that a felony was about to take place or was taking place.

Information that would constitute probable cause to believe that a local option law violation is taking place and intervention is warranted transcends the commonsense logic of the average citizen. Knowledge of a fellow resident's drinking history coupled with the fact that the resident was returning from the regional hub could constitute sufficient probable cause for a formal or informal community enforcement response and yet be insufficient and even illegal as perceived by a court.

In order to establish sufficient probable cause to sustain the issuance of a search warrant, courts require some tangible evidence, such as direct witnesses to a person unloading alcohol to a boat or plane, sales receipts for wholesale alcohol purchases, or having quantities of alcohol in plain view. Establishing this evidence in a legally prescribed manner is a slow, tedious, uncertain process which does not produce the immediate results desired by communities. It

generates the village perspective that the courts operate on the side of the individual violator against the welfare of the community.

There is no doubt that many communities were disappointed that they could not use such methods as universal X-ray of all luggage and cargo to stop the flow of alcohol because of constitutional limitations. They were also disappointed that similar constraints applied to airlines and their employees, that is, that these employees are also required to have a reasonable and supportable suspicion that a specific (not universal) search will uncover contraband alcohol and that such a search be free from the instigation or participation of government. Finally, both communities and law enforcement officials express concern that all persons in the chain of alcohol transportation in violation of the local option law do not appear to be equally culpable, that the law may not encompass transporters who deliver alcohol to points and persons just outside village boundaries unless the intent to violate the law can be clearly demonstrated.

Through repeated experiences with law enforcement, village residents have acquired a practical education in civil rights, discovering that 1) the violators were surrounded by many protections and 2) the community and the victims were somewhat less well protected. This education tends to both demoralize residents and their law enforcement agents and encourage a variety of extralegal and illegal controls.

The troopers attempt to ameliorate both the demoralization and the extralegal actions by taking specific actions such as:

- 1) encouraging local efforts to control access to alcohol
- 2) encouraging the reporting of violations
- 3) counselling the community on the limits of their rights and the risks of violating someone else's civil rights
- 4) trying to intercept the repeated violator at the point of alcohol purchase or while in transit
- 5) counseling the offender and letting him know that the trooper was watching him and was on the lookout for bootlegging, a serious offense

- 6) counseling manufacturers of homebrew that they had better avoid selling their product or giving it to minors.

Troopers were reported to support the villages' attempts to control their own affairs and to attempt, within the limits of the law, to support community actions. Where they have been called on complaints about illegal search and seizure, it is reported that they have counselled seriously with those offenders and have, concurrently, leaned heavily on the person importing the alcohol in violation of the local option.

It was suggested by many respondents that the weakest link in the enforcement of the local option law was not the VPSO, the trooper, the citizens, or the council, but the judicial system (e.g., prosecution, trial, conviction, sentencing). It has been noted elsewhere that neither law enforcement nor judicial bodies received additional resources under the local option law; for them, the local option law implementation is merely another task to be accomplished by already overcommitted resources. It has also been reported that many prosecutors and judges are disinterested in local option law misdemeanors.

The vast majority of cases that are made on the local option law are misdemeanors. Thus far, most of the few felony cases have been dismissed on various technicalities. It is, of course, far easier to obtain sufficient evidence and confessions for the successful conviction of misdemeanors than it is for felonies. So far, the role of magistrates in the local option law has been minimal since, in many cases, they function to take voluntary guilty pleas for Class A misdemeanors only and apply appropriate penalties. In more serious or contested cases, an accused person will be arraigned by a magistrate, plead not guilty, go to trial, be assigned a public defender, and there plead no contest. At sentencing, these cases are commonly given ten days in jail and 20-60 hours of community service.

The successful achievement of community expectations under the local option

law requires that the judicial system will apply appropriate penalties as a deterrent to future violations. This places a burden on the judicial system (whether a magistrate or a judge) to find those penalties which both further the objectives of the community and minimize the damage to individuals and families.

Some villages expressed a great fear that a non-local judge would impose a \$5000 penalty or a 30-day jail term on a village resident for a violation of the local option law. While observers have suggested that no judge would be likely to impose such a harsh judgement (cutting firewood for the council and other forms of community service are more common), this fear by villagers is difficult to assuage. Other villages expressed a concern that judges were too lenient, returning the violator to the community with a suspended sentence.

What is suggested as more desirable is trial and sentencing by a local judicial body or trial by an external body coupled with sentencing either determined by or recommended by the village council. These practices occur in a number of villages. A problem for councils is acquiring the means to be certain that locally-imposed fines or other penalties are paid. Some villages appear to believe that, if a resident continues to ignore the fines attached to violation of local ordinances, this constitutes grounds for trooper arrest and non-local prosecution; they are often disappointed to discover that troopers can respond only to violations of state and federal law.

XI. Dividing and Deciding on the Local Option Law

The issue of alcohol control in Native villages is as divisive a concern as can be found, because it engages a great range of village factors -- leadership, families, control, religion, economics, power, demographics, ethnicity, consensus, and so on. This chapter will depict some of these complexities to explain why many communities find decisionmaking about alcohol control so easy and others find it so difficult.

In general, the village attributes which are most likely to be predictive of holding a successful local option law are:

- a secure, activist, and strong village or city council
- a council which is not itself typified by abusive use of alcohol
- consolidation of or unanimity among all village power bases
- a population marked by stability, in terms of racial composition, migration, economy, goals, and problem rates
- a community desire and ability to identify problems, set goals, establish priorities, establish solutions, and take action as a community
- other difficult goal-directed actions taken by the community which indicate that the community can exercise self-control.

Some communities appear too divided or demoralized, at present, to organize themselves to utilize any of the options provided under state law. Other communities appear to have such strong and intact traditional purposes and forms of social control that they feel they have no need or less need of importing new external powers and control mechanisms. It appears that those communities that desire greater self-determination over aspects of their quality of life and whose traditional systems no longer suffice (for a variety of reasons) to meet these objectives are the most likely to look to the local option law and other tools to achieve their goals. In other words, the communities that are most

likely to avail themselves of the local option law are those that are in a transition, returning to a healthier, self-controlling state; these may be communities that have experienced a twenty-year decline in quality of life due to the historical factors which have pervaded these villages. Thus, it is suggested that the local option law does not create healthier communities but that healthier communities or communities that are becoming healthier are the ones most attracted to the local option law as an additional support.

It is worth recalling that the inability to develop formal city government is not a good predictor of failure to tackle the alcohol control issue. In many villages, the development of city government was not intended to produce new or consolidated governance, but merely to qualify for state-funded programs and facilities. It is also common for city governments to be plagued by high turnover in council membership, closely contested elections, problems in bookkeeping, and an inability to provide the basic functions, services, and tasks of city government; these problems may be more reflective of problems in dealing with the external source, forms, and requirements of formal governance than of the village's ability to control its daily life. For unincorporated communities, the local option law provides some of what a city government would provide but avoids some of the costs in energy, culture conflicts, and power conflicts inherent in continuous electoral government.

A. Power Conflicts

Perhaps the most basic question in assessing the use of power in a village is, who is in charge? As noted earlier in this report, there are many sources of power in a community including its various councils, powerful families, powerful individuals, economic interests (e.g., the store, the alcohol retailer, the village corporation), key officials, the residents as a consensual group, various age groups, the church, and so on. When any of these forces are

seriously divided on the alcohol control issue or on a particular solution or if they find their vital interests at risk, the likelihood of a successful local option law election or successful post-election enforcement is very small.

For example, in one community the IRA was very supportive of the local option law but the city council was opposed to it. The mayor blocked the holding of a local option law election and convinced the city council to enact an invalid emergency ordinance to prohibit the importation of distilled spirits. Meanwhile the IRA returned to the petition process for another try. In other communities, the clerk, the mayor, or the council have deliberately let petitions "die" by not meeting the time limitations. The complexity of the electoral procedures lends itself to these kinds of uses and abuses of office and the subsequent subverting of community consensus by opposed power blocs.

Sometimes, these divisions do not appear to be serious until after an election. Internal conflicts in the local power structure may not surface until the role and interests of different local institutions clash over enforcement. For example, a group of residents invested in maintaining traditional values initiates a petition for Option #4. They receive the support of the IRA council. The city council and the mayor find themselves opposing the passage of the option, but because they fear that the community will blame them for the loss of services produced by the loss of tax revenues from liquor sales or that they will be the "bad guys" when residents and relatives are arrested for violations. Option #4 passes, and the city council must enforce it, but receives no support from the IRA council because the local option law (which the IRA council supported) is a state law and therefore the responsibility of the city council.

B. Conflicts among Vested Economic Interests

Where economic vested interests and other power bases act in concert, the local option law may be perceived to be of little value. For example, in one

community, the alcohol retail outlet, owned by the village corporation, generates sizeable profits by selling alcohol to visiting tourists; rather than closing this outlet, the community agrees that it will limit hours of operations and the amount of alcohol that can be sold to individual village residents. In another community, the IRA owns and operates the alcohol retail outlet, generating income to itself and tax revenues to the city. The city provides the police authority to control alcohol problems and retains the ability to regulate the operations of the retail outlet by ordinance. In fact, the IRA council, the city council, and the health council have overlapping memberships and combine to finely-tune their control over alcohol without having to rely on law-making.

In many other situations, conflicts arise when one local group is vested in catering to the demands of visitors while other groups have little or no interest in this enterprise. For example, in one community, a hunting lodge owned by white hunting guides catered to fly-in hunters; the Native community had no investment in this enterprise and was opposed to this outlet and its license. As Alaska develops its tourist industry, those communities most affected by this development will be less likely to restrict this lucrative economic activity.

In some cases, alcohol sales subsidize the unprofitable portion of the village store. In these instances, there may be a significant difference of opinion about whether the best solution is to continue alcohol sales, discontinue the sales, raise the food prices, improve the management of the store, and so on.

Similarly, communities with competing alcohol retail license applicants may decide that the local option law is a less effective tool than the liquor license protest to ensure that the preferred applicant receives a license and the others are refused. It is primarily when the preferred retailer is the village corporation, the IRA, or the city government that Options #1 and #2 of

the local option law appear attractive.

These economic interests may be translated into votes, as both problem drinkers and non-problem drinkers support the maintenance of the retail outlet and the regularity of supply and moderate prices which it provides.

C. Conflict over Solutions

Communities that are very divided over the issue of the local option law may not be divided at all over the issue of alcohol problems and alcohol control. The division may be more over which solution is most appropriate for that community. For some communities, the problem is seen to be having a local alcohol retail outlet or the practices of that outlet (e.g., selling to minors, selling to intoxicated or dangerous people, selling to bootleggers); in these cases, a successful liquor license protest may be seen as a more direct solution than a local option law election. A local option law election would be only a fall-back solution to a failed protest.

Many view the local option law as a dangerous experiment, perhaps as dangerous as the presence of alcohol. The dangers that are perceived include:

- the intrusion of external authority (e.g., troopers) into the community
- the heavy fines and jail terms inherent in the law
- loss of religious, medicinal, or celebratory use of alcohol
- punishment for non-problematic drinking
- punishment for possession
- fear of search and seizure
- fear of loss of vehicles
- fear of reporting on relatives and friends
- fear of increased and dangerous homebrew
- increases in bootlegging
- loss of more appropriate and flexible control mechanisms
- fear of divisions due to elections
- retaliation from dangerous drinkers
- symbolic loss of local self-control
- more contact with and dependency on external agencies.

Some also compare these inherent dangers with the perceived likelihood of solving the alcohol problem using the law. If the perceived rewards are few and

the risks high, this solution may be avoided.

D. Division over Values

The prospect of a local option law election, in some communities, reveals some deep conflicts over basic values. The choices made about community control over access to alcohol do not seem to divide the drinkers from the non-drinkers. The dividing issue seems to be between responsibility for the welfare of the community and responsibility for the rights of the individual. Those who drink in a responsible fashion, without damaging their communities, do not wish their actions to be limited in order to protect the communities from irresponsible drinkers. Those who are most concerned about community welfare, particularly the life and death situations created by excessive drinking, are willing to go to any lengths to preserve the community, even if personal liberties and constitutional rights have to be abrogated. These latter members do not understand why the legal system, including the new local option law, appears so weak in protecting their communities.

E. Division over Persons

It is one thing for villages to achieve consensus on the nature of the problem and quite another to agree on "who" is the problem. It is common for residents to agree that misuse of alcohol is the danger but for individual residents to say "I am not the problem." Thus, divisions occur when the community considers a universal solution to handle the problems which are perceived to be created by only certain individuals. Some non-abusive drinkers hesitate to pass laws they know they are going to break as a matter of course. On the other hand, both abusive and non-abusive drinkers may support the community consensus on having a "dry" village even though they intend to individually violate that consensus.

It cannot be assumed that those local residents who challenge aspects of alcohol control laws, including the local option law, are the heaviest consumers or most problematic drinkers in the community. Some informants note that these laws have produced "constitutional mini-lawyers" particularly among those who are not alcoholics or problem-drinkers, who are accustomed to drinking in moderation, who find that their drinking is now considered to be a crime, and who, while sharing the general community concern about alcohol-related problems, do not view themselves as a contributor to that community problem.

It was reported that, while in some cases, the greatest divisions appeared between drinkers and nondrinkers, more often the divisions occurred over conflicts of economics, individual versus community rights, and selected solutions. It was also reported that, in some communities:

- many of those who drink heavily in the hubs enforce the local option law most strenuously in their home village
- even the heaviest drinkers and bootleggers supported the local option law because "we needed some control on ourselves"; of course, bootleggers are likely to support a ban on importation as a spur to their trade.

F. Divisions among Groups

Any communitywide solution to the problem to alcohol control is likely to reveal other deep divisions within a village population, such as:

- family and clan factions and feuds
- victims and offenders
- age and sex groups
- ethnic and racial groups
- internal versus external affiliations.

Community control over itself is gutted by inter-family feuds and other historical conflicts; any conflict or division may suffice to disable a community from acquiring unified control. It would be interesting, but probably impossible, to discover how a community local option vote divides along these (non-alcohol related) lines.

In some instances, the local option and its enforcement (via reporting and

the actions of the VPSO) become a battlefield for the continuation of power conflicts among families which is manifest on a regular basis in council elections. Family conflicts become even more heated on the alcohol control issue if the local bootlegging is conducted primarily by one family. Finally, family conflicts surface when the impetus for the local option law comes from the recent alcohol-related death of a member of one family and the issue is skirted by another family.

The local control of alcohol appears to pit the victims (e.g., women, elders) against the offenders, usually young and middle-aged men. Women appear to be at the highest risk to become victims of the alcohol-related behaviors of others. As a consequence, women in general, and mothers in particular, appear to be the most supportive in adopting local legal constraints and enforcing these constraints as observers and reporters. Women appear to be far more likely than men to vote for alcohol restrictions because of the risk of victimization not only to themselves but to their children. The role of women as abusive drinkers and perpetrators of dangerous behaviors is uncertain in its effect on support of the local option law.

In only some communities do women constitute an effective traditional or modern base of power that can be exercised to control the behavior of men. In cultures where women are attributed power as a matter of course, their influence tends to be pervasive, but often only in certain aspects of village life due to a cultural division of authority between men and women. In other cultures, women appear to have been systematically excluded from power. However, in more recent times, women have acquired more power through the electoral process by voting in blocs. In addition, because of their higher levels of education and greater experience with "paperwork" matters, many women know how to obtain and exercise power through the use of formal indirect and non-local means. Given

the ability to call upon troopers and direct the priorities of VPSOs, women may now be gaining increasing power to control the otherwise uncontrolled habits and behaviors of men.

A local option law election can be seen as a challenge to existing authority or the freedom of specific groups by a coalition of persons or groups who may constitute the majority view on this issue. For example, the impetus for holding such an election commonly stems from the efforts of human service providers, churches and their most active members, elders, activist council members, and women. This has been portrayed as a "power grab" by opponents in some villages.

There appears to be a great cultural gap between these concerned adults and some of the village youth. Youth's lack of orientation to the future and their lack of a broad range of values that are patterned on those of adults reduce the ability of adults to control youth's behavior.

Widespread teenage drinking, despite adult disapproval, reflects the operation of a substantially autonomous youth culture in which drinking plays an important role. Particularly where the society has legally restricted drinking to adults, drinking becomes for the underaged a claim to adulthood - one of a long series of such claims, and one more easily attained than others. In such societies, teenage drinking is, perforce, somewhat segregated even from the legally tolerated heavy drinking of those in the first few years beyond majority. (4, p. 24)

The challenge posed by young people is less in the electoral process where they may have little representation than in the actual enforcement of the law. Where the challenge is posed by young people of voting age and inclination, some elders have avoided holding an election for fear that the young voters would successfully support the opening of a village alcohol retail outlet.

When the problem drinkers are predominantly young men, there is some question whether their physical defiance of law and law enforcement would make them immune from traditional or modern rules and authority. For example, in one

community, when the firefighting crews return home, they commonly get drunk. The elders want to jail the drinkers and wanted other villagers to formally file complaints. However, little was done because of the fear that older people "would be punched out."

Younger males are most often identified as the group opposing passage of option #4 in their communities. This group is often reported as wanting the community "wet". They are the primary "party" organizers who collect money and "charter" alcohol in. Young males constitute a peer group which has access to seasonal cash money from commercial fishing, firefighting, and soon, tends to spend the surplus on "partying".

This study has revealed a continuum of responses by this group regarding local option elections. In certain communities the younger voters made up the bulk of opposition votes to the passage of option #4. Petition drives to hold a second vote on option #4 after its initial passage have been initiated by the younger population in the hope of repealing that option. One community experienced its younger electorate circulating a petition for option #2 (a community liquor store) where no liquor outlet had ever existed. On the opposite end of the spectrum is the example of younger voters returning to the community from seasonal employment to voice their opinions about the upcoming option #4 election, but not voting in the election, reportedly out of respect for the wishes of the elders.

Concern has been voiced that when this generation assumes positions of power there will be a wholesale reversal of prohibition efforts in rural communities. Another interpretation is that the younger generation's opposition to the local option election is an expression of their developmental state and, as they progress into positions of responsibility, their opinions regarding this issue will change.

Some residents interpret the lack of organized opposition to the adoption of

presented option by young people as signifying the substitution of alcohol by marijuana and cocaine and, to a lesser degree, by other substance habits (such as vapor sniffing, ingesting hair tonic, and other modes of becoming "high"). As the new penalties for the acquisition, possession, distribution, and use of alcohol begin to approximate those of drugs, the lower costs and greater invisibility of drug use would be predictive of additional substitution. In addition, villages, having less experience with drug use and misuse and seeing the major behavioral outcomes of drug use as involving less risk of violence to self and others, tend to express both concern and helplessness about this use. While their greatest fear tends to focus on the truancy and poor school performance of their children, predictive of poor individual and community outcomes, they see their communities as either powerless or insufficiently organized and educated to deal effectively with this new problem.

G. Divisions between Native and White Residents

In most small communities, the only white long-term residents are often the school teachers. While a significant local employer and charged with the responsibility for village children, teachers' role in community decision-making is often limited by their lack of numbers, their lack of influence, their different ethnic and value identification, their isolated physical living and working locations, and their temporary status. Nonetheless, they appear to have played an active, if paradoxical, role in local option law elections. Native residents appear somewhat confused by the assortment of values exhibited by teachers, including:

- opposition to alcohol use by students
- supportive of village being "dry"
- opposed to being personally "dry"
- opposed or indifferent to school alcohol prevention programs
- supportive of individual, rather than community, controls over consumption

-- supportive of normative (western) drinking patterns and opposed to abstinence.

White residents vary in their responsiveness to community concerns. In some communities, they not only support but spearhead the drive for alcohol controls; some appear to be the vehicle used by elders to organize the local option petition process. In other communities, they set themselves apart and above the authority of the community. In these latter cases, they appear to see the local option law as directed to "the conduct of Natives" rather than to improvement of communitywide social health. The language they use is "they [Natives] really need it, alcohol is their biggest problem." These residents view their own drinking as private and non-problematic; they tend to insist on their individual rights and liberties and challenge all community departures from the letter of state and federal law. They are also aware of and exercise all of their civil rights when reported for violations.

Some white residents note about their peers that it is one thing to stand up for your legal rights and quite another thing to "ignore the reality of where you are living." They suggest that a person's continued defiance of the community can result only in their premature and unwilling exit as orchestrated by the powers of the community. It is only those communities where one or more white residents have economic or police powers that villages find it difficult to control their activities or limit their influence.

Some villages have had some difficulty in the past in controlling the actions of air carriers who provide the primary transportation services to the community. Communities have expressed dismay that, in some instances, air carriers have ignored their requests for assistance and cooperation and have challenged local authority by continuing to deliver alcohol and even bootlegging. For example, one community, in the immediate post-pipeline project period, adopted a control ordinance and sent a notification of this decision to

air carriers, cautioning them not to transport alcohol into the community. The local trooper was reported to have told the community that their prohibition was not enforce-able under state law. The air carriers were reported to have reduced their service level to the community dramatically and immediately as a form of punishment; other carriers ignored the ordinance entirely. It is not surprising that these communities have turned to the state law in order to ensure air carrier compliance with community desires.

H. The Role of Community Support Agencies

A number of regional and statewide agencies provide services to villages; these services include health care, mental health care, alcohol prevention and treatment, domestic violence assistance and other social services, and so on. While agencies and communities share a generalized concern with alcohol use and related problems, their definitions of the problem, their assignment of responsibility for its solution, and the means leading to the solution often appear widely divergent. In an oversimplified model, the way each perceives the other may be characterized as:

1) Agency about Community — village youth are directionless; drinking is accepted by the community; individuals have to take responsibility for their own lives; treatment programs cannot do very much without community support; agencies are only consultants and helpers; communities seem indifferent or helpless to the losses due to alcohol, are unwilling to actively and firmly intervene in others' lives over a long time period.

2) Community about Agency — the agencies are encouraging individuation and its social-psychological risks for small community residents whose culture requires close social relationships and conformity; the agencies are blaming the community for events that have not been under community control, such as rapid "industrialization, modernization, westernization"; communities have never

confronted a range of problems as complex as these and do not have the legal, management, or leadership tools to resolve them; agencies tell communities to use modern legal tools in pursuit of contradictory traditional and modern values; communities do feel the personal and cultural losses deeply, but cultural tradition suggests that "life is fragile, death is not preventable, you do what you do and take your chances".

Depending on the service program, some agency personnel and many community residents view "the problem" as alcohol, that is, "the devil is in the bottle." Controlling the substance and individuals' access to it is seen as a positive permanent or interim step in protecting the individuals and their communities. Other personnel and probably fewer residents see alcohol as the result of "the problem", which is defined as major uncontrolled economic and social transformations of individuals, families, communities, cultural roles and ties, and identity, undermining the sense of local self-control and resulting in feelings of helplessness and weakness.

Both viewpoints have an investment in the local option law. The former sees the law as an effective constraint on access to alcohol; the latter sees the law, not as a solution, but as an interim, stop-gap measure to help villages slow the pace of alcohol-related violence.

Although these programs are subject to community decisionmaking, the regional service providers are not neutral in terms of their support of solutions to the villages, since the function of these providers is to promote the reduction of problems. These providers try to generate community support by showing what new resources and solutions are available and advocating their use. When the providers are well-organized, entire sub-regions can collectively and simultaneously investigate these new solutions. By taking the initiative, these providers provide both facilitation and pressure to hold a local option law election. As one service program respondent noted, "Having a regionwide effort

and a team effort, we made it easier for them to say 'yes'."

I. The Local Option Law and Inter-Community Effects

The local option law was designed to be available to individual villages. However, the ties between villages in the same region and subregion are so great that the alcohol problem is seen as a common regional or subregional issue. Indeed, it is not uncommon for a dozen or more villages to meet together to attempt to devise and enact a regional solution.

Commonly, these meetings, while recording the mutual problem, also note that differences between villages made a solution for one village a problem for another, even though both solutions may be provided by the local option law. For example, if one community enacts a ban on sale and importation (Option #4) and a neighboring community opens an alcohol retail outlet (Option #1 or Option #2), they may be working at cross-purposes; the controlling community's efforts are undermined by the increased availability while the retailing community may receive the exported problems and problem people of the controlling village. Other effects that may occur include:

- increased incidence of alcohol-related accidents and death as residents travel between communities
- changing immigration and outmigration patterns as access to alcohol changes
- the cost of government goes up in the retailing community
- the alcohol outlet becomes a source for increased bootlegging to the controlling community and the rest of the subregion
- power and purposes change as the wealth of one community is accumulated in the other
- the reputation of and quality of life in the retailing community declines.

The same effects may occur when one community votes a ban on sale and importation and a neighboring community takes no positive action at all.

These differences occur for a number of reasons:

- different perceptions of the alcohol problem
- different values applies to drinking and drinking behavior

- different modes for controlling alcohol or alcohol-related behaviors
- different economic, religious, or political orientation
- different self-concepts
- different situations (e.g., road-connected, not road-connected)
- different racial composition
- different history and development.

One of the most serious inter-community problems is created when one community, in order to reduce the availability of alcohol in the subregion, wants a sister community to close down its alcohol retail outlet, particularly if the controlling community writes to the ABC board to protest the license. Closing down a subregional distributor can drastically increase the difficulty in obtaining alcohol by increasing the distance, money, and time that is involved in obtaining it and also result in undesired changes in distribution, such as increased bootlegging.

There was some suggestion that, for purposes of local option law elections and liquor license protest, communities that are geographically tied and tend to function as one community should be allowed to vote on the local option law and/or have standing before the ABC board as if they were all residents of the same community. They suggest that the geographic boundaries that have been provided to distinguish them do not reflect their true nature.

J. The Local Option Law and the Electoral Process

It has been suggested that a valuable product of the local option election process will be "to vest a people in an electoral system with which they are still somewhat unfamiliar and to assist in the realization that voting can make a crucial difference in the fabric of their lives" (5, p. 8) and that the local option elections will be "tangible evidence that each registered voter in a village can be a part of the voting process and that villages can be self-determining entities." (5, p. 11)

This, in fact, may be the case only in a select number of communities in

which the outcome of the local option election has been a mirroring of the total community consensus and enforcement is backed by the whole community.

Those communities holding a local option election in the hope that the law will "make a crucial difference in the fabric of their lives" have often held the election in response to a recent tragedy. In these communities the results of the election are less an expression of the community consensus regarding alcohol use than an emotional reaction to the community's loss. The resulting problems of enforcement and the tensions created within the community because of the reality of the vote tend to disillusion the voters rather than "vest" them in the electoral process.

In other instances, local option law elections have been held in response to an unsuccessful liquor license protest, to perceived lack of trooper enforcement efforts against bootlegging, and so on. These also are less an investment in the electoral process than using any means to meet the same objective. It is not at all clear that going through the complex, energy-consuming electoral process to enact a local option even helps villagers understand the process; the less they understand it, the less likely they will be to become invested in it. Similarly, the less that they find the law, once enacted and implemented, actually meeting their objectives, the less investment they have.

Establishing village law through the electoral process may have a number of unanticipated consequences:

- it may make law-making and enforcement easier by reducing individuation of council members and the VPSO
- it may shift the burden of control from individuals and groups to the entire voting population
- it may be more effective than a liquor license protest because it involves more people more anonymously
- it may be another means to reaffirm already existing village standards and rules
- it may help the electorate override the weakness or opposition of the council.

On the other hand, the electoral process may be used to challenge the very

roots and legitimacy of village power structures; depending on one's objectives, this may be a very good or very bad outcome. Once the roots and legitimacy have been successfully displaced, the core direction and wisdom of the village may also be lost.

Experience with the local option law election process shows that elections can serve to exacerbate community divisions. Nonetheless, observers tend to agree that controversy over the local option law is good, because it focuses lengthy attention on the problem, helps to clearly identify the issue and establish consensus, and generalizes from the individual loss to the community problem.

It is also clear that the time required to enact a local option allows residents to sort out their objectives. For example, in one village, a petition was circulated following an ALSC presentation and a sufficient number of signatures was obtained within a half-hour. Subsequently, the community overwhelmingly voted for Option #4. Still later, the community defeated the incumbent council president because of his strong support for the law and elected a new council member pledged to more lenient enforcement of the ban on importation.

It would be unwise to attempt to generalize about community desires from the results of a local option law election. Much depends on who voted and why. In one community, for example, it was reported that opposition came from the owner of the alcohol retail outlet; he imported a dozen of his employees to the village, registered them in time for the election, and defeated the option. In other communities, notices were torn down as soon as they went up, petitions were destroyed, and councils have required new elections.

There is insufficient information available to predict or explain the preceding factors in the petition process, the voter turnout, or the outcomes of many local option law elections. In some communities, only a relatively small

fraction of the electorate actually cast ballots. The pattern of "who" voted varied considerably from community to community. In some, only the activists on either side of the issue appeared to come out. In others, non-Native residents either participated actively or appeared to avoid the election entirely. Some residents suggested that these latter members thought that, by not voting, they would not be bound by the election results or by the community feeling expressed in these results. Alternative explanations suggested that non-voting members were allowing other forces in the community (such as voting elders) to dictate their will on community life. Avoidance of voting on such an important aspect of community life appears to be one means of resolving the personal conflict between community and personal rights and responsibilities.

A large number of white residents in a community is not necessarily predictive of a vote against the option; while whites generally tend to have a far higher rate of voting participation than Natives and could dominate elections even while they are in the minority, they also tend to abstain on some issues about which Natives feel strongly or which whites consider to be "Native issues." Low voting participation does not mean low voter interest.

It is not possible to predict the outcomes of elections based on the petitions. In some communities, a small number of signatories supported the petition, but a large number of voters turned out to pass the option. In other communities, a large number of signatories were offset in the election by a motivated electorate in opposition.

An overwhelming vote in favor of an option does not, in and of itself, indicate community consensus; there are several examples of communities feeling that they were "railroaded" into enacting the option by a local power broker or by the rush of events following a community loss. Some feel that they are now "stuck" with a law they do not want and that will require great effort to rescind. The popularity of the option may also not be indicative of the amount

or success of its enforcement.

Conversely, it is difficult to ascertain the meaning of a closely split vote in a community. It could signify a split community or only a split electorate. The council actions which are taken in response to a closely split vote will depend less on the vote than on who the council members are. In many villages, who the elected official is may be more significant than the stated will of the electorate.

The failure of a local option at the polls does not mean that the community is opposed to alcohol control. Since the impetus for such a law commonly begins with a minority of persons (e.g., a health aide, teacher, health council, and so on), it may take concerted campaigning, outside assistance, and more than one election to engage the support of the majority. The very fact that certain villages have held local option law elections, regardless of the outcome, has surprised and pleased many local and non-local observers. They suggest that a closely split vote on an option would have the same effect on community life, whether the option was adopted or rejected, since lack of consensus would diminish enforcement efforts and exacerbate community divisions and tensions. However, in some communities, lack of electoral unanimity has not seemed to damage early and strict enforcement; this suggests that village consensus is not always reflected in electoral results.

Passage of an option may be the produce of symbolic support for the option from prominent persons and agencies rather than the consensus of the community to change its alcohol consumption patterns. The changes which occur as a result of or in conjunction with the local option law election may have more to do with other village factors than with the passage and enforcement of the option.

XII. Changes in Village Life Since the Local Option Law

It is difficult to assess the changes which directly and solely result from the passage of a new law, not because it is difficult to measure change but because it is difficult to prove that the measured change was caused by the new law. There are many concurrent forces of change constantly sweeping through Alaska villages, both internally and externally generated. Many of these are difficult to even perceive until long after the change has actually occurred. We will refrain from attributing changes in village life directly to the local option law, but will show how the local option law, in conjunction with some other forces, is caused by significant change and contributes to significant change in village life.

The authors agree with ALSC alcohol project staff that any solution to alcohol use or other village social issue must come, finally, from the indigenous population rather than from the external "magic" of the state. There is no doubt that the state can tangibly support these solutions, but if the solutions or the method of state supports are not congruent with other basic aspects of village life, both the solutions and the supports will be either subverted or rejected by the village. External government must be very cautious not to use villages and village law as experiments. Failed experiments in a laboratory will make laboratory researchers unhappy; failed experiments in villages further the downward path of repeated demoralization of villages trying to recapture control of their futures.

One popular form of social experimentation is passing a law without "investing" in it; that is, laws are passed as gestures, rather than as mechanisms for social change with the commitment of human energy, human determination, and other resources to make them work. Sociologists have noted that laws are often passed but remain ineffective because they are not enforced. They are not enforced because they are not meant to be enforced; they are merely

ways that politicians use to placate the demands of one group without seriously impacting another group's ability to continue in its activities.

Popular sentiments also affect the enforcement of legislation. Many a control attempt has failed to change consumption because a piece of legislation has not been effectively enforced. Sometimes legislative bodies enact purely symbolic legislation not seriously meant to be enforced, and sometimes the state bureaucracy is simply unsuccessful in enforcing a regulation...

The actual impact of control legislation is dependent on the political and legal traditions prevailing in each country. Many North American jurisdictions, for example, traditionally express moral concern in the form of detailed legislation that is neither felt as always binding by the population nor consistently enforced. In countries where the law has greater respectability, such as Scandinavia and Switzerland, purely symbolic pieces of legislation normally do not get passed, whereas those that do, are meticulously enforced and observed. (4, p. 93-4)

Control legislation both expresses and molds the climate of opinion, and both law and opinion change in response to economic and social transformation. Nevertheless, it may make a difference whether or not popular sentiment is transformed into state policies. (4, p. 91)

Failure to legislate for the people may not deter a powerful social transformation coming from the people.

In 1912, about a fourth of the Dutch adult population signed a petition requiring local option. Only the two-chamber structure of the Dutch legislature prevented this mass sentiment from being translated into legislation. In the early 1920s, the House of Commons twice passed local option legislation, but both bills were rejected by the Senate, the first time by one vote only. The temperance ethos that permeated the Dutch population was virtually strong enough to dry up the whole country without the support of legal coercion. (4, p. 92)

In the case of the local option law, as we have seen, the law itself, the path to its use, its enforcement, and its long-term and short-term effects on social organization and culture remain conjectural. We shall confine our descriptions of change largely to the topics of altered access to alcohol, altered use patterns, altered modes of social control, and altered quality of life.

A. Changes in the Distribution of Alcohol

The alcohol distribution industry respondents in this study have suggested that, at the time of the consideration and passage of the local option law, their industry did not believe that it would be significantly damaged by the law. At the time, the industry was far more concerned about the potential increase in excise tax statewide; this prospect was so much more threatening that the industry ignored the local option law and, unintentionally, may have eased its passage. The industry appeared to be less worried by any financial implications of the law than by the array of statewide "neo-prohibitionist" actions being considered by the government at the time.

There does not appear to be any legitimate way to obtain precise information on changing patterns of retail alcohol sales in Bush Alaska because there are so many modes of transportation and sale; where an item is purchased is not indicative of its final destination or user. However, according to industry respondents and Bush retailers, while some concern existed that villages voting "dry" would reduce the business potential of hub alcohol retailers, the loss of direct access to these villages does not appear to have significantly damaged existing sales. This needs to be examined, of course, by review of sales by community, judicial district, region, and the state. If, however, no significant change has occurred, this may be attributed to:

- major failures in enforcement
- major exportation of behaviors to hubs
- lack of significant volumes having appeared previously in villages (that is, villages having populations that are too small to show up in the statistics; a large party in a village may not appear as even a blip in the hub's statistics)
- changes in substances used; that is, substituting distilled spirits for beer, or marijuana for alcohol
- changes within only certain populations, resulting in only a small or immeasurable change in per capita consumption rates across aggregated populations and/or communities
- increased unreported bootlegging or other forms of unreported distribution.
- some retailers altering their merchandising and their

- products to appeal to new, different, and growing demands within the hubs themselves (e.g., selling wines to hub residents rather than spirits to village residents)
- increased sales to some individual members of local option communities coming into town by private vehicle
 - increased informal bootlegging; that these volumes are intended for in-village use is indicated by an increase in the sale of pints, that is, amounts that are easier to smuggle back into the community
 - increased sales resulting as part of the normal shopping in hubs conducted by villagers.

2. Altered Access

The response by alcohol distributors and carriers has been, generally, to comply with the local option law. This is due not only to the stringent penalties which can result from violations, but also to the increased pressure on hub distributors to reduce their contribution to public safety problems in the region as well as in the hub, under the threat of new ordinances, increased taxes, and other restraints on profit potential.

There has been some attempt to apply village local option law restrictions at the point of exit from a retailing hub (on the grounds of "intent to export" to a "dry" community) rather than at point of entry to a village ("intent to import"). The amount of effort and success of this attempt is unknown at this writing.

There is some division of opinion as to who is or should be primarily responsible for stemming the flow of alcohol from hub retailers to the "dry" villages. Hub retailers, while no longer mailing or delivering bulk quantities of alcohol to these villages, deny that they have the right or responsibility to intercept alcohol as it enters village boundaries. Villagers find themselves hard-pressed, in many cases, to effectively intercept alcohol importation, due to the combined ingenuity of importers, lack of sufficient police, and lack of effective after-the-fact policing tools; for example, once alcohol has entered the village, villagers find it legally difficult to confiscate it,

to search for it and seize it when they see a drunk person, or to convict a person based on alcohol presence as prima facie evidence of importation. They can rely only on the less-formal means of direct counseling and warning of the offender by other residents, the council, or the state trooper. Villagers suggest that the hub retailers should exercise more control by restricting sales (e.g., no more than one bottle per person per day), particularly when these retailers know that visiting villagers are taking case lots of alcohol back to the villages.

However, the retailer has no way of knowing that the buyer will attempt to import the alcohol into a non-importing community. Indeed, some buyers will cache their alcohol just outside the community borders, returning to it from time to time, and re-enter the community intoxicated but not transporting alcohol.

Air carriers appear to heed the new restrictions adopted by villages and attempt to prevent flagrant violations; in particular, they have become cautious when communities, individuals, or police have notified them of others who were intending to accomplish a "booze run."

The law and its penalties have altered some of the basic economics of alcohol distribution in the Bush. There is no doubt that damaging the "economies of scale" accompanying legal sale and importation has increased the cost in time, energy, and money to obtain alcohol. Whether this increased cost has reduced the rate or volume of consumption is doubtful.

Probably the most extensive quantitative literature on the correlates and determinants of consumption is the econometric literature on the income and price elasticity of consumption. These studies have reaffirmed that consumption of alcohol, as of other commodities, is responsive to changes in income and price. Nevertheless, there is considerable variation by time and place in the value of the elasticities -- that is, the elasticities themselves are historically conditioned. In the longer run, it is clear that the "long waves" of consumption mentioned earlier cannot be accounted for by changes in income or in price. The period 1950-1975

was marked by a general rise both in affluence and in alcohol consumption in the societies included in the study, but these trends may be most appropriately viewed as specific indications of general changes in the structure and culture of the societies. (4, p. 27)

It is often suggested that, were a liquor retailer or air carrier not available, the money spent by village residents on alcohol would both remain in the community longer and be spent on other, more useful items such as food, energy, clothing, equipment, and so on. There has been no evidence adduced to support this suggestion. It is more often suggested that the money local residents intend to use for alcohol would be spent elsewhere (e.g., with alcohol mail orders, bootleggers, drinking in other towns, buying more expensive alcohol); while this might result in altered drinking patterns (that is, changed amounts, locations, substances), it is uncertain what community objectives would be accomplished by these alterations.

B. Changes in Alcohol Consumption and Alcohol-Related Problems

Because we have no evidence to the contrary, we may assume that the local option law has not significantly reduced the overall volume of alcohol consumed in any region. On the other hand, communities and local social agencies report that there have been significant changes in the reporting of alcohol-related problems, particularly declines in the number and severity of violent incidents. How, then, are we to explain "no significant change" in volume sales accompanied by "high rate of reported changes in problems"?

Recent international literature on the control of alcohol (4, p. 90-1) suggests that the

"relations of alcohol consumption level and patterns to casualties and social problems associated with drinking are far less clear and universal. In cross-sectional comparisons of societies, correlations of these problems with consumption level are frequently negligible. It is clear that both patterns of intake and societal response to alcohol problems have to be taken into account as mediating factors between the level of overall consumption and social consequences of drinking."

This suggests that "alcohol-related problems" may be determined more by other social forces than by changes in absolute consumption levels. For example, where the alcohol is consumed, under what circumstances, and what behaviors are sanctioned within certain populations may have a more significant effect than volume consumed.

The international literature points out, for example, that in some countries with a low rate of overall consumption, there is a very high rate of alcohol-related violence, conflicts, arrests, and poisoning, indicative of unrestrained drinking patterns. "Conflict-prone drunken comportment was not confined to isolated subgroups of inebriates but was a more or less integrated part of the drinking habits culturally prevailing over the general population." (4, p. 45-6) This suggests that what one does intermittent period of unrestrained drinking (i.e., consuming large quantities in a short period of time) is derived directly from one's social and cultural setting. This accounts in part for societies that have a high rate of overall consumption but a low rate of conflict and conflict-prone patterns of drinking behavior.

What implications, then, can be drawn about a decline in overall consumption level in a given society and cultural setting? "Cultural patterns of drinking and drunk behavior do change, as indicated by the fact that in all the societies studied the ratio of indicators of social disturbance to aggregate consumption has gone down." (4, p. 61) This suggests that changes may be more the result of social and cultural changes in sanctioned behavior, in social control and reporting mechanisms, and in patterns of use than changes in overall consumption.

C. Immediate Village Experiences with the Local Option Law

Initial phases in the implementation process of a new rule controlling access to alcohol, whether it is a local ordinance or a local option, often

include:

- a recent series of negative events related to alcohol in the community (it is not common to formulate new community policy based on events involving those villagers absent in hubs or other communities)
- an electoral change in the composition of the village council
- passage of a new ordinance or a local option
- posting of new laws in public places
- new community laws broadcast on regionwide radio
- new community laws transmitted to alcohol retailers, air carriers, and law enforcement agencies
- immediate reduction in serious events.

This last item requires some explication. A combination of forces, rather than a single legal change, tends to create concrete community change. For example, in one village, a community election not only adopted the local option but invested a great deal of authority in its new council chief. This new official assured the village women that he was "really going to work on it, not let anybody go, even my own son or brother." This was said in the same public meeting where all the laws were reaffirmed by consensus of all residents. It was reported that "everyone enthusiastically voted to ban alcohol from this village"; they were tired of the child abuse, the fighting, the stabbings, the shootings, the neglected children. The council extensively broadcast the new laws and invited the state trooper to talk about enforcement. All these steps created fear and caution in some community residents, about the level of reporting, enforcement, and penalty that was actually going to occur, and an alteration of their importing, drinking, and public behaviors.

The immediate effects on alcohol use and behaviors following local option law elections in many communities were quite pronounced, even in those communities where the elections involved low voter turnout and/or narrowly adopted laws. Most communities were marked by immediate, marked dryness, due to:

- fear and uncertainty about enforcement and penalty
- fear of community opinion, feelings, and actions
- shared common objectives
- increasing enforcement by councils and VPSOs at points of

- importation
- adherence by alcohol distributors and transporters,
reducing basic availability
- altered drinking patterns at a distance from the communities
- more cautious and private drinking in the community.

In the past, many of these communities had effected similar change for short periods of time by the issuance of emergency ordinances. Since emergency ordinances were time-limited and village concern seemed to dissipate as time healed the sense of loss, alcohol was often rapidly re-incorporated into village life. (In a few communities, however, the emergency ordinance seems to have been translated, in the minds of residents, into a permanent rule.)

In the case of the local option law, several factors appear to have lengthened the effect of community law-making; these include:

- the presence and efforts of the VPSO and community police
- the active involvement in enforcement by councils
- improved communications with and response time of troopers
- increased responsibilities for law enforcement and
judicial officers
- increased penalties for distributors and transporters
- the fact that the law was adopted by the electorate, not
merely the council
- the non-time limited character of the local option
- the high expectations derived from the experiences of
sister communities
- other substance addictions.

D. Perceived Changes in the Quality of Village Life

Like large urban communities, small communities are less interested in the outputs (e.g., numbers of hours worked, arrests made) of their police agents than in the outcomes (e.g., reduction in perceived violations). In villages, the indicators of outcomes of restrictions on alcohol sale and importation (and possession, in more restrictive communities) are not limited to arrest statistics. In the most restrictive or insistent villages, residents are not satisfied to see their restrictions result in more private, behaviorally unproblematic drinking. These villages insist that the community be free of the presence of alcohol, since they see alcohol as the cause or proximate trigger

for behaviors; they do not believe that people can or will drink in moderation, since the common impulse is to drink in order to get drunk.

However, in most communities, the indicators used by village residents to measure the success of their rule-making are, in many instances, more subtle than those used by public safety agencies. These indicators appear based more on measures and perceptions of changing community quality-of-life. To measure the sum of these changes would require extensive and long-term understanding of each community. These indicators appear to be positive, unlike public safety statistics which are, essentially, measures of negative events. These positive measures are elusive, based on a range of altered hopes, fears, feelings, perceptions, and self-indications rather than changed absolute incidence of consumption rates and alcohol-related behaviors.

These other indicators include a greater sense of safety in allowing kids to play at night (since fewer people are driving drunk), in being alone at night with husbands and fathers absent, and so on. These indicators, for which no data base exists, while quite detailed and subtle, may contribute to as powerful a measure of community self-control and well-being as the public safety measures (which also lack consistent data bases).

Many of those who voted against the presented option still like what the law has done for their communities, in terms of outcomes (e.g., fewer health aide emergency calls, less demand for the constant presence of the magistrate, more privatization of drinking, less public binge drinking, a more quiet community, less fear of others, fewer people hurt). Other indicators include general decline in the incidence of violence or threats of violence and of periods during which the entire village is drunk or drinking. There is a reported decline in drunken sprees as well as a perceived decline in the volume of alcohol imported to or available in the village at any one time.

The international literature (4, p. 24-5) suggests that, in most societies, there is a "temporal specificity" to drinking, a regular, daily, weekly, and seasonal (e.g., celebrations) rhythm. As countries modernize, often this pattern is changed by social and economic factors to more routine and regular patterns. It is suggested that an enforced local option disturbs these patterns of use and intervenes in the social settings which precede or involve serious conflict.

It is not only in subjective quality of life and law enforcement measures that the effect of these changes can be examined. For example, many health care observers have noted no significant change in the type or number of alcohol-related health problems in their communities since the local option law. These problems continue to be gastric problems, withdrawal symptoms, skin problems, toxicity, injuries, cirrhosis, hygiene problems, child neglect, and domestic violence. What they have noted is a reduction in the severity of alcohol-related traumas, due in part to the local option law and to the increased police efforts which intercept parties and fights in earlier stages.

The subjective measures are also supported by "harder" data collected by the Alaska State Troopers which indicate some declines in the regional incidence of suicide and suicide attempts, homicides, severe domestic violence, gun calls, assaults, and search and rescue. They report an increased number of persons willing to work with the trooper or the VPSO to "make cases." They note that the size of their caseloads has remained approximately the same, but has been focused on earlier detection and intervention. There has been, however, no systematic examination of the relationships among having a local option, having a VPSO, and having declines in these negative outcomes.

The combination of the local option and the efforts of the VPSO is likely to result in earlier identification of and intervention in the development of serious problems, thus altering the number, severity, and types of agency-

reported problems. It is likely that rates of less severe problems will rise, initially and dramatically, that rates of more severe problems will decline somewhat and not rise to earlier levels, and that the types of reported problems will change; for example, it is likely that alcohol importation offenses will increase, that alcohol-related deaths and other alcohol-related violence will decline, and that other substance offenses will increase as alcohol availability declines.

As reported earlier in this study, the immediate objective of villages was to reduce the incidence of alcohol-related problem behavior, including public drunkenness and public drinking. Since the local option law elections, many communities have perceived a steep decline in both public drunkenness and public drinking. Whether or not this perception is correct (and it is likely to be correct), whether or not there is less actual drunkenness or drinking, are probably not relevant distinctions in the communities' assessment of the quality of their daily lives. Even though the volumes consumed and the number of intoxicated persons may remain the same, villages will feel positive about their actions and the effectiveness of the law based on a perceived decline in problems. They will "feel" more "dry", even though they may not be more "dry". For some villages, this feeling has been a wonderful, exhilarating experience, enhancing their perception of increased local self-control over their daily lives and their futures. There is some danger that, over time, a decline in reporting, enforcement, and external support or an increase in the visibility of drinking or successful challenge to authority will contribute to an opposite sense of powerlessness.

E. Changing Patterns of Use

If the overall rates and volume of consumption have not changed since the local option law, what then accounts for these perceived declines in alcohol-

related problems and visible behaviors? It is suggested that these changes are due to altered patterns of use by the using population, including:

- increased privatization of use
- altered patterns of access
- substitution of other substances (e.g., drugs, homebrew)
- externalization of the behaviors and problems.

1. Privatization

As reported above, the enforcement of the local option has resulted in less alcohol being available in the village at any one time. Availability resulted in open importation of large quantities, much sharing and giving of alcohol, much public drinking, and much binge drinking. The decline in availability is the result of the banning and interception of large lots of illegally imported alcohol. While violations of the ban on importation are common, the size of imported lots has decreased from cases to bottles. Those residents who illegally import alcohol are importing smaller quantities, sharing it less, hiding it better, hiding their use better, retaining it longer, binging less, drinking alone and engaging in less problematic behavior. This is what is meant by privatization. It is likely that privatization reduces the social contact, rewards, and tensions which often lie at the heart of alcohol-related violence.

The removal of drinking behavior from the public view has reduced the rate of reporting of public behaviors, has increased at least some of the behavioral self-control of drinkers, and has improved the rate of perceived problems by community members. VPSOs, of course, encounter a large number of alcohol-related contacts but these tend to occur more often in private homes, as family members call on the VPSO for earlier interventions into slowly-developing alcohol-related tensions. While the most serious and problematic drinkers may not have altered their behaviors significantly, the more marginally or intermittently problematic drinkers may have substantially altered their pattern of use

in response to disturbed availability and public intolerance of behaviors.

The local option law, while perhaps reducing other forms of crime, has, by definition and in reality, increased the number of reported and unreported misdemeanor and felony violations of the ban on importation. There are many types of violations and violators. Some violators import and use small amounts of alcohol for personal and private use, without resulting behavioral problems, and tend to be tolerated. Those who are caught immediately lose their alcohol supply and often readily admit their violations.

Others attempt to regularly import larger quantities of alcohol, for party use, for distribution to youth, with resulting behavioral problems. They become ingenious, partially because they view the restrictions as a challenge and partially because of their fear of being without alcohol. They cache legally obtained stocks of alcohol just beyond the view and/or legal limits of the community. They send small quantities through the mails. They empty syrup and clorox bottles and refill them with alcohol on shopping trips.

In addition, the ban on importation has resulted in importation and delivery to points just beyond the jurisdictional limits of the community; the alcohol is dropped off or delivered to individual residents who actually import the alcohol across the limits. The law has also led to the consumption of alcohol on the road or water system just beyond these limits (creating a serious increase in the likelihood of alcohol-related accidents, such as drowning and freezing), and to an increase in alcohol transported in personal luggage.

Respondents suggest that there has been a greater increase in "casual" bootlegging and "suitcase" importation than in organized bootlegging. Air carriers have reported an increase in the amount of new luggage being transported between villages and hubs, compared to the recent past when villagers would come to town with their travel necessities contained in a small bag or parcel. This is consistent with observations in hubs, where alcohol is

imported and sold by the case but exported from the hub in luggage.

One of the greatest concerns about economic effects of the local option law was the encouragement of organized bootlegging. Since it takes some time for the informal distribution to recognize and fill the new vacuum potentially created between demand and supply, it is probably too soon to assess any changes that have been made in bootlegging. The troopers have anticipated an increase and have responded in terms of enforcement; in addition, it appears that villages are more readily reporting organized, high volume bootlegging than individual importation for personal use.

2. Substitution

One of the serious dangers in removing the supply of a substance upon which people are dependent is the substitution of other, equally dangerous substances. It has been reported that the absence of alcohol has led to an increased use of marijuana, Lysol, gasoline fumes, hair spray, Listerine, and so on. These responses are consistent with fads and substitutes elsewhere.

Among the concurrent changes in many communities is a partial substitution of marijuana for alcohol, particularly in the 18-25 year old age group. It is reportedly seen as less behaviorally destructive by users than is alcohol.

Before the local option law, alcohol was the most popular substance since its purchase, importation, possession, and personal use were legally sanctioned for adults. By comparison, only the possession of limited amounts of marijuana was sanctioned. In effect, the local option law has altered these relationships, since:

- it is no longer legal in local option villages to sell or import alcohol
- the penalty for both substances are generally equivalent, while alcohol is far more visible and likely to be reported
- alcohol is increasingly expensive in proportion to marijuana and more difficult to transport, hide, distribute, use, and dispose of (e.g., evidence)
- the behavioral effects of marijuana (as well as cocaine

- and some popular drugs) are less obvious to villagers and less troublesome from a public safety perspective; that is, declines in school or work productivity are less visible than alcohol-related motor problems and less critical in the minds of many villagers that the violent consequences of alcohol misuse
- villagers have less direct experience with drugs, their visible effects, their long-term consequences.

In terms of substitution, however, "homebrew" is likely to become much more common since it is legal to make and possess fairly large quantities; it is also more likely to become, as it was in the past, a significant and profitable article of commerce. As predicted by many villagers during the consideration of the local option law, there have already been reports of rapid increases in the manufacture and distribution of homebrew, characterized in one community as "a booming business." It has become most popular with young people who have more time to spend in its manufacture. While it is true that the ban on sale and importation is partially eroded by the availability of homebrew, homebrew is usually made in small batches, requires large expenditures of time and attention, and tends to be consumed immediately upon completion which then requires a "dry" period during which another batch is created. Homebrew is thus likely to produce an altered style of drinking with fewer numbers of drinking, less quantity consumed, and occurring in an intermittent pattern. While the manufacture of homebrew is likely to become more lucrative due to the ban on importation, it is unlikely to seriously compete with distilled spirits because:

- its manufacture is not easy to hide
- its sale is illegal
- its sharing with minors is illegal
- its consumption can be toxic, if not correctly prepared
- it will always take less energy to illegally import alcohol than to manufacture it
- it is a less popular commodity for consumption than spirits or beer.

3. Externalization

There is a growing, although as yet unmeasured, feeling that as certain villages constrain the access to alcohol under the local option law a portion of the reduction in alcohol use and unrelated problems is actually "externalized", that is, removed from the village to some other place. The use and problems can be exported, as occurred in one community that adopted Option #4, because some residents simply move to the next "wet" community. However, the more significant externalization occurs when drinkers take their appetites, habits, and behaviors to the regional hubs. It was reported by older respondents that this pattern has always occurred when the home village rules or penalties became more strict than those in the hubs and/or when alcohol has been more readily available in the hubs. This intermittent (and, sometimes, permanent) migration will increase, to an unknown degree, the problem rate and resulting financial costs occurring in these hubs, particularly in their law enforcement, judicial, corrections, health care, mental health care, and alcohol detoxification and other social support systems.

Whether or not a village exercises formal controls over alcohol importation, sale, possession, or use, much alcohol consumption occurs in hub communities, particularly when seasonal wages and other income are received. Villages are likely to continue to tolerate this export of partying behavior, as long as:

- drinkers take care of their important business before they become intoxicated
- drinkers do not require that their families have to expend energy and time to retrieve them from hub jails
- drinkers do not embarrass or reflect on the reputation of the home village or the family (some regional newspapers now regularly print the names of persons who fall into trouble when away from their villages, so the hidden remote behaviors are now readily visible back home)
- drinkers do not attempt to import alcohol on their return
- drinkers do not return home drunk, violent, or suffering from alcohol withdrawal.

It was reported that many villagers preferred to drink excessively in the

hubs because "we don't want our kids to see us when we are drunk." Thus, these persons can, in good conscience, support restrictions on alcohol use, importation, and sale in their home villages by exporting their habits and problems to the hubs.

Most regional hubs report increased visitation from villages that have enacted a local option. There seems to be consensus that the hubs become recipients for externalizing village problems as villages control alcohol; it is possible that the healthier the villages look, the worse the hub communities will look, by definition. However, there is no indication of a one-to-one correlation, that is, an increase of one hub problem for a decrease of one village problem.

Respondents suggested that, while some extravagant drinking is more common and tolerated in the hubs than in home villages, there are greater control and punishment mechanisms in hubs to intervene in negative behaviors; thus, the exportation of drinking is suggested to result in diminution of village tragedies and earlier and more effective intervention in behaviors in hubs. An alternative view was also suggested that some village residents who drink in hubs are more conscious of serious policing, unpleasant penalties, and the embarrassment of being jailed in hubs and that they therefore moderate their hub behaviors.

Whether village problems are externalized by voluntary actions (e.g., a villager going to the hub to drink) or involuntary actions (e.g., jail sentences, exile from the community), the hubs tend to be the recipients of these problems; in particular, the centralization of regional alcohol treatment services in hubs has led to an increase in caseloads. Caseloads have also increased due to more active referral and outreach efforts, more public awareness, increased policing, increased population size, new standards, and other case-finding changes. As a result, it does not appear possible to ascertain how

much of the increased caseload is due to externalization resulting specifically from the enactment of local options.

F. The Local Option Law as a Solution to Village Problems

Observers within and without the villages express uncertainty about which factors account for the recent declines in village problem rates -- VPSO, local option law, development of councils, stability of populations, earlier detection, earlier intervention, more jobs, maturation of populations, cyclical change in local control, and so on. They hesitate to attribute single changes to single causes, preferring to see the change as a systemwide change. On the other hand, they far more readily attribute negative changes to certain single causes, such as the opening up of an alcohol retail operation in a regional or subregional hub.

The history of past community and agency efforts to restrict access to alcohol has often been marked by immediate, although short-term improvements followed by a decline in enforcement effort and a resurgence of problems.

The international literature (4, p. 111) suggests that:

While the overall increase in alcohol consumption could not be attributed to the general relaxation of control regulations in the study societies, the policy approach taken by most governments reinforced the increasing acceptance of alcohol into people's everyday life, and made way for expanding the supply. Conversely, a policy of avoiding further relaxations in alcohol control could reinforce the more restrictive popular sentiments about drinking that are visible in many countries today. Apart from the direct impact which such a policy can have on drinking patterns or problems, it will provide support for what may already be a trend towards lower levels of consumption. Considering that alcohol issues involve very complex cultural, social, and political phenomena, policy changes on alcohol should be made with caution and with a sense of experiment. Sudden and drastic interventions by the state in drinking practices have often had untoward and unintended effects.

Of great concern is the too sudden imposition and enforcement of new bans in villages. Too strict enforcement of the new law tends to result in a growing

groundswell of resentment, resistance, peer pressure, and power struggle; this, in turn, results in abandonment of enforcement, increase in village problems, and the roots of a new cycle of rule-making and enforcement.

Communities which initially achieve real gains through the election and enforcement process often experience tangible declines as:

- the priorities or interest of the VPSO and/or council change
- the methods for interception decline in effectiveness
- the drinkers become more knowledgeable of the law and their legal rights
- community interest and effort decline
- as the drinkers increasingly assert their political power, challenge the authority of local government, and devise ingenious methods to import and use alcohol and otherwise subvert the intent of the electorate for a "dry" community.

During this period of declining effectiveness, drinking and drunken behavior became more noticed, both on the streets, through visiting, and through the communications of the community (e.g., word-of-mouth, CBs, school behavior, work behavior, and so on). Residents begin to bring more alcohol with them, on their person, in their luggage, and on their own vehicles (e.g., boats, snowmachines); this process begins with a few bottles, then half-cases, and occasionally full cases. While the re-introduced volumes are not insignificant, they are not equivalent to the past mail and charter planeloads of alcohol entering the community. In addition, these more limited volumes tend to require very high prices, varying, it is reported, from \$50 to \$140 a bottle. This cost factor alone will constrain overall consumption rates.

There appears to be little congruence of opinion on the longevity of the local option law as actually used by villages. Some respondents feel that the

law will fail entirely to meet more than immediate needs and will be discarded. Others feel that the law is a stop-gap or interim measure allowing communities to move from a complete lack of control to controlled abstinence to controlled drinking. Still others, particularly village residents, feel that their selected option is a permanent feature of community life.

The debate over the permanent or impermanent life of the local option law is based on the individual's view of the modernization and future of the villages. Some persons feel that Alaska Statehood diminished the powers of the village to control their own fates and that the local option law is one instrument for returning that authority. These persons, predominantly Native, feel that the village control over alcohol will not, in the long run, derive from the local option law but from a more wholesale recovery of lost authority.

Other, predominantly white, persons feel that the local option law is a moratorium or interim measure to help communities get a handle on the devastating effects of alcohol during village transitions into the modern world. As one respondent put it, "Alcohol use dates back too far and is too prevalent to be eradicated by so superficial a device as a law." At the end of this interim, they suggest, the patterns and problems of drinking by Alaska Natives will be "normal," that is, will approximate the patterns and problems in the rest of the industrialized world. During this interim period, they also suggest, alcohol education, preventions, and interventions, coupled with community organization, can be introduced so that once the "band aid" of the local option law is removed, the villages can progress without it.

The authors agree with only a portion of each of the preceding viewpoints. We disagree that the law in its present form is likely to be a permanent feature of Native villages, but also disagree with the suggested inevitability of "normalized" alcohol use and problem rates imitating their white, industrialized, and urbanized counterparts. It is more likely that the future

patterns will derive from whatever the villages desire as they regroup themselves, reorganize their own bases of local authority, devise and utilize their own methods, and control their own long-term objectives. To the degree that state and federal laws and agencies are found useful in meeting these objectives, they are likely to be respected and used. To the degree that they appear as obstacles, the villages will attempt to ignore or manipulate them.

The authors suggest that villages will take this independent path because much of their values, thoughts, and methods continues to be derived from their cultures; many of these village cultures find the local option law inconsistent with their accepted modes of community-solving. Inconsistencies occur in the arena of who makes decisions, how decisions are made, how interventions are made into the behaviors of others, the role of informing as a form of social control, the range of acceptable and appropriate control mechanisms, and the degree of rigidity or flexibility that is desired in communitywide laws, enforcement, penalty, and rehabilitation. Nonetheless, this law has rippled throughout the individual, family, social, community, intercommunity, and agency systems and environments, often redefining, at least temporarily, the balance of interests between individual rights and community rights to collective and individual safety and well-being.

In terms of the relationship between this law and Native culture, it remains to be seen whether alcohol control is a more important or less important issue in the long run than the alteration of traditional decision-making, the local exercise of power, the altered self-perceptions and morale which flow from the effective exercise of power, the sense of village self-control, and so on. Among the issues which remain unresolved in this study has been the symbolic nature of the local option law.

G. The Symbolic Component of the Local Option Law

In order to address the symbolic nature of the local option law, we must first summarize where we have been. We have found that the communities which were most successful in implementing their new law were those which:

- 1) knew that the law would not be self-executing
- 2) placed increased police effort in implementation
- 3) allowed much fear and doubt to continue about enforcement and penalties
- 4) experienced an immediate decline in negative events
- 5) understand that the law cannot keep alcohol out entirely (due to ease and invisibility of transportation) but can control behaviors by vigilant and consistent enforcement.

We suggested that the "healthier" a community is, the more likely that it will take advantage of the local option law. Thus, while this is a useful tool among others to solve local problems, the weakest communities are unlikely to have the other necessary components in place to consider, elect, and enforce an option. This is true not only in the arena of alcohol control, but in many other aspects of community life. The healthier communities get more help because they are in a position to ask for it. Therefore, they get an inordinate share of the available resources. The problem, then, for supportive agencies is to determine if they can cut back on this help and leave these communities to fend for themselves somewhat more and shift some of the limited resources to reach out to the weaker villages. This is a difficult experiment, more often than not left untried, for fear of demoralizing the healthier communities.

However, the local option law is not only most effective where it is "least needed"; it is also most effective where it is most readily "manipulated." Villages are quick to adopt and alter "instruments" derived from the outside. The appropriateness of the instruments or the way they are used will be determined by village objectives and organization, not by the external agency objec-

tives. The methods may be considerably distorted in the process. If a village asks for one instrument and gets another, it will distort the instrument it receives to meet its problem or purpose.

What appears to be happening in many villages is a modification and adaptation of the new legal tool to suit local purposes. In some instances, the image of the law is used to accomplish village objectives while its carefully designed form and substance are generally ignored; for example, the threat inherent in the law is often used to enforce a wide range of local ordinances on alcohol use, even though there is no connection in law between the statute and the ordinances. Its image is also used to justify a wide range of extra-legal and even illegal enforcement practices over alcohol possession and use within certain villages.

The people's perception of their "having" a law is often more powerful than the reality of the existence of the law. There are numerous examples of communities passing emergency ordinances and the residents continuing to conform the intent of the law long after the 60 day life span of an emergency ordinance has passed. In a few instances even air carriers continued to respect the community intent by refusing to openly transport alcohol after the "death" of the emergency ordinance. There are similar results flowing from invalid local option law elections.

The local option law and other, more traditional means of community control over alcohol importation have a large symbolic component; they are self-indications by the community that alcohol is consensually viewed as a problem and must not be allowed within the community borders. For example, strict alcohol control enforcers will party with those persons who successfully sneak alcohol, through many ingenious means, past the enforcement efforts. They will also admit to their violations, if challenged, and pay their fine or penalty without

much argument; this act may be viewed positively, in that it indicates symbolic support for the intentions and legitimacy of locally-adopted rules.

In some communities, adopting a local option is a more symbolic than legal action, in the eyes of voters. Some voters in these communities have suggested that it is important "to have done it" even if it is not enforced. These communities consider themselves to be "dry" already, based on the existing consensus of residents. The local option law election is considered to be primarily an affirmation of the existing status of the village, not a legal tool to be used against residents. In these instances, thinking of the village as "being dry" is equivalent to "not condoning alcohol use," as distinguished from "having no alcohol" and "having no problems".

Thus, a local option law election may be a gesture made by a community to itself and about itself. In theory, a gesture of consensus about alcohol, in and of itself, is important. In practice, real control must be recaptured through concrete action, such as enforcement. An initial willingness to enforce may also be a gesture only. While it is unlikely that there is actual effective prohibition in those communities that wish for and try to enforce it, there is a feeling of prohibition which 1) generates its own rewards and 2) alters, somewhat, alcohol use and behaviors.

What, then, is the benefit of the local option law? What appears to happen in some villages is that the community vote on the local option law is a more elaborate reaffirmation of existing community standards and rules. The prospect of having troopers enforce the law and having magistrates impose formidable penalties and create criminal records is seen as an immediate deterrent; as an external threat of unknown dimensions, it appears to support and mobilize the internal control mechanisms of the community and thereby produce modified behaviors among residents. The longevity of these positive changes will be dependent, ultimately, on 1) the reality of the threat, 2) the development of greater

internal controls, and 3) significant improvements in quality of life.

The active enactment and enforcement of the law contributes to altered community self-concept; the act of exercising power reifies the sense of power and the improved morale that results from no longer feeling helpless. What is achieved by the local option law may not be control over alcohol but control over community.

Appendix 1

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INTERDEPARTMENTAL
COORDINATING COMMITTEE (ALCOHOLISM)

REPORT TO THE GOVERNOR.

CHAPTER ONE

INTRODUCTION

1. Assumptions

The following assumptions were made in the preparation of this document:

1. State government should not do for local communities that which they can do for themselves.
2. State government should not do for individuals that which they can do for themselves.
3. There should be maximum public participation into the policy making machinery of State government.
4. State government programs should be goal directed, have measurable outputs, and be cost effective.
5. Because the State sanctions the sale and distribution of beverage alcohol, and derives revenue from such sales, the state is responsible for ensuring that the negative effects of alcohol abuse are addressed in a rational manner.
6. Beverage alcohol is an addictive drug and is easily abused.
7. There is high public tolerance for relatively heavy drinking in Alaska.
8. No one theoretical model can account for all known types of alcohol abuse and alcoholism.
9. Alcohol abuse and alcoholism manifest many interrelated causes and effects which include cultural, economic, social, political, physical, and psychological considerations.
10. Given low average age of the population, high per capita consumption of beverage alcohol, apparently high public tolerance of heavy drinking, relatively low prices of beverage alcohol, rapid growth, cultural change and conflict, and other related conditions and events in Alaska, alcoholism and alcohol abuse will be costly problems for some time to come.
11. Therefore, a realistic prevention and control strategy is not one that expects dramatic reductions in alcoholism and alcohol abuse over the short term.

12. A realistic prevention and control strategy is one that organizes and sets in motion conditions and systems which can be expected to result in gradual and lasting reductions in alcohol abuse and alcoholism while immediately attacking certain specific aspects of the problem which seem to be improvable over the short term.
13. A realistic treatment strategy is one that anticipates no decreases in the number of persons needing treatment for alcoholism over the short term but will instead program for expected increases in the numbers of persons needing treatment for the next decade.
14. There is little agreement in the literature about what combinations of prevention/control/treatment measures "work". Therefore, prevention, control, and treatment of alcohol abuse/alcoholism is an experimental enterprise.
15. Medicine, psychiatry, psychology, social work and sociology and other disciplines disagree about the etiology and treatment of alcoholism. Nevertheless there are generally accepted program and treatment practices which are reflected in the "Joint Commission on Accreditation of Hospitals" standards for alcoholism services, recently adopted by the State through the Alaska Administrative Code.
16. Alaska is in an early and traumatic stage of growth and organizational development. Therefore it is appropriate to view the work of the Inter-departmental Coordinating Committee as an early step in the development of logical policies containing recommended counter measures to a set of problems the causes of which are beyond the control of the Committee.
17. Therefore this document should not be viewed as a panacea but as a rational first building block in the development of long term conditions and systems designed to reduce and treat alcohol abuse and alcoholism.
18. Recommendations presented herein should be rooted in hard evidence when possible.

19. The political power attributed to groups with vested economic interests in current alcohol use patterns is not a consideration in the development of this document.

20. An effective State program to deal with alcohol problems in Alaska must be a balanced, comprehensive approach including components of education, control, and treatment.

II Sources of Policy Questions/Development of this Document

The policy questions addressed in this document were derived from members of the Interagency Coordinating Committee, staff to the Interagency Coordinating Committee, input from other state officials, input from the public and perusal of national and international publications. (See Appendix A)

These policy questions were refined and analyzed by a working group of staff to the Interagency Coordinating Committee to the extent that time permitted.

These policy questions and recommendations were tested, insofar as possible, against hard empirical data. However, hard data is an often scarce commodity in Alaska.

Therefore, many of these questions had to be addressed by policy recommendations which were rooted in an informal "collective agreement" in the absence of empirical data.

A more thorough empirical analysis of many of the same issues explicated in this report will be completed by December 31, 1976.

Many of the proposals included in this report should be re-examined with the benefit of the additional data to be available in December.

CHAPTER TWO

CONFIGURATION OF ALCOHOL PROBLEMS IN ALASKA

It is the purpose of this report to present indicators that are identified on the extent and nature of alcohol-related problems in Alaska, to estimate alcohol-related costs borne by State government and compared with tax revenues unique to the liquor industry, and to recommend action by State government that should effectively reduce the incidence of such problems and place the associated tax burden on the appropriate source. In this report, an alcohol-related event is defined as one in which alcohol is judged to have been a significant contributing factor.

It should be remembered that many alcohol-related problems are not readily apparent to State government and are often beyond our ability to measure. This includes such problems as broken homes, the emotional suffering and economic loss of families, industrial accidents, lost man-hours of productive work, and a variety of health problems related either directly or indirectly to alcohol abuse.

Extent and Nature of Alcohol-Related Problems in Alaska
(Currently visible to and measurable by State Government)

A. Social Services

1. In August, 1975, the Division of Social Services began submitting reports to the American Humane Association (AHA) on each substantiated case of child abuse or neglect brought to the attention of State social workers. The reports contain the social worker's appraisal of major contributing factors in each case. Of 108 child neglect reports submitted to AHA in the latter part of 1975, 49 (45%) were judged to have involved "alcohol dependence". The Division estimates that it responded to approximately 380 substantiated neglect cases over the entire year.

2. Of the ~~11,000~~ reports submitted to ALE in the latter part of 1978, 16 (0.5%) were judged to have involved "alcohol dependence". The Division estimates that it responded to approximately 180 substantiated abuse cases over the entire year. We have no figure for the actual incidence of child abuse and neglect - we know only the number of cases reported to the State. In addition, the above figures do not tell us how often drinking was involved in the incident, but rather how often "alcohol dependence" was later judged to be an overall contributing factor.

3. Though firm information is not now available on the extent of alcohol problems among the state's aged population, a conservative estimate concerning the Homemakers program is that 10% of their elderly clients would require significantly less assistance were it not for excessive drinking. This is supported by a sample of 40 elderly clients of the Homemakers program in Southeast Alaska, of which 4 have been judged by the regional coordinator to have significant alcohol problems.

4. The Director of the Division of Social Services estimates that approximately 50% of all social worker time spent on direct counseling and case management is concerned with clients for whom alcohol presents a "significantly complicating problem".

B. Public Assistance

Interviews with the Southeast Regional Manager of the State's public assistance programs and others in the Department of Health and Social Services (DHSS) familiar with the State's welfare recipients have yielded the following conservative estimates:

1. Approximately 15% of all AFDC cases are alcohol-related. In other words, in at least 15% of all cases, alcohol abuse is believed to have significantly contributed to such eligibility factors as income below a certain level and families with one parent absent or incapacitated.

2. According to the Alaska Department of Social Services, the Alaska Division of Social Services, it is the opinion of the Division that alcohol consumption is significantly to the disability or lowered income of 20% or the receipt of aid.

3. By determining the number of individuals who qualified for a Medicaid payment by virtue of their eligibility for AIDC or Aid to the Disabled, and by then applying the above percentages to this group of individuals, it is estimated that at least 6% of the State's Medicaid patients find themselves in a position of dependency due in large part to excessive drinking.

C. Mental Health

A tabulation of discharge reports for Alaska Psychiatric Institute indicates that, in FY 76, 29.5% of all discharges had an alcohol-related primary or secondary diagnosis. A similar tabulation for outpatient discharges from community and State-operated mental health clinics indicates that 4% of these services are alcohol-related.

D. Public Health

The Public Health nurses estimate that 15% of the home accidents that they see and treat are related to alcohol abuse. The percentage varies according to region and bush versus urban setting. In the bush areas the percentage will range from 2% to 40% as some areas are "dry" areas, while others are unrestricted. In the urban areas the problem is not as noticeable as the nurses are not as intimately involved in the handling of cases, especially in Anchorage and Fairbanks.

E. Education

Though any quantification of alcohol-related problems among the state's school age population remains elusive, such information does exist for the State's Boarding Home Program. A tabulation of "termination reports" for Boarding Home students indicates that during the 1975-76

and young adults, were more prone to serious drinking problems (either drinking regularly or getting into trouble while intoxicated). A total of 1,926 children began the program, and 572 completed a full year. It is estimated by the former director of the program that an additional 10% of the Boarding Home students drink excessively but do not get into trouble serious enough to warrant their early dismissal from the program.

F. Fires

According to the State Fire Marshal, there were 31 fatalities from fire in Alaska in 1975. Of these 31, 10 were positively identified as alcohol-related. These 31 fatalities resulted from 25 fires, 8 of which have been positively identified as alcohol-related while 8 others are possibly related.

Thus far in 1976 (through July), there have been 15 fatalities from fire, 10 of which have been judged to have been alcohol-related. These 15 fatalities resulted from 10 fires, 6 of which were alcohol-related.

G. Boating Accidents

According to the Coast Guard Office of Boating Safety (OBS), there were 62 deaths from boating accidents in Alaska in 1975. Whether or not alcohol was involved is unknown for 15 of these fatalities. Of the remaining 47, OBS has judged 30 to be alcohol-related. It is felt that a similar proportion probably applies to the other 15 fatalities for which the possible involvement of alcohol remains unknown.

H. Traffic Safety

1. The Alaska Traffic Safety Bureau (ATSB) has determined that, in 1975, 45% of fatal accidents (46% of traffic fatalities) were alcohol-related.

2. The national average for OMVI arrests per 1,000 licensed drivers in 1975 was 9.1 (taken from Department of Transportation Highway Safety Report for Congress, 1975). This compares with an Alaska rate of 15.0 for the same year (figure compiled from state trooper and municipal police reports, and the Division of Motor Vehicle records). The Alaska rate for 1974 was 11.6, and for 1973 was 12.5.

3. OMVI recidivism - It has further been determined that, in 1975, 33% of all OMVI arrests in Alaska had been arrested on the same charge at least once before (taken from convicted driver files, Division of Motor Vehicles, Department of Public Safety).

4. The ATSB reports that the average Blood Alcohol Content (BAC) statewide at the time of an OMVI arrest is .177. In 71% of OMVI arrests, the BAC was determined to be .15 or over. Under current State law, an individual with a BAC of .10 or over is presumed intoxicated. This means that only the most serious offenders are currently arrested, and that Alaska's unusually high rate of OMVI arrests per 1,000 licensed drivers is not a result of unusually strict enforcement.

I. Criminal Justice

1. The administrator of the Violent Crime Compensation Board estimates that 50% of those cases for which a compensation grant was made in FY 76 were alcohol-related.

Information shown under #2 - #5 has been extracted from "Alcohol and the Alaskan Offender" by Judy Hill, Division of Corrections, 1975.

2. In 1969, a survey was conducted by the Office of Vocational Rehabilitation of one half the total inmate population at 12 Alaskan State and City jails and at 3 Federal prisons (Alaskan inmates only). Of 173 sampled, 62 had been charged with "Drunk in Public". Excluding

these 62, 88% of all others stated that they had been drinking at the time of the offense. (Including the 62 charged with Drunk in Public, the figure would be 80%.)

3. In a 1974 Division of Corrections random sample of District Court misdemeanor cases in Anchorage, 42% of the charges were directly alcohol-related (OMVI, Drunk on Roadway, Disorderly Conduct).

4. In a Division of Corrections sentencing study for 1974, it was found that 37% of all sentences in Anchorage during that year were directly alcohol-related (17% for OMVI, 10% Drunk on a Roadway, 10% Disorderly Conduct). These figures were taken from Commitment and Release cards in the Division of Corrections. In Fairbanks, Juneau and Ketchikan, data recorded for all offenders sentenced to time in jail during the last six months for 1974 indicates that 41% of all sentences were for alcohol-related offenses.

5. In a 1975 Division of Corrections study of 103 Anchorage offenders with sentences of 6 months or more, 84% stated on anonymous questionnaires that they had been drinking at the time of the offense. The following table summarizes the relationship in this sample between alcohol use and major violent and non-violent offenses:

Alcohol at time of offense, violent crime	44%
Alcohol at time of offense, non-violent crime	40%
No alcohol, violent crime	3%
No alcohol, non-violent crime	8%
Unknown	<u>5%</u>
	100%

J. Per Capita Alcohol Consumption

The table on page 2-3 gives per capita consumption comparisons among the states for 1972 (the last year for which we have comparative

and Vermont. Factors contributing to high consumption in these three states include: Well established tourist industry; and/or low taxes/prices compared with neighboring states; and/or, in 1972, lower drinking ages than neighboring states (e.g., Massachusetts). The table is lifted from a booklet entitled Alcohol and Health by HEW, June, 1974.

An earlier booklet in the same series, prepared by HEW, offers the same kind of table for 1970. The 1970 figures permit us to make some international comparisons. Per capita consumption figures for a wide selection of countries in 1970 are available in a paper presented to the Education Commission of the States by Jan De Lint of the Toronto Addiction Research Foundation. One of the countries in the selection is the United States, for which a per capita consumption rate of 9.74 litres of absolute alcohol per year is given. The 1970 figures from HEW declare that the U.S. per capita consumption rate of absolute alcohol was 2.51 U.S. gallons, or 9.98 litres. In both cases, the population base used in the calculations are all residents 15 years old or older. Given the close similarity of these figures, we feel justified in converting the Alaska per capita consumption rate in 1970 given by HEW into litres, and then comparing Alaska with the other countries on De Lint's list. This is shown on the second table. Though France and Italy seem to be in a class by themselves, Alaska's per capita consumption rate appears to be quite high in comparison with the rest of the world.

TABLE 1
APPARENT CONSUMPTION OF SPIRITS, WINE, AND BEER, AND
OF ABSOLUTE ALCOHOL FROM EACH, AND OF TOTAL ALCOHOL,
IN U.S. GALLONS PER PERSON IN THE DRINKING-AGE
POPULATION, U.S.A. AND BY STATES, 1972

State	Distilled Spirits	Absolute Alcohol	Wine	Absolute Alcohol	Beer	Absolute Alcohol	TOTAL Absolute Alcohol	Rank Order
Alabama	1.06	0.00	0.63	0.09	16.52	0.76	1.45	41
Alaska	5.06	2.18	2.93	0.43	27.87	1.25	3.66	4
Arizona	2.61	1.12	2.46	0.38	34.70	1.56	3.64	5-10
Arkansas	1.30	0.59	0.95	0.14	17.06	0.79	1.52	50
California	3.17	1.35	4.66	0.68	26.60	1.20	3.24	6
Colorado	2.95	1.27	2.64	0.38	29.61	1.33	2.98	2
Connecticut	3.26	1.40	2.43	0.35	21.81	0.93	2.73	21
Delaware	3.79	1.63	1.87	0.27	28.15	1.27	3.17	8
Florida	3.10	1.59	2.36	0.34	23.99	1.30	3.23	7
Georgia	2.69	1.16	1.11	0.16	20.64	0.93	2.25	25
Hawaii	2.55	1.10	1.91	0.28	24.43	1.10	2.48	19
Idaho	1.80	0.77	1.94	0.23	30.65	1.35	2.40	20
Illinois	3.16	1.36	2.18	0.32	27.56	1.23	2.91	4-11
Indiana	1.72	0.74	0.88	0.13	22.78	1.02	1.89	41
Iowa	1.63	0.70	0.55	0.02	25.27	1.14	1.85	43
Kansas	1.99	0.63	0.57	0.03	21.32	0.95	1.77	47
Kentucky	1.93	0.83	0.70	0.10	27.39	10.1	1.54	48
Louisiana	1.04	0.88	2.20	0.32	29.11	1.25	2.66	30
Maine	2.35	1.01	1.63	0.24	29.92	1.35	2.67	16
Maryland	3.57	1.45	2.10	0.30	28.65	1.29	3.04	9-13
Massachusetts	3.18	1.37	2.54	0.37	26.50	1.15	2.93	15
Michigan	1.51	1.08	1.92	0.23	31.25	1.41	2.17	32
Minnesota	2.65	1.14	1.41	0.20	25.28	1.16	2.50	27-31
Mississippi	1.52	0.78	0.82	0.11	21.97	0.99	1.63	42
Missouri	2.18	0.94	1.34	0.19	25.16	1.15	2.33	35
Montana	2.52	1.06	1.14	0.16	34.95	1.57	2.91	18-19
Nebraska	2.42	1.04	1.10	0.16	28.01	1.30	2.50	27-31
Nevada	0.26	3.55	5.23	0.76	41.66	1.63	6.19	1
New Hampshire	2.41	3.19	2.67	0.39	40.93	1.84	5.42	3
New Jersey	3.14	1.35	2.90	0.42	25.32	1.14	2.91	14-15
New Mexico	2.38	1.02	2.42	0.35	32.08	1.44	2.81	18-19
New York	2.93	1.25	3.06	0.44	25.78	1.16	2.85	15
North Carolina	2.08	0.89	1.50	0.22	18.33	0.82	1.93	40
North Dakota	2.60	1.20	1.15	0.17	29.26	1.32	2.69	24
Ohio	1.84	0.79	1.40	0.20	38.33	1.72	2.71	22-23
Oklahoma	1.79	0.77	1.05	0.15	19.67	0.83	1.50	44
Oregon	2.13	0.92	3.29	0.43	28.15	1.27	2.67	25
Pennsylvania	1.83	0.81	1.50	0.22	28.65	1.23	2.32	34
Rhode Island	2.77	1.19	2.97	0.43	33.62	1.33	3.00	11
South Carolina	2.05	1.27	1.52	0.22	21.17	0.95	2.44	31
South Dakota	2.19	0.94	1.15	0.17	23.44	1.05	2.16	33
Tennessee	1.50	0.64	0.79	0.11	22.09	0.99	1.74	46
Texas	1.76	0.76	1.42	0.21	31.95	1.44	2.41	33
Utah	1.37	0.59	1.05	0.16	18.15	0.82	1.56	49
Vermont	1.41	1.90	1.15	0.46	34.78	1.55	3.92	3
Virginia	2.35	1.01	1.51	0.22	22.29	1.00	2.23	37
Washington	2.26	1.01	3.03	0.44	28.05	1.26	2.71	22-23
West Virginia	1.74	0.75	0.69	0.10	20.00	0.93	1.75	45
Wisconsin	3.04	1.31	1.87	0.27	39.73	1.79	3.37	5
Wyoming	2.81	1.21	1.36	0.20	32.10	1.44	2.85	17
District of Columbia	9.9	4.26	6.31	0.91	30.55	1.37	6.54	
U.S.A.	1.60	1.12	2.16	0.31	26.62	1.20	2.63	

Amounts calculated from tax-paid withdrawals only. The drinking-age population is taken as 15 years and older.

Source: Efron, Keller and Gurion (20).

1970 TOTAL ALCOHOLIC BEVERAGE CONSUMPTION PER CAPITA

14 YEARS AND OLDER IN LITRES OF ABSOLUTE ALCOHOL

Country	1970
France	23.98
Italy	20.73
Spain	16.89
Luxembourg	16.21
W. Germany	16.04
Portugal	15.72
CSSR	14.55
Switzerland	14.52
ALASKA	14.23
Austria	13.29
Belgium	13.21
Hungary	12.95
Australia	11.68
N. Zealand	11.02
E. Germany	10.47
Yugoslavia	10.36
U.S.A.	9.74
Denmark	9.70
Canada	9.58
Gt. Britain	8.32
Sweden	7.94
Netherlands	7.81
Poland	7.52
Rep. Ireland	7.27
Finland	6.33
Norway	4.37

CHAPTER THREE

DEFECT COSTS OF ALCOHOL USE AND
ABUSE TO THE STATE OF ALASKA

Cost to State Government

The following is an attempt to summarize direct alcohol related costs to State government. Only State general funds costs are given. The list is not exhaustive. For example, we are unable to estimate lost time, excess sick leave, and lowered productivity among State employees due to alcohol, and therefore, cannot translate these into dollar costs. We have not attempted to estimate overhead costs in agencies such as the Department of Administration and the Governor's Office incurred in relation to alcohol-related program activities. In the absence of alcohol, we have no idea how much less the State might pay for fire insurance on State-owned buildings around the State, and for employee benefits such as health insurance and workmen's compensation. Where "ballpark" figures have been used, they are conservative.

	<u>FY 76 General Fund Cost</u> <u>(Thousands of Dollars)</u>
1. <u>Office of Alcoholism</u>	1897.7
100% of General Fund Budget	
2. <u>Alcoholic Beverage Control Board</u>	263.4
100% of General Fund Budget	
3. <u>Division of Mental Health and</u>	1252.9
<u>Developmental Disabilities</u>	
29.5% of API, General Fund in FY 76=1203.7	
4% of Community and State-operated mental health	
clinics (GF)=43.2	
Total=1252.9	
4. <u>Division of Social Services</u>	1500.0
Derived from the following percentages applied	
against General Fund costs estimated by the	
Division in the areas of Foster Care, Institutional	
care, Protective Services and Social Work.	

45% of child neglect
25% of child abuse
50% of direct counseling and case management
35% of information and referral services
10% of Homemakers services

5. Division of Public Assistance 1706.3

Derived from following percentages applied
against General Fund costs.

15% of AFDC = 902.9 GF
20% of Aid to Disabled = 324.8 GF
Approximately 6% of Medicaid = 473.6 GF
TOTAL 1706.3

6. Department of Law - Prosecution 777.2

A survey of professional staff in the Juneau District Attorney's Office revealed that 35% of staff time in that office was devoted to prosecuting alcohol code/use of alcohol violations. This does not include other offenses in which alcohol use may have been involved. 35% figure applied statewide against FY 76 budget to yield estimate of 777.2 GF.

7. Public Defender 830.3

Based on an informal survey of attorneys in the Public Defender agency, their office reports that approximately 60% of their staff time is spent on alcohol-related cases, including both direct violations of alcohol statutes and other offenses

in which excessive drinking was involved.

80% of Public Defender budget = 830.8 GF.

8. Court System

1476.6

The following estimates on the number of alcohol-related cases were obtained from the administrative office of the Court System. The respondents felt that these figures were conservative:

80% of traffic misdemeanors

80% of alcohol/drug law misdemeanors

30% of all misdemeanors involving violence

30% of all felonies involving violence

15% of all felonies against property

The resulting numbers of cases were multiplied by \$245/case for misdemeanors and \$735/case for felonies. Result = 1476.6 GF.

9. Department of Public Safety

3327.8

Percentage of alcohol-related cases given by the Court System were applied against the different categories of arrests made by State Troopers in 1975 as follows:

Part I crimes

30% of violent crime arrests

15% of property crime arrests

Part II crimes

30% of violent crime arrests

100% of OWVI, liquor law arrests

75% of Disorderly Conduct arrests

This resulted in a total of 2106 estimated alcohol-related arrests out of 6700 total arrests, or 31%. Of the 2106 estimated as alcohol-related, 1626 were for CMVI and liquor law violations. FY 76 GF cost for trooper detachments and CIB was 9036.8. Adding in the records section, lab, administration, and communications budgets, the total is 10,734.8. $31\% \times 10,734.8 = 3327.8$.

10. Division of Corrections

2941.9

The Division has thus far been unable to estimate the proportion of inmate days for alcohol related offenses to the total number of inmate days in the Correctional System. Therefore, based on the crime and alcohol data gathered by Judy Hill, (previously discussed) we believe it is certainly fair and quite conservative to add 20% of the Corrections GF budget to the list of costs. Excluding the Violent Crimes Compensation Board, the GF budget for the Division of Corrections in FY 76 was 14,709.3. $20\% \text{ of } 14,709.3 = 2941.9$.

11. Violent Crimes Compensation Board

70.0

Administrator of Board estimates that 50% of compensation grants are for alcohol-related crimes. FY 76 grant awards amounted to approximately 140.0

FY 76 General Fund Cost
(Thousands of Dollars)

12. Department of Revenue 53.9
Estimate from Department on employee time spent reviewing alcohol beverage tax returns and periodic audits of these taxpayers.
13. Education 100.0
Based on interview with Juneau school superintendent. Estimate of State general funds used statewide to buy school nurse and health education counseling time related to alcohol.
14. Division of Public Health 87.0
Division estimates that Public Health Nursing time for alcohol-related home accidents costs approximately 50.0. Family Health time spent counseling chronic alcoholic women during child bearing years (e.g., on fetal alcohol syndrome) costs approximately 15.0. Laboratory costs in FY 76 related to inspection of breath alcohol devices used in Public Safety for OWI determination = approximately 12.0. Total = 87.0.
15. Municipal Revenue Sharing 1521.7
The State distributes funds to municipalities for a variety of purposes, including police, fire protection and health facilities construction and operation. In FY 76, \$2,842,980 was distributed for municipal police. Using the 51% figure derived for the state troopers on the proportion of alcohol-

related activities, we estimate that 881.3 of this amount is alcohol-related (31% of 2843.0). For fire protection in FY 76, \$2,316,979 was distributed to municipalities. Based on our information from the Fire Marshal, we believe it to be both fair and conservative to estimate that 20% of these costs are alcohol-related. 20% of 2317.0 = 463.4. Finally, the Department of Community and Regional Affairs has determined that 177.0 was distributed for direct alcohol-related health facilities operation and construction.

	881.3	
	463.4	
	<u>177.0</u>	
TOTAL	1521.7	
Total General Fund alcohol-related costs		<u>17,837.2</u>
listed above (1975-76 fiscal year)		

State Taxes Unique to Liquor Industry

For calendar year 1975, the Department of Revenue reports that the liquor industry paid \$6,597.2 in alcohol excise taxes and \$854.9 in liquor license fees. The sum of these two is \$7,452.1. The Distilled Spirits Council of the United States (DISCUS), an organization of the liquor industry, states in its publication "Public Attitudes & Economic Progress" that the industry contribution to Alaska state revenues in 1974 was \$6,489.0.

the recommendations from the Office of Alcoholism to be reviewed by the Committee in the near future concerning State funded rehabilitation services would cost roughly \$3 million additional per year. If approved by the Committee, the Governor and the legislature, this additional expenditure should be covered by liquor industry taxes.

Taking all these factors into account, we believe it is quite justifiable for the State to raise an additional \$10 million per year from liquor taxes and fees. Our recommendation on excise tax increases, presented in the next section, would raise approximately \$9.7 million additional revenue per year.

...identified alcohol-related costs in
the State's and Tax revenues from the liquor industry in calendar year
1970-71.

\$17,407.2 - \$1,307.1 = \$16,100.1

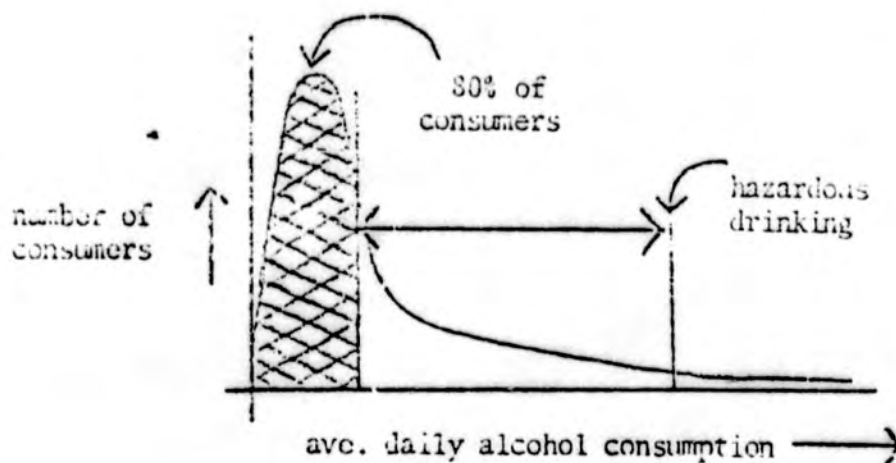
A number of comments are appropriate here: (1) Assuming, that total
alcohol consumption has been increasing in Alaska over the past several
years, it only as a reflection of population increase, we expect that
tax revenues from the liquor industry during Fiscal Year 1970-71 are
somewhat higher than revenues for calendar year 1969, for which we have
data. (2) Some unknown downward adjustment should be made to the identified
state costs due to the fact that alcohol cannot be held solely responsible
for many of these problems and associated State activities. We have tried
an "alcohol-related event" as one in which alcohol is judged to have been
a significant contributing factor -- but not necessarily the only contrib-
utor. (3) We have presented the deficit of costs to revenues for one
year, but have ignored the cumulative deficit the State has been covering
with other revenues for years past. If the State were to increase liquor
taxes and fees to cover an agreed upon cost in FY 76, this would in no way
repay the state for past deficits nor would it prevent future deficits from
occurring. State costs rise, at a minimum, with inflation -- however, excise
taxes are a flat dollar amount on gallonage and do not rise with inflation.
(4) As noted earlier in this report, there are a number of other indirect
alcohol-related costs in State government (lowered productivity, higher
benefit rates, higher insurance rates, etc.), which have not been
included in our list due to our present inability to quantify them. (5) We
believe our estimates to be conservative, particularly for the judicial
justice system. Informal estimates concerning the proportion of alcohol-
related cases in the Court system, total number of trials, and the
time spent in trial are all factors which would tend to increase the costs.

CHAPTER FOUR
PREVENTION AND CONTROL

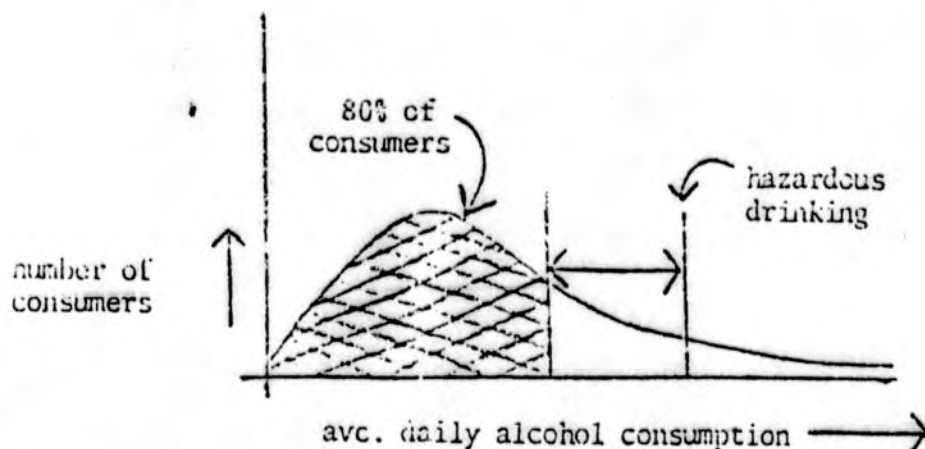
It is a reasonable goal for the State of Alaska to attempt to reduce the incidence of alcohol related problems as expressed in the first part of this report. It is suggested that the most effective, and probably the only, means to accomplish this goal is to reduce the incidence of excessive drinking within the State. To this end, it is helpful to know whether excessive drinking in Alaska involves substantial deviance from prevailing drinking patterns or whether it instead differs primarily in degree from the accepted norm and is therefore more a function of societal drinking levels than of individual difficulties.

There have been numerous studies of the frequency distribution of alcohol use in various societies*, which have yielded the following relationship between per capita consumption in a society and patterns of use:

In a society with low per capita consumption:



In a society with high per capita consumption:



* Jan Delint, "The Prevention of Alcoholism," Preventive medicine 3

Excessive drinking in a low-consumption population implies a major departure from prevailing drinking customs, while excessive use in a high-consumption population differs from prevailing customs primarily in degree. Consumption statistics presented earlier define Alaska as a high-consumption society.

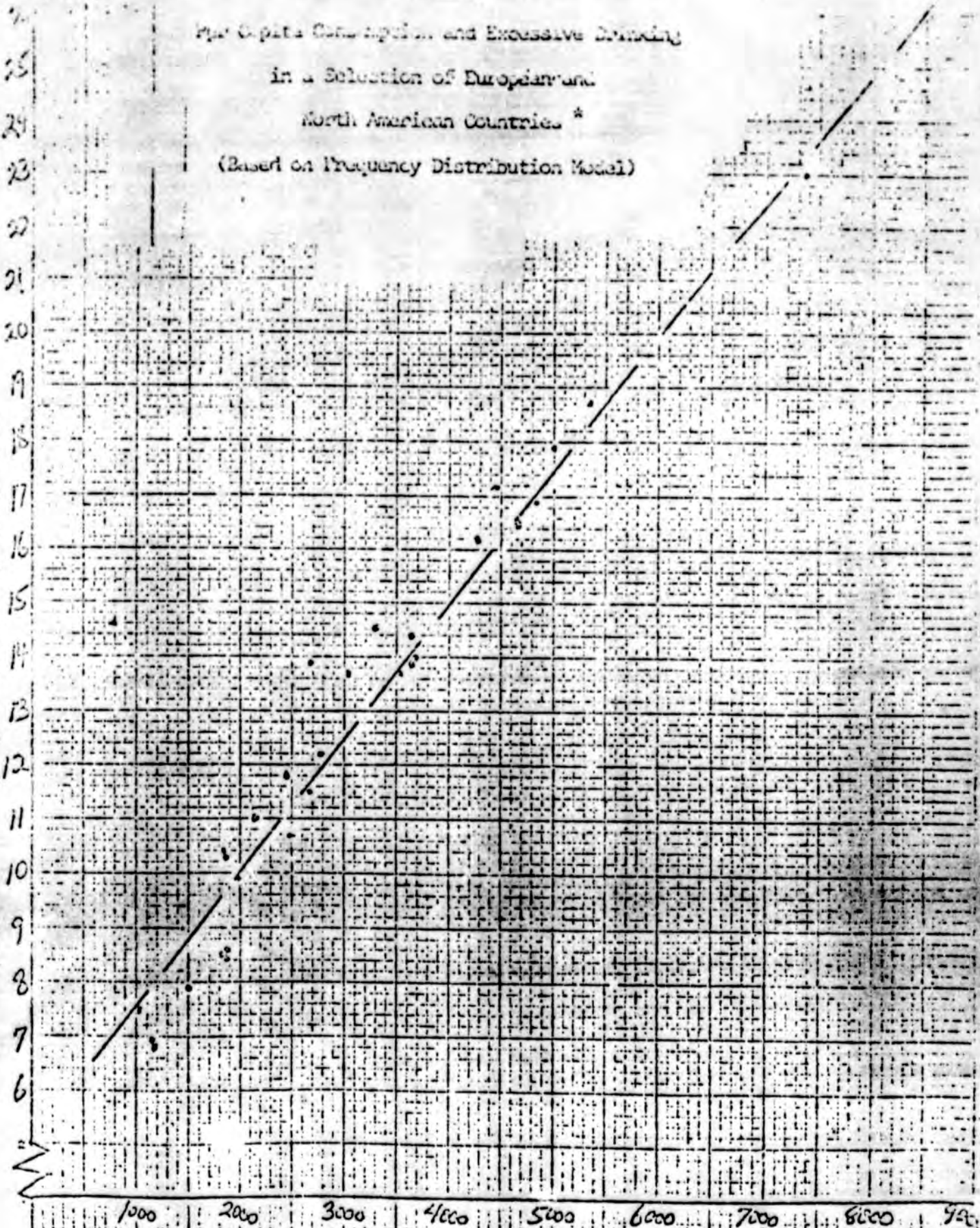
Using frequency distribution curves as outlined above, Jan Peblint of the Addiction Research Foundation in Toronto has estimated rates of excessive drinking in a selection of countries based on per capita consumption data. The graph on the next page demonstrates that, if the frequency distribution curves postulated above are indeed valid, then excessive drinking increases and decreases in direct proportion to per capita consumption in the society at large. Studies on the relationship between liver cirrhosis death rates and per capita alcohol sales (Popham 1970) support this conclusion. Though we are not in a position to prove or disprove this relationship, we are persuaded that, in Alaska, the custom of comparatively heavy drinking in the society at large is the most important determinant of excessive drinking and its undesirable effects within the State. One implication of this is that it is extremely unlikely that a reduction in excessive consumption can be accomplished without a reduction in per capita consumption, i.e. without a lowering of general drinking levels. Another implication is that Alaska's alcohol-related problems are not traceable to a distinct group of cultural deviants but rather to those who, either often or only occasionally, embrace our Alaskan drinking ethic more than most.

It is therefore the conclusion of this committee that State policy should be directed towards a deliberate reduction in per capita alcohol consumption in Alaska, with the expectation that the incidence of excessive drinking will decline as a result. In other words, it is our opinion that, without a significant change in prevailing drinking customs in Alaska, efforts to

Per Capita Consumption and Excessive Drinking
in a Selection of European and
North American Countries *

(Based on Frequency Distribution Model)

liters absolute alcohol
per person (drinking age) per year



Rate of Excessive Alcohol Use per 100,000 population
(15 cl absolute alcohol or more daily)

reduce the rate of excessive consumption, though well-intentioned, will almost assuredly be futile. The question, then, is how can and how should State government attempt to reduce per capita consumption.

A. Price Increase

The following table from the Finnish Foundation for Alcohol studies, 1974, summarizes the investigations thus far conducted on the price elasticity of alcoholic beverages. The price elasticity values shown in the far right column indicate the percentage decrease in consumption that would result from a 1 per cent increase in price. Though obviously there are wide variations in these figures, all of the studies have concluded that some decrease in consumption should be expected given an increase in price. In this respect, alcohol behaves on the market like other commodities. The following chart on price and consumption in Ontario lends further support to this view. To be sure, a price increase will not directly deter most individuals from getting drunk if such is their strong desire. However, we do assert that a price increase will have a lowering effect on overall consumption levels; and since we believe the overall levels to be the prime determinant of excessive drinking, such a lowering of prevailing consumption levels should, in turn, reduce the incidence of excessive drinking. The obvious mechanism to increase price is the State excise tax. The table on p. 4-9 shows the current Alaska excise tax rates as compared with 30 other license States as of January, 1975.

Although Alaska's excise tax rates are already comparatively high, so is per capita disposable income (see p. 4-10). Though these income levels have not been adjusted for cost-of-living, neither have the tax rates. The table on p. 4-10 estimates Alaska's per capita disposable income in 1975 to have been \$7,437. Georgia, with the highest excise tax rate on wine, had per capita disposable income of \$4,306 in the same year. South

INCOME AND PRICE ELASTICITIES OF DEMAND FOR DIFFERENT ALCOHOLIC
BEVERAGES IN A NUMBER OF COUNTRIES*

Author	Country and time period	Beverage	Income Elasticity**	Price Elasticity*
Halmquist	Sweden 1923-1939	Spirits	0.3	-0.3
		Wine	1.2	-0.9
Halmquist	Sweden 1923-1939	Liquor	0.3	-0.37
		Wine	1.32	-0.72
St. Gustaf & Åström	Sweden 1931-1954	Spirits	0.9	-0.3
		Wine	2.0	-1.6
Lyding & Lyng	Sweden 1920-1951	Spirits	0.6	0.4
		Wine	0.9	-1.6
		Medium Beer	0.6	-1.2
Wittfoth & Örnberg	Sweden 1950-1960	Off-sales:		
		Vodka	0.0	-0.9
		Other spirits	1.4	-2.9
		Fortified wines	0.2	-0.7
		Light wine	-	-0.6
		Strong beer	1.9	-3.0
		Spirits	0.4	-1.2
		Wine	(0.9)	-0.7
		Spirits + Wine	0.7	-1.0
		On-sales:		
		Vodka	1.0	-0.3
		Other spirits	0.2	-0.5
		Strong beer	2.0	-0.1
Thors	Finland 1940-1962	Vodka	0.42	-0.13
		Other spirits	1.30	-0.95
		Wines	0.97	-0.83
		Malt beverages	0.23	-0.49
		Total off-sales	1.05	-1.17
		Total on-sales	0.94	-0.99
		Total sales	1.01	-1.11
Stone	United Kingdom 1920-1935	Spirits	0.6	-0.6
		Imported wine	1.4	-0.6
		Domestic wine	1.7	-0.3

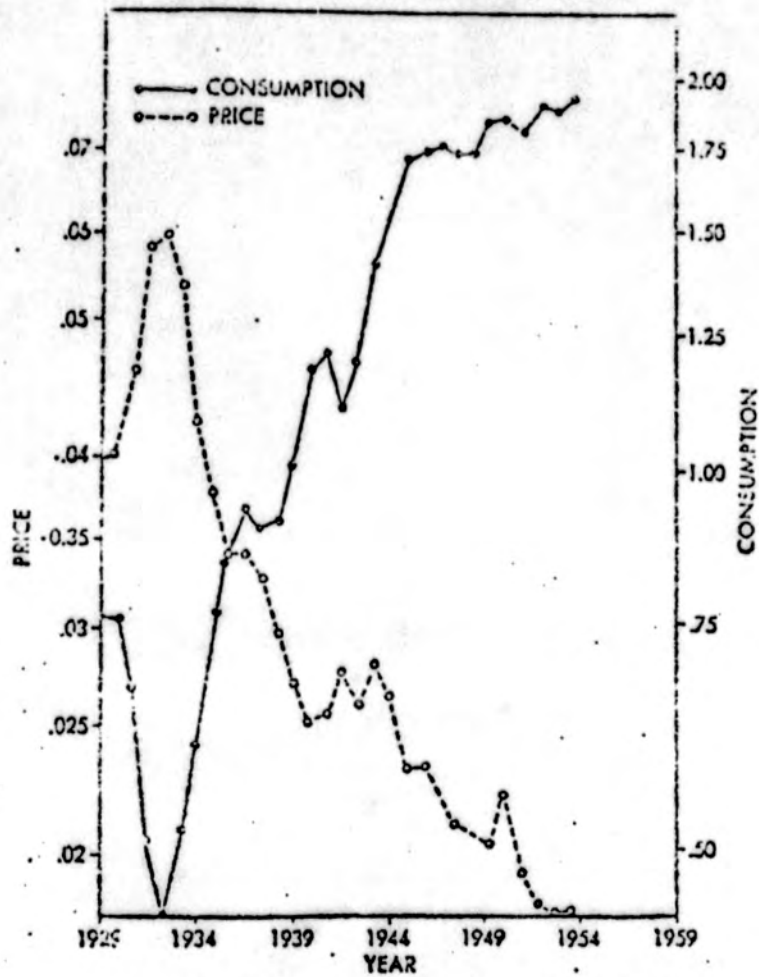
Author	Country and time period	Beverage	Income Elasticity**	Price Elasticity**
Stone	United Kingdom 1920-1938	Spirits	0.54	-0.72
		Beer	0.14	-0.72
Walsh & Walsh	Ireland 1953-1967	Spirits	1.94	-0.57
		Beer	0.78	-0.17
Simon	United States 1955-1961	Spirits	-	-0.97
Simon	United States 1954-1964	Spirits	-	-1.74
Iskanen	United States	Spirits	-	-1.42
Iskanen	United States 1934-1941, 1947-1960	Spirits	-	-2.0
Schweitzer	Canada	All alcoholic beverages	0.68	-0.19
Lee	Canada 1949-1969	Spirits	0.68	-1.45
		Wine	-1.43	-1.65
		Beer	0.20	-0.03

Österberg, E. The pricing of alcoholic beverages as an instrument of control policy, Finnish Foundation for Alcohol Studies, Helsinki, 1974.

The income elasticity values indicate the percentage increase in consumption that would result from a 1 per cent increase in income.

The price elasticity values indicate the percentage decrease in consumption that would result from a 1 per cent increase in price.

ALCOHOL PRICE AND CONSUMPTION IN ONTARIO



Price = the price of an average gallon of absolute alcohol expressed as a fraction of an average disposable income
 Consumption = the consumption in gallons of absolute alcohol per person 20 years and older

of license states and the District of Columbia ranked according to magnitude,
and by the Federal Government*

As of January 14, 1975

(11-24-75)

Distilled Spirits		Table Wine		Dessert Wine		Beer	
State	Rate Per Gallon	State	Rate Per Gallon	State	Rate Per Gallon	State	Rate Per Gallon
1	2	3	4	5	6	7	8
Ak. proposed	\$6.22	Ak. proposed	\$1.93	Ga.	\$2.50	Ak. proposed	
Minn.	\$4.39	Ga.	\$1.50	Ak. proposed	\$1.93	S. Car.	.76
Alaska	4.00	Fla.	1.15	Fla.	1.60	Ga.	.32
Okla.	4.00	Tenn.	1.10	Tenn.	1.10	La.	.30
Tenn.	4.00	S. Car.	1.08	S. Car.	1.08	Okla.	.10
Fla.	3.75	Ark.	.75	Okla.	1.00	Fla.	.30
Ca.	3.75	Neb.	.75	S. Dak.	.95	S. Dak.	.24
Mass.	3.36	Alaska	.60	Minn.	.79	Alaska	.25
N. Y.	3.25	Ky.	.50	Ark.	.75	Ark.	.23
S. Dak.	3.05	N. Dak.	.50	Neb.	.75	Texas	.16
N. J.	2.80	Okla.	.50	Alaska	.60	N. Dak.	.16
S. Car.	2.72	Mass.	.46	Ill.	.60	Kansas	.16
Wisc.	2.60	Ind.	.45	N. Dak.	.60	Minn.	.16
Ariz.	2.50	Ariz.	.42	Kans.	.50	Tenn.	.10
Ark.	2.50	Del.	.40	Ky.	.50	Neb.	.10
Conn.	2.50	Md.	.40	Nev.	.50	Ind.	.08
La.	2.50	N. Mex.	.40	Mass.	.46	Md.	.08
N. Dak.	2.50	R. I.	.40	Ind.	.45	Mass.	.08
R. I.	2.50	Mo.	.30	Ariz.	.42	Conn.	.08
Ind.	2.28	Nev.	.30	Del.	.40	Ky.	.08
Del.	2.25	N. J.	.30	Md.	.40	Ariz.	.08
Calif.	2.00	S. Dak.	.30	N. Mex.	.40	N. Mex.	.08
D. C.	2.00	Minn.	.27	R. I.	.40	D. C.	.07
Ill.	2.00	Conn.	.25	Wisc.	.39	Ill.	.07
Mo.	2.00	Ill.	.23	Texas	.34	Del.	.06
Neb.	2.00	Colo.	.20	D. C.	.33	R. I.	.06
Texas	2.00	Kans.	.20	Colo.	.30	Wisc.	.06
Ky.	1.92	Wisc.	.195	Mo.	.30	Colo.	.06
Nev.	1.90	Texas	.17	N. J.	.30	Mo.	.06
Colo.	1.80	D. C.	.15	Conn.	.25	Nev.	.06
Kansas	1.50	La.	.11	La.	.21	N. Y.	.04
Md.	1.50	N. Y.	.10	N. Y.	.10	Calif.	.04
N. Mex.	1.50	Calif.	.01	Calif.	.02	N. J.	.03
Median of State Taxes	2.50		.40		.455		.089
Average of State Taxes	2.60		.51		.60		.102
Fed. Tax	10.50**		.17		.67		.29**

*Hawaii, the only other license state, levies an excise tax on alcoholic beverages of 20 percent of the wholesale price.

**Per proof gallon if withdrawn from bond at over 100° proof and per wine gallon if withdrawn from bond at not over 100° proof.

***Actual rate is \$9.00 per 31 gallon barrel.

Table 3.—Total and Per Capita Disposable Personal Income by State, and by

State and region	Total										Per capita									
	Millions of dollars					Avg. annual growth (Percent)					Dollars					Avg. annual growth (Percent)				
	1932	1933	1934	1935*	1936*	1932-33	1933-34	1934-35	1935	1936	1937	1938*	1939*	1940*	1941*					
United States	355,915	407,559	503,523	550,536	1,011,227	6.6	9.1	9.5	1,295	3,162	4,352	4,961	5,044	5.4	6.5					
Federal Government	21,493	25,363	51,937	55,797	61,191	6.4	8.0	9.7	2,351	2,358	4,451	5,007	5,252	5.7	6.1					
State and local	33,422	18,196	15,395	18,562	18,473	6.9	7.4	5.8	2,799	3,899	5,001	5,007	5,007	5.1	5.1					
Federal Reserve	1,559	1,709	3,876	4,231	4,498	5.5	9.4	6.2	1,627	2,659	3,001	3,007	3,007	5.1	5.1					
State and local	10,513	1,079	2,669	28,011	35,611	8.1	7.9	9.3	5,007	2,377	4,451	5,007	5,007	5.1	5.1					
Federal Reserve	1,101	1,158	3,163	3,392	3,717	7.1	9.7	8.7	1,833	3,022	3,999	4,282	4,282	5.6	7.2					
State and local	1,631	2,734	4,603	4,217	4,450	6.3	7.6	11.5	1,501	3,122	4,119	4,119	4,119	5.4	5.4					
Federal Reserve	601	1,559	1,624	1,818	2,699	7.2	8.5	12.5	1,200	2,717	3,609	3,609	3,609	5.9	7.0					
Federal Reserve	52,616	147,132	195,115	211,190	231,411	6.0	7.6	9.4	3,141	3,149	4,511	5,007	5,007	5.6	6.1					
Federal Reserve	65	1,111	2,103	2,830	3,111	6.8	9.7	10.1	2,247	3,249	4,821	5,007	5,007	5.7	6.1					
Federal Reserve	1,559	1,709	4,011	4,315	4,717	5.0	7.4	9.5	2,199	2,199	5,491	5,491	5,491	5.6	6.1					
Federal Reserve	6,001	15,001	18,001	20,001	22,001	7.7	9.0	9.0	1,001	3,001	4,001	4,001	4,001	5.7	6.1					
Federal Reserve	11,001	22,001	23,001	23,001	23,001	6.5	6.1	7.5	2,001	3,001	4,001	4,001	4,001	5.7	6.1					
Federal Reserve	10,111	21,111	21,111	21,111	21,111	8.8	6.5	6.5	2,001	3,001	4,001	4,001	4,001	5.9	6.1					
Federal Reserve	21,011	21,011	21,011	21,011	21,011	5.5	7.8	9.5	1,001	3,111	4,111	4,111	4,111	5.0	7.5					
Federal Reserve	13,833	133,833	184,423	184,423	184,423	6.1	8.3	9.3	2,351	3,451	4,511	4,511	4,511	5.9	7.7					
Federal Reserve	21,001	40,001	51,001	51,001	51,001	5.8	8.1	9.7	2,211	3,611	4,811	4,811	4,811	5.5	7.6					
Federal Reserve	5,001	10,001	22,001	23,001	23,001	6.4	8.7	9.7	1,517	3,137	4,311	4,311	4,311	5.3	7.9					
Federal Reserve	15,001	20,001	44,001	45,001	45,001	6.8	8.7	9.9	2,021	3,121	4,001	4,001	4,001	5.8	6.1					
Federal Reserve	10,001	31,001	46,001	53,001	51,001	5.9	7.7	8.6	2,011	3,211	4,311	4,311	4,311	5.6	6.1					
Federal Reserve	7,531	12,531	18,446	20,135	22,142	5.5	9.3	10.0	1,535	2,915	4,031	4,031	4,031	4.5	8.4					
Federal Reserve	26,748	43,621	72,122	75,031	85,601	6.2	10.3	10.1	4,750	5,751	6,751	6,751	6,751	5.5	10.1					
Federal Reserve	4,751	8,751	13,751	12,751	13,751	6.0	11.7	14.2	1,751	3,001	4,001	4,001	4,001	5.7	10.1					
Federal Reserve	4,015	6,585	10,269	10,711	11,711	5.5	10.5	9.5	1,001	3,001	4,001	4,001	4,001	5.1	10.1					
Federal Reserve	5,871	13,871	17,871	17,871	17,871	6.8	10.7	7.6	1,711	4,001	4,001	4,001	4,001	5.6	8.6					
Federal Reserve	7,837	12,837	19,837	20,837	23,837	5.9	8.9	8.7	1,837	3,001	4,111	4,111	4,111	5.3	8.1					
Federal Reserve	2,432	4,432	5,432	8,999	8,241	6.1	10.7	12.9	1,432	3,432	4,432	4,432	4,432	5.5	8.9					
Federal Reserve	860	1,860	3,860	3,125	3,715	8.6	9.1	3.8	1,011	2,011	3,011	3,011	3,011	6.2	10.2					
Federal Reserve	876	1,776	3,676	2,857	2,680	7.0	11.6	7.3	1,311	2,609	3,409	3,409	3,409	7.0	11.6					
Federal Reserve	51,775	117,775	172,775	182,775	201,775	7.5	11.2	8.2	1,437	2,531	3,531	4,031	4,031	5.8	9.1					
Federal Reserve	4,391	7,391	11,391	12,391	14,391	6.5	10.2	10.5	1,342	2,342	3,342	4,031	4,031	5.8	9.1					
Federal Reserve	7,391	8,391	9,391	7,391	5,391	7.0	12.1	8.2	1,271	2,271	3,271	3,271	3,271	6.1	10.3					
Federal Reserve	8,213	13,213	20,213	27,213	40,213	9.0	11.5	7.1	1,714	2,640	3,567	4,031	4,031	5.8	10.2					
Federal Reserve	5,615	12,615	18,615	19,709	21,709	8.1	10.5	7.5	1,432	2,432	3,432	4,031	4,031	6.2	8.2					
Federal Reserve	4,195	7,195	11,195	12,560	13,711	6.6	9.9	7.2	1,369	2,467	3,467	4,031	4,031	6.2	8.2					
Federal Reserve	4,723	9,723	14,723	15,851	16,851	6.7	9.0	9.3	1,469	2,573	3,573	4,031	4,031	5.8	8.1					
Federal Reserve	2,400	4,400	7,400	7,767	8,267	7.0	11.2	7.7	1,121	2,121	3,121	3,573	3,573	6.6	10.9					
Federal Reserve	6,177	11,177	16,177	21,177	22,851	7.8	10.6	7.4	1,573	2,600	3,600	3,573	3,573	6.5	9.2					
Federal Reserve	2,887	5,887	8,887	10,351	11,903	7.7	10.5	7.7	1,120	2,461	3,461	3,573	3,573	6.9	8.1					
Federal Reserve	4,977	9,977	14,977	16,529	17,529	7.1	10.8	7.8	1,013	2,513	3,513	3,573	3,573	6.9	8.1					
Federal Reserve	6,711	13,711	20,711	23,009	25,009	7.7	10.8	8.2	1,008	2,878	4,131	4,031	4,031	6.1	9.9					
Federal Reserve	2,604	4,104	6,104	6,105	7,599	4.6	10.6	12.7	1,001	2,001	3,001	3,001	3,001	5.1	7.1					
Federal Reserve	21,002	40,002	61,002	76,002	81,002	5.0	10.7	11.4	1,001	2,001	3,001	4,001	4,001	5.0	7.5					
Federal Reserve	2,101	4,101	6,101	7,501	10,501	8.6	10.7	8.0	1,111	2,011	3,011	4,001	4,001	5.2	7.5					
Federal Reserve	1,500	2,500	4,500	4,393	4,393	4.9	10.5	12.0	1,001	2,001	3,001	3,001	3,001	5.1	8.0					
Federal Reserve	3,792	6,792	9,792	10,701	11,572	6.2	9.7	9.9	1,600	2,600	3,600	4,001	4,001	5.2	8.3					
Federal Reserve	10,039	21,039	47,039	51,500	57,909	7.1	10.3	11.7	1,700	2,800	3,901	4,001	4,001	5.4	8.4					
Federal Reserve	7,655	13,655	22,655	24,285	25,661	6.1	12.1	9.8	1,111	2,700	4,001	4,001	4,001	5.1	7.5					
Federal Reserve	3,223	6,223	10,223	11,647	12,704	7.1	13.3	9.1	1,011	2,001	3,001	4,001	4,001	4.9	7.6					
Federal Reserve	1,011	1,511	2,511	3,491	3,991	5.7	11.7	3.3	1,001	2,001	3,001	4,001	4,001	4.9	8.1					
Federal Reserve	1,151	1,851	2,551	3,603	3,991	4.8	11.9	13.2	1,700	2,700	4,001	4,001	4,001	4.8	10.2					
Federal Reserve	1,401	2,401	4,401	4,506	5,007	5.9	11.5	11.0	1,711	2,800	3,501	4,001	4,001	4.9	8.9					
Federal Reserve	88	98	1,411	1,000	1,850	4.2	10.6	13.6	1,500	2,800	3,997	4,001	4,001	3.9	8.6					
Federal Reserve	45,011	90,011	135,011	151,011	167,011	7.1	8.3	11.1	2,001	3,500	4,601	5,001	5,001	4.7	7.0					
Federal Reserve	35,011	71,011	97,011	109,011	120,011	7.2	8.1	11.0	2,001	3,401	4,501	5,001	5,001	4.6	6.9					
Federal Reserve	100	1,000	2,000	2,900	3,900	9.8	12.2	13.2	2,001	3,401	4,501	5,001	5,001	4.0	6.4					
Federal Reserve	3,201	4,201	5,201	10,133	10,999	6.4	10.6	5.2	1,001	2,001	3,001	4,001	4,001	4.6	6.6					
Federal Reserve	5,359	11,359	15,359	17,133	19,321	7.0	7.4	12.6	2,001	3,401	4,401	4,901	4,901	5.2	6.5					
Federal Reserve	1,035	1,635	1,947	2,618	3,350	12.2	34.5		3,001	4,001	5,001	5,001	5,001	6.2	7.5					
Federal Reserve	2,513	3,792	4,138	4,350	4,350	10.5	10.0		3,421	4,374	4,931	5,311	5,311	7.5	5.0					
By Census Regions																				
Northeast	21,401	30,401	51,937	54,797	61,191	6.4	8.0	9.2	2,031	3,031	4,401	4,831	5,231	5.1	7.1					
Midwest	23,001	33,001	55,001	58,001	63,001	6.5	7.3	8.0	2,111	3,111	4,501	5,011	5,411	5.0	6.8					
South Atlantic	23,651	33,651	55,651	58,651	63,651	6.1	8.3	9.3	2,001	3,001	4,401	4,811	5,201	5.0	7.7					
West North Central	26,771	36,771	58,771	61,771	66,771	6.2	10.5	10.1	2,100	3,100	4,501	4,901	5,301	5.3	10.1					
South Atlantic	40,751	50,751	72,751	75,751	80,751	7.8	11.3	8.5	2,700	3,700	4,001	4,201	4,601	5.0	9.1					
West South Central	15,871	25,871	45,871	49,871	54,871	6.8	8.3	8.3	1,001	2,001	3,001	3,501	3,901	6.0	8.4					
West North Central	26,785	36,785	58,785	61,785	66,785	6.9	10.2	10.7	1,001	2,001	3,001	4,111	4,701	5.1	8.7					
South Atlantic	12,011	22,011	36,011	40,011	44,011	6.7	12.7	11.0	1,001	2,001	3,001	4,001	4,001	4.6	9.4					
Northeast	41,751	51,751	72,751	75,751	80,751	7.5	8.1	11.3	2,700	3,700	4,001	5,001	5,001	4.7	7.0					

Revised. • Preliminary.

Note.--Detail may not add to totals because of rounding. Alaska and Hawaii included 1960 to date.

Current, with the proposed excise tax rate on beer, and per capita disposable income of \$3,930, again in 1975. Given these observations, and keeping in mind our earlier proposal that the State exact approximately \$10 million additional revenue from the liquor industry, the following is proposed:

- 1) Raise the excise tax on beer from \$.25/gallon to \$.88/gallon. Current wholesale price of a gallon of beer, excise tax included, is approximately \$2.89/gallon. With a tax increase to \$.88/gallon, the wholesale price of beer should rise to approximately \$3.52/gallon. This would therefore entail a 22% increase on the wholesale level.
- 2) Raise the excise tax on wine from \$.60/gallon to \$1.93/gallon. Current wholesale price of a gallon of wine, excise tax included, is approximately \$8.89/gallon. With a tax increase to \$1.93/gallon, the wholesale price of wine should raise to approximately \$10.22/gallon. This would entail a 15% price increase on the wholesale level.
- 3) Raise the excise tax on distilled spirits from \$4.00/gallon to \$6.22/gallon. Current wholesale price of a gallon of distilled spirits, excise tax included, is approximately \$22.22/gallon. With a tax increase to \$6.22/gallon, the wholesale price of distilled spirits should rise to approximately \$24.44/gallon. This would entail a 10% price increase on the wholesale level.

The additional State revenue to be realized from such measures would be as follows:

	Proposed Tax Per Gallon	Current Tax Per Gallon	Proposed additional tax Per Gallon	(000's) Alaska Total Consumption 1975 (gal)	(000's) Additional Revenue
Beer	\$.88	\$.25	\$.63	8880.3	\$5594.6
Wine	1.93	.60	1.33	873.3	1161.5
Distilled Spirits	6.22	4.00	2.22	1359.4	<u>3017.9</u>
TOTAL					\$9774.0

...and the last tax rate increase took place in 1961. The present tax is a percentage rate on sales but retains a flat dollar amount on gallonage, there has been no corresponding increase in tax for increases in retail price (i.e., inflation) over the last 15 years. As a consequence, it is reasonable to assume that the price of beverage alcohol has been declining in proportion to disposable income in recent years. Though we believe the excise tax increases recommended above to be a necessary first step for purposes of 1) implementing State policy aimed at reduction of per capita consumption, and 2) collecting revenue from the liquor industry sufficient to offset current State costs identified as alcohol-related; we further believe that a new tax structure should eventually be implemented that will 1) prevent the price of alcohol from declining as a proportion of disposable income, and 2) ensure that tax revenue from the liquor industry will at least rise with inflation to help maintain a balance between alcohol-related costs and revenues in the future.

Concerning the structure of the excise tax increase we recommend, the following comments are offered:

1)* We have found no conclusive research evidence to indicate which alcoholic beverage tends to be most often associated with the incidence of alcohol-related problems. Does beer drinking typically precede incidents of concern to the public and to State government, or are such incidents more often preceded by the consumption of hard liquor? We do not know.

2) In at least two countries, Canada and Ireland, studies have shown the price elasticity of beer to be considerably less than that of distilled spirits. In other words, it was shown that beer sales are much less responsive to changes in price than are sales of distilled spirits in those two countries. We do not know if the same would be true in Alaska. If it is true, however, we would then have to decide whether an appropriate response would be (a) disregard the price availability of beer as an element of the State's program of counter measures, and concentrate price increases on distilled spirits, or (b) put the highest price increase on beer, with the idea that beer may require a higher price increase than other alcoholic

*Huber Report, p. 3.

leverage to bring about a given reduction in consumption. Were the State to choose option (a), we believe that the probable consequence would be to shift some portion of total drinking from distilled spirits to beer and wine. Though at first this would seem beneficial, we repeat that research evidence has not determined that beer drinking leads to fewer alcohol-related problems than does consumption of distilled spirits.

(3) The total consumption figures for beer, wine, and distilled spirits, given in the chart on page 4-11, can be played with in a number of ways. The first observation one can make is that many more gallons of beer are consumed than any other alcoholic beverage. We do not know whether or not this indicates that beer is the beverage of choice on the greatest number of drinking occasions. The total consumption figures can be translated into gallons of absolute alcohol, yielding the fact that the greatest volume of absolute alcohol is consumed from the drinking of distilled spirits. We do not know whether or not this indicates that the greatest amount of excessive drinking involves the consumption of distilled spirits. In short, we cannot interpret the total consumption figures in a way that proves useful in structuring the tax increase to respond best to the State's alcohol-related problems.

(4) Although we have attempted to analyze alcohol-related problems, costs, and proposed counter measures in relative disregard for current practice here or in other states, the Committee feels that current practice does impose some operational upper limits on what the Administration can successfully propose, especially as first steps. The chart on page 4-9 shows current and proposed Alaska excise taxes compared with 30 other license states. To our knowledge, no other State has succeeded in identifying alcohol-related costs borne by State government and then matched revenues to cover the costs. Nevertheless, we feel that resistance to tax changes we propose will increase sharply if the tax proposals are too far out

of time with the cost of the pack. But simply, we feel that our proposal to raise the excise tax on distilled spirits to \$6.42/gallon already presses the limits of political acceptability, even though this would only entail a 10% price increase on the wholesale level.

These were the primary considerations discussed in structuring our excise tax increase proposal. The tax rate increases are high compared with current rates in Alaska and in other license states. The wholesale price increases we expect from such measures are as follows: 22% for beer, 15% for wine, and 10% for distilled spirits. It is assumed that wholesale price increases will be passed on directly to the consumer. By way of comparison, it might be remembered that the State budgeted 10% inflation for FY 1977, and approximately 10% inflation for FY 76.

B. Local Sales Tax on Alcohol

It is further recommended that State law be changed to allow municipalities to levy a special tax on the sale of alcoholic beverages. This has been requested previously by the Alaska Municipal League, and we concur with the request for the following reasons: 1) Should a municipality decide to further raise the price of alcohol as a means of reducing consumption, we see no good reason for State law to prevent them from doing so. On the contrary, we believe that such action should be encouraged. 2) The demand for funds to expand alcohol abuse prevention and treatment programs is strong throughout the State. We believe that local communities should be responsible for funding such programs to the extent they are able. We have stated our belief that State costs attributable to alcohol consumption should be paid by alcohol consumers, in this case through the mechanism of the state excise tax passed on to the consumer as a portion of the retail price. Just as the State is reluctant to increase or draw more heavily upon general revenues to cover alcohol-related cost increases, municipalities are reluctant to increase property taxes in order to fund

...the importance of local funding is emphasized in this regard, and that therefore municipalities should be enabled to tax alcohol consumers to cover local alcohol-related costs. It is expected that such a provision in State law will eventually yield more money on the local level which may be used to increase funding of local alcohol-related programs.

C. Advertising

We are not aware of any studies that have specifically tried to measure the impact of alcohol advertising on per capita consumption. There seem to be two major types of alcohol advertising: 1) national or regional advertising that promotes a particular name brand of alcoholic beverage, and 2) local advertising that promotes drinking at a particular establishment or package sales from a particular outlet. It is often argued that "type 1" advertising does not increase total consumption, but is rather a battleground of corporate competition for an increased share of the existing market. The removal of cigarette ads from radio and TV is cited as a fitting analogy, for cigarette sales did not decline as a result. We do not know what cigarette sales would have been had radio and TV ads continued. Also, it does not seem reasonable to us that the repetitive portrayal of cigarettes and/or alcohol as a natural accompaniment to the good life is wholly without effect on acceptance of drinking and smoking, and on total consumption. From the perspective of the individual advertiser, it would seem easier to woo part of the existing market from other brands than to attempt to increase total consumption and win the allegiance of the new market. This may well be the intent of "type 1" advertising, though we are not convinced that total consumption is not increased in the process.

"Type 2" ads generally consist in direct appeals to come in to a local bar, restaurant, or liquor store and buy alcohol. Such appeals take a number of forms, such as advertising reduced sale prices, convenient shopping hours

and which are often in liquor stores, "happy hours" and the like in bars and restaurants, convivial settings for watching football games, friendly conversation over your favorite beverage, etc. It might be argued that the intent of "type 2" ads is similar to the intent of "type 1," i.e., to compete for market share rather than to increase total consumption. The intent of "type 2" ads may be to maintain the visibility of one's establishment in the minds of those who frequent such establishments, just as the intent of the Schlitz beer ads may be to maintain visibility of their product name in the minds of existing beer drinkers. However, we are concerned with effect, not intent. The Committee members felt that they were much more likely to drink more than they otherwise would in response to "type 2" ads ("stop by tonight for our two-for-one sale") than in response to "type 1" ads ("Schlitz is the beer of successful athletes"). It is the opinion of the Committee that "type 2" ads in particular probably stimulate sales of alcoholic beverages in Alaska above the level sales would otherwise reach.

Since our objective is to reduce per capita consumption in Alaska, and since it is preferable to do so without imposing direct restrictions on what the general public can or cannot do, we are led to recommend that a law be enacted to prohibit advertising by licenses of alcoholic beverages, bars, and liquor stores for all in-State programming on radio and television, and in all newspapers and magazines published within the State. It is probable that the State could survive in the absence of such repetitive suggestions from the media. To attempt to restrict such advertising imported on national networks and publications seems quite unrealistic, and the relationship of such advertising to per capita consumption seems shrouded in greater uncertainty.

The local media will not welcome the loss of advertising revenue from the liquor industry. Either new advertisers will be found, existing advertisers might have to pay higher prices, or else media activities will decline in

proportion to the loss of advertising revenue from the liquor industry. If we assume the latter to be a probable, if temporary, adjustment to our suggested restriction on advertising, the State must determine whether or not this is an acceptable trade-off. It is our belief that the extra increment of programming or publication funded by liquor industry ads is not worth subjecting ourselves to regular appeals to drink. The restriction we propose would limit the aggressiveness of the seller, not the purchasing options of the buyer, and is similar to putting up a "No Soliciting" sign in an apartment building.

D. Drinking Age

Though very little information is available on the effect of lowering the drinking age on the consumption levels of young people, there is considerable evidence on the concurrent increase in traffic accidents involving young drivers. In a report from MIT entitled "The effect of the 18-year old drinking age on auto accidents" in Massachusetts, it was found that the lowered drinking age led to a 50% increase in fatal accidents for young drivers. Another study* comparing three jurisdictions that lowered the drinking age (Michigan, Wisconsin, and Ontario) with three others that did not (Indiana, Illinois, and Minnesota), found significant increases among drivers under 21 in the rates of fatal crashes, especially single car crashes at night, in areas that changed the drinking age as compared with areas that did not. A third study** on the effect of lowered drinking age, this time in London, Ontario, found that alcohol-related collisions among 18 and 19 year old male drivers increased by more than 340% after the change in drinking age, and that the corresponding rates for 20 year olds increased 156%. It was also found that rates of alcohol-related collisions among 16 and 17 year olds increased by 162%. Though the lowered drinking age was not the only factor contributing to the increase, it is believed to have had a sizeable independent effect. Similar "before and after" data is not available for Alaska.

*Williams et al. "The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes," 197

**Whitehead et al. "The Impact of the Change in the Drinking Age on the Collision

Based on these various findings, we believe there is little question that lowering the drinking age in Alaska from 21 to 19 has resulted in increased consumption by those under 21; i.e., lowering the age did more than legalize the drinking already going on - it resulted in an increase. There is equally little doubt that raising the drinking age back up to 21 would result in decreased consumption, and presumably fewer auto accidents among this group of drivers. We do not presently have the data to estimate how much of a decrease might, at a minimum, be expected.

In spite of these various findings, the following table on the incidence of OWVI arrests by age group should give pause to any movement to raise the drinking age back to 21.

AGE AND OWVI ARRESTS IN ALASKA, 1975

<u>Age</u>	<u>No. of OWVI Arrests*</u>	<u>No. of Licensed Drivers**</u>	<u>OWVI Arrests Per 1000 Licensed Drivers</u>
18	77	6003	12.8
19	91	6266	14.5
20	92	6945	13.2
21	97	7779	12.5
22	110	7962	13.8
23	100	8247	12.1
24	94	8302	11.3
25-29	433	39072	11.1
30-34	387	30906	12.5
35-39	342	23767	14.4

*From Uniform Crime Report, 1975

**From Division of Motor Vehicles, effective 12/31/75

It appears that the proportion of licensed drivers under 21 arrested for OWVI in Alaska is not significantly different from the proportion of drivers over 21 who get into similar trouble. Though we would expect that raising the drinking age to 21 would result in a significant lowering of consumption and OWVI arrests for the affected age group, the same argument could be used to raise the drinking age to 23, 25, or 35. Our information, sparse though it is, does not indicate that people under 21 in Alaska are abusing alcohol significantly more or less than any other age group.

PROHIBITED HOURS OF SALE FIXED BY STATE LAWS

License States	On-Premise Consumption (Bars, Restaurants, etc.)	Off-Premise Consumption (Package Stores)	Closure On-Premise	Closure Off-Prem
Alaska	5 am - 8 am	5 am - 8 am	3	3
Arizona	1 am - 6 am	1 am - 6 am	5	5
Arkansas	1 am - 7 am	1 am - 7 am	6	6
California	2 am - 6 am	2 am - 6 am	4	4
Colorado	2 am - 7 am	Midnight - 8 am	5	5
*Connecticut	1 am - 9 am	8 pm - 8 am	8	12
Delaware	1 am - 9 am	1 am - 9 am	3	3
*D.C.	2 am - 8 am	9 pm - 10 am	6	13
Florida	Midnight - 7 am	Midnight - 7 am	7	7
Indiana	3 am - 7 am	3 am - 7 am	4	4
Kansas	11 pm - 9 am	11 pm - 9 am	10	10
Kentucky	Midnight - 3 am	Midnight - 8 am	8	8
Louisiana	None	None	0	0
*Maryland	2 am - 6 am	Midnight - 6 am	4	6
*Minnesota	1 am - 8 am	10 pm - 8 am	7	10
*Mississippi	Midnight - 10 am	10 pm - 10 am	10	12
Missouri	1:30 am - 6 am	1:30 am - 6 am	4 1/2	4
Nebraska	1 am - 6 am	1 am - 6 am	5	5
Nevada	None	None	0	0
New Mexico	2 am - 7 am	2 am - 7 am	5	5
*New York	3 am - 8 am	Midnight - 8 am	4	8
North Dakota	1 am - 8 am	1 am - 8 am	7	7
Oklahoma	10 pm - 10 am	10 pm - 10 am	12	12
South Carolina	Sundown - Sunrise	Sundown - Sunrise	12	12
South Dakota	2 am - 7 am	2 am - 7 am	5	5
*Tennessee	3 am - 8 am	11 pm - 8 am	5	9
*Texas	2 am - 7 am	9 pm - 10 am	5	13
*Wisconsin	2 am - 8 am	9 pm - 3 am	6	12
Wyoming	2 am - 6 am	2 am - 6 am	4	4

Average of States
Listed Above

6

7

Other License States				
Georgia	Fixed Locally	Midnight - 8 am	-	8
Hawaii	Hrs. Set By Counties	Hrs. Set By Counties	-	-
Illinois	Fixed Locally	Fixed Locally	-	-
Massachusetts	Fixed Locally	Fixed Locally	-	-
New Jersey	Fixed Locally	Fixed Locally	-	-
Rhode Island	1 am - 6 am	Fixed Locally	5	-

*States requiring closure of package stores prior to closure of on-premise outlets

**Excluding Sundays and holidays

In addition, it should be remembered that 18 year olds are voters, serve in the armed forces, are held accountable in adult courts for crimes committed, can legally marry without parental permission, etc. In view of this and the information currently available, the Committee recommends that no change be proposed regarding the legal drinking age in Alaska.

E. Closing Hours

It is often assumed that, by limiting the hours of sale for bars and liquor stores, per capita consumption can be reduced. This may or may not be true - we can find very little evidence on the subject. One relevant study was performed in Victoria, Australia, concerning the extension of closing time for bars from 6 p.m. to 10 p.m. The overall total of personal injury accidents did not change, though the peak shifted from 6 - 7 p.m. to 10 - 11 p.m. This is hardly conclusive, though it leads one to suspect that, allowing for a period of adjustment, limiting closing hours may change patterns of consumption but not be effective in reducing total consumption.

The chart on the next page, showing prohibited hours of sale in other license states, is offered for comparison.

The "gut reaction" of the Committee was that further limitations on hours of sale in Alaska would probably result in some lowering of total consumption, some modification of attitude concerning the wide open acceptability of drinking in Alaska, and at least might serve to punctuate more effectively some of the round-the-clock, continuous drinking that occurs among some fraction of the drinking population; i.e., that there might be some benefit in encouraging a longer "drying out" period each day. For these reasons, the Committee considered proposing that statewide closing hours for bars and other establishments of "on-premise" consumption be changed to 3 a.m. to 10 a.m., and that closing hours for package stores be changed to 1 a.m. to 10 a.m. Current closing hours for all retail outlets are 5 a.m. to 8 a.m.

However, we believe that if policy is to be based on "gut reaction" in the

PROHIBITED HOURS OF SALE FIXED BY STATE LAWS

Licensed States	On-Premise Consumption (Bars, Restaurants, etc.)	Off-Premise Consumption (Package Stores)	No. Hours Closure On-Premise	No. Hours Closure Off-Prem
Alaska	5 am - 8 am	5 am - 8 am	3	3
Arizona	1 am - 6 am	1 am - 6 am	5	5
Arkansas	1 am - 7 am	1 am - 7 am	6	6
California	2 am - 6 am	2 am - 6 am	4	4
*Colorado	2 am - 7 am	Midnight - 8 am	5	5
*Connecticut	1 am - 9 am	8 pm - 8 am	3	12
Delaware	1 am - 9 am	1 am - 9 am	3	3
*D.C.	2 am - 8 am	9 pm - 10 am	6	13
Florida	Midnight - 7 am	Midnight - 7 am	7	7
Indiana	3 am - 7 am	3 am - 7 am	4	4
Kansas	11 pm - 9 am	11 pm - 9 am	10	10
Kentucky	Midnight - 3 am	Midnight - 8 am	3	8
Louisiana	None	None	0	0
*Maryland	2 am - 6 am	Midnight - 6 am	4	6
*Minnesota	1 am - 8 am	10 pm - 8 am	7	10
*Mississippi	Midnight - 10 am	10 pm - 10 am	10	12
Missouri	1:30 am - 6 am	1:30 am - 6 am	4 1/2	-
Nebraska	1 am - 6 am	1 am - 6 am	5	5
Nevada	None	None	0	0
New Mexico	2 am - 7 am	2 am - 7 am	5	5
*New York	3 am - 8 am	Midnight - 8 am	5	8
North Dakota	1 am - 8 am	1 am - 8 am	7	7
Oklahoma	10 pm - 10 am	10 pm - 10 am	12	12
South Carolina	Sundown - Sunrise	Sundown - Sunrise	12	12
South Dakota	2 am - 7 am	2 am - 7 am	5	5
*Tennessee	3 am - 8 am	11 pm - 8 am	5	9
*Texas	2 am - 7 am	9 pm - 10 am	5	13
*Wisconsin	2 am - 8 am	9 pm - 3 am	6	12
Wyoming	2 am - 6 am	2 am - 6 am	4	4

Average of States
Listed Above

6

7

Other License States				
Georgia	Fixed Locally	Midnight - 8 am	-	8
Hawaii	Hrs. Set By Counties	Hrs. Set By Counties	-	-
Illinois	Fixed Locally	Fixed Locally	-	-
Massachusetts	Fixed Locally	Fixed Locally	-	-
New Jersey	Fixed Locally	Fixed Locally	-	-
Rhode Island	1 am - 6 am	Fixed Locally	5	-

*States requiring closure of package stores prior to closure of on-premise outlets

**Excluding Sundays and holidays

and, if possible, additional information, such reaction should come directly from the people of the State. We therefore recommend that the question of further statewide limitations on hours of sale be included in the public survey to be conducted within the next year by the Criminal Justice Planning Agency. (The survey will focus on standards and goals of the criminal justice system.) Results of the survey will be presented to the Governor, who may then wish to sponsor a referendum on the subject of statewide closing hours at the next general election.

F. Alcohol in the Push - Mail Order and Telephone Sales

Bethel voted to go dry two years ago. The Police Chief of Bethel has stated that his department was averaging 600 calls per month before the dry vote, almost all alcohol-related and with a high incidence of violence. After going dry, calls dropped to approximately 150-200 per month but have since climbed slowly back almost to pre-dry levels, still almost all alcohol-related. It is believed that bootlegging is the major contributor to the re-emergence of alcohol as a destructive influence in the community.

It is against State law to sell liquor without a license. However, it is legal for an individual to purchase up to 20 wine gallons of liquor per order by mail (there is no limitation on the number of orders), have it sent to Bethel (or any other community) on scheduled airlines, pick it up and take it home. Once the liquor disappears into the community, neither the local police, the State troopers, nor the ABC Board investigators are able to trace its possible progress into eventual resale. This means that State law against bootlegging liquor is largely unenforceable under current conditions. However, it is unlikely that a town, having taken the major step of voting itself dry, intended simply to substitute ready availability from a bootlegger for ready availability from a licensed outlet. The idea of going dry is to seriously reduce availability. It is unlikely that the measures thus far proposed in this report would have a

significant effect in those areas where bootlegging is currently common.

Our first recommendation to address this problem is that a law be enacted to prohibit retail licenses from accepting any orders by mail or by telephone. This is predicated on the definition of alcohol as a potentially dangerous drug. This would be effective in reducing consumption in areas where a liquor outlet does not exist, for the only legal means of procurement for either a resident or a bootlegger would be to carry in his own supply.

The Committee considered a variation of this proposal which would specifically prohibit retail licensees from accepting telephone or mail orders originating from a dry community. This was rejected in favor of the general ban due primarily to the administrative and enforcement problems the "variation" would entail. In order for the ban to apply only to those orders originating in a "dry" community, the ABC Board would have to ensure that 1) all retail licenses in the State were in possession of an updated list of dry communities, and 2) that only those telephone and mail orders originating from "wet" communities were being honored by the licensees. In addition, it would seem relatively easy for a bootlegger to place orders from a nearby "wet" community and then transport his supply to the "dry" community for resale. The Committee was opposed to recommending any law that 1) would be difficult to administer, 2) would be much more difficult to enforce, and 3) would still leave ample opportunity for its intent to be subverted.

The general mail order and telephone sales ban that we propose will involve greater inconvenience and expense in the purchase of alcohol even in those bush locations that are not formally "dry" but lack a local outlet. However, there are costs and benefits of living in the bush, and we believe that adding reduced availability of alcohol to the cost side of the ledger does not outweigh the benefit of shutting off this source of alcohol flowing into a community that does not want it.

We believe that this proposal will help considerably in seeing to it that,

if a town community really wants to be "dry" and votes accordingly, conditions in the town really will resemble "dry" more closely than "wet." There are at least two problems related to this proposal which are addressed in the next two sections of this report. First, although a telephone and mail order ban should significantly curtail bootlegging, it would be foolish to think that this alone will somehow put an end to it. One or a few local residents in a "dry" town could quite easily and legally hop in a plane, scheduled or non-scheduled, fly to the nearest licensed package store, purchase and fly back with any number of cases, and take them home. Eventual resale in the "dry" community would be as difficult to trace as it is now. Though the incidence of bootlegging should go down and the price of bootlegged liquor should go up as a result of the proposal, there is no question that a significant amount of bootlegging will still occur. Second, we are told that those residents of a "dry" town who order alcohol by mail for their own personal consumption are much less likely to be involved in alcohol-related problems than are those who buy from the bootlegger, who may have secured his "inventory" through mail orders. In the context of a mail order and telephone sales ban, the condition "dry" may be perceived by these residents to be too inconvenient or "too dry" to gain their support. Our proposal may therefore make it less likely that some villages will vote "dry" in the first place. Though we believe our proposal is a necessary step in bringing about a genuinely "dry" condition in those communities that desire it, we believe that a workable middle option should be provided for those communities that wish to reduce their alcohol problems but are unwilling to vote "dry" in the context of a general telephone and mail order ban.

G. Limitation on Possession in a Dry Community

Bootlegging will continue to some extent in "dry" communities. It is extremely difficult at present to "catch" a bootlegger and successfully prosecute him. Though enforcement officers may know who the individuals are, it is extremely

hard for them to actually witness the money changing hands, difficult to find other willing witnesses to the transaction, and therefore nearly impossible to enforce the law against selling without a license as the laws are currently written. However, the intent of the law is clear and the need to make that intent enforceable, especially in "dry" communities, is equally clear.

We therefore recommend that it be illegal for an individual to possess more than two wine gallons of alcoholic beverages in a "dry" community. (Two wine gallons translates into ten fifths of liquor.) It is the judgment of the Committee that possession of more than that amount in a "dry" community indicates an intent to sell. Ten fifths of liquor does not seem to be an intolerably low ceiling on possession for personal, or even social, consumption, particularly in a "dry" community. However, we expect that those bootleggers who do the most business must keep more than that on hand. We have no doubt that such a law would be far easier to enforce than is the current law against selling without a license by itself.

In addition, we recommend that this proposal be forwarded to and reviewed by the Bush Justice Conference, which will meet from October 7 to October 9 this year. Their input should be useful and will be appreciated.

H. Middle Option - "Semi-Dry"

We recommend that the following option be available for an incorporated community to adopt by majority vote:

When the "middle option" has been chosen by a community, all private licenses will expire within a maximum of 3 months after the election (liquor license fees to be refunded in proportion to the time remaining on the license at the end of this period). At the end of three months, the State will issue the community a "community liquor license" for package sales only, defined as follows: The community liquor outlet will operate on a non-profit basis (i.e., charging only what is needed to cover expenses) and will subscribe to at least

two operational rules: (1) All liquor orders must be placed at least two weeks in advance of being picked up, and (2) no more than two (as opposed to twenty) wine gallons of liquor may be ordered on any one day. A third rule that might be considered would be a limitation on the number of orders allowable within a week. However, it may be that such a rule would be unnecessary and might simply involve confusion and paperwork. The fewer rules the better - thus we suggest holding off on the third until experience is gained. (This definition would place the current "community liquor license" concept already on the books.)

This would accomplish several objectives: (1) Time-lag sales from government outlets were first instituted in Frobisher Bay, Canada, in 1962. (Frobisher Bay had a population at that time of approximately 2,000, including 900 Eskimo and 1,100 whites, and is located in the Canadian arctic). It was demonstrated there that time-lag sales can be very effective in reducing total consumption, excessive drinking, and related social problems*. (2) The Frobisher Bay experience indicates that time-lag sales are particularly effective in reducing the incidence of highly spontaneous "binge drinking." (3) If the public outlet were run for profit and used as a source of revenue for the town, we feel there may be a tendency to encourage sales. A local sales tax on alcohol, as discussed previously, would be a more appropriate means of generating revenue. Also, it is expected that a non-profit operation, even with a local sales tax added to the price of retail sales, would effectively under-price bootlegged liquor. (4) This arrangement still allows individuals to order up to two wine gallons of liquor at a time at going prices, which again seems more than sufficient for personal consumption and not too inconvenient for a town that has voted to seriously reduce its alcohol problems.

It is further recommended that the two wine gallon limit on possession

*Monigman, "How Baffin Island Eskimo Have Learned to Use Alcohol"

apply to towns choosing the "middle option" as well as towns that have voted dry. Finally, we suggest that the law provide that the "middle option" remain in effect for at least one year after the community outlet begins operation, in order to give the new system a chance to function for a sustained period.

I. CMVI Statutes

1. Medical evidence exists to demonstrate the validity of blood alcohol concentrations as an index of level of impairment due to alcohol. Further, both medical and associated scientific research information demonstrates the reliability of the blood, urine, and breath testing procedure to ascertain blood concentrations.
2. According to research tests, the risk of a person becoming involved in an automobile accident begins to increase at .05% BAC. At .10% a person is approximately seven times more likely to be involved in a crash than if sober, and at .15% BAC the risk of accident involvement is increased 25 times.*
3. Additional research findings and demonstration programs show that persons identified as problem drinker-drivers as a result of conviction for CMVI and presentence investigation are primary candidates for alcohol treatment and rehabilitation systems as well as for the criminal justice system. Further, recent treatment rehabilitation evaluation information shows that the recovery rate for persons treated as problem drinker-drivers is much higher than the conventional treatment rate for voluntary self-admissions to treatment programs. This result is considered to be due to the increased potential of treatment when problem drinker-drivers are identified early in the progressive cycle of alcoholism. The important contribution of screening all convicted drunk drivers is the early identification of

*U. S. Dept. of Transportation, National Highway Traffic Safety Administration

problem drinkers and early intervention into the progressive cycle of alcoholism.

Our first and, at this point, our only recommendation is to change statutes to make it illegal to drive with a blood alcohol concentration of .10 or higher (see chart on next page). Currently, a BAC of .10 constitutes evidence of intoxication, but by itself is insufficient to ensure an OWI conviction. We believe this aspect of the law should be strengthened as suggested above.

Additional recommendations on this subject are still being developed. Specifically, the costs and benefits of establishing mandatory presentence investigations for all OWI offenders, and the costs and benefits of increased police enforcement, are still under review. The idea of presentence investigations would be to screen the pool of persons convicted of OWI, for early identification of problem drinker-drivers, and possible referral for treatment or rehabilitation in lieu of traditional court sanctions.

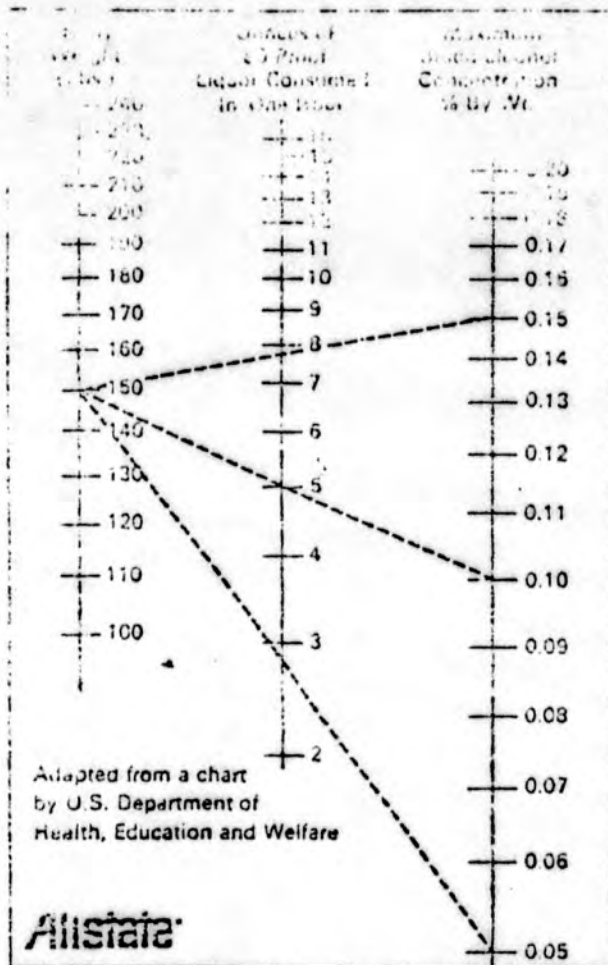
J. Public Education

A recommendation on public education will be made later. The Department of Education will present specific proposals for the Committee to review in early October.

ESTIMATED AMOUNT OF 80 PROOF LIQUOR NEEDED TO REACH APPROXIMATE GIVEN LEVELS OF ALCOHOL IN THE BLOOD

"EMPTY STOMACH"

DURING A ONE-HOUR PERIOD, START WITH
NO TO FOOD INTAKE PRIOR TO DRINKING

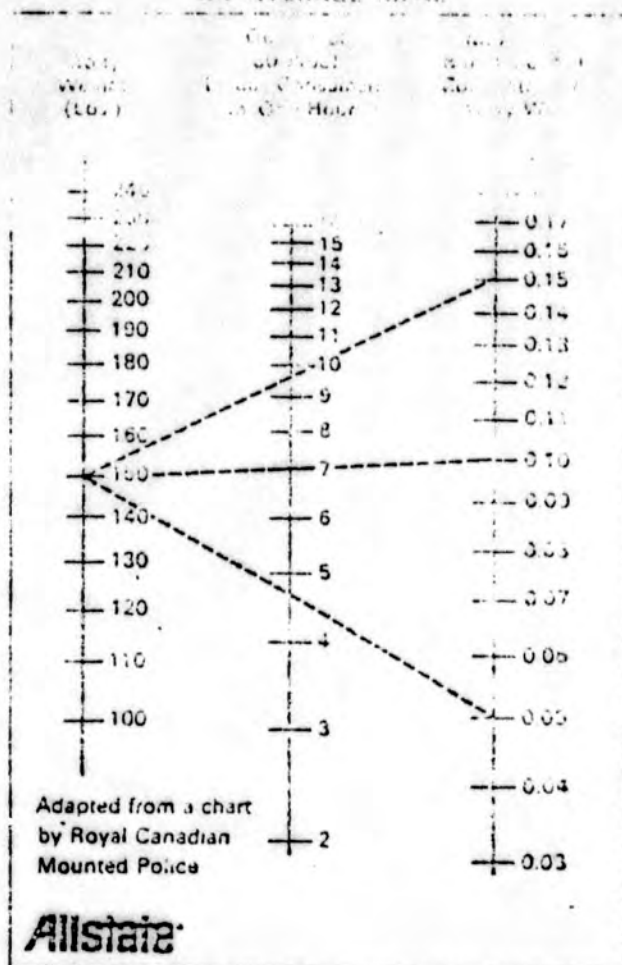


The examples above show the approximate average amount of 80 proof liquor a 150-pound person would have to consume in a one-hour period to reach 0.10%, the percentage-weight of alcohol in the bloodstream that is presumptive of intoxication.

To determine the approximate average number of ounces of 80 proof liquor needed in a one-hour period to reach 0.10%, draw a line from BODY WEIGHT to 0.10%. The line will intersect the average number of ounces needed to produce 0.10%. Follow the same procedure to determine the amount of liquor needed to reach other

"FULL STOMACH"

DRINKING AFTER A MEAL OF FOOD, OR
IN THE MORNING AFTER A NIGHT OF DRINKING
AND AVERAGE MEAL



blood-alcohol concentrations, such as 0.05%, 0.15%, etc.

Charts show rough averages only. Many factors affect the rate of alcohol absorption into the bloodstream. Amount of food consumed, kind of food and drink consumed, and percentage of fatty tissue in the body, for examples, can vary blood-alcohol concentration values.

The rate of elimination of alcohol from the bloodstream is approximately 0.015% per hour. Therefore, subtract 0.015% from blood-alcohol concentration indicated on above charts for each hour after the start of drinking.

REPORT OF THE
I.C.C. SUB-COMMITTEE ON THE
PRIMARY PREVENTION OF ALCOHOL-ASSOCIATED
PROBLEMS THROUGH EDUCATION

October 14, 1976

GOAL

The reduction of the incidence of alcoholism and alcohol-related social problems in Alaska through programs of preventive education.

CONSIDERATIONS

- "Primary Prevention" has been defined as those strategies or efforts which are directed at the totality of a population and designed to reduce the unquestioned use and the social acceptance of a substance which has been demonstrated to be harmful to a significant proportion of that population. It differs from secondary and tertiary prevention efforts in that the latter are more expressly directed at the treatment of the alcoholic and the detection of cases in their earlier and more manageable stages.

Primary preventive education, then, is essentially concerned with the formation of realistic attitudes and the consequent creation of a climate of acceptance among all groups and levels toward whatever steps may be taken by a concerned public to reduce the prevalence of the substance or dysfunctional social situation in question.

The concerned public in general and the educators in particular must be totally aware that educational (information-bearing) programs operating unilaterally can never be as effective as they might be conceived to be. Preventive programs are expected to function as a strong spur to community action; there must be brought into existence simultaneously some systems or avenues of action that the citizenry may utilize for the carrying into effect the value-changes which result from the introduction of the new concepts.

... have been relatively ineffective due in part to the use of scare tactics, the exclusive use of objective information, and concentration on the disease alcoholism. New programs should be broader in scope, including the promotion of alternative and healthier lifestyles.

- An effective prevention programs must not only impart objective information, it must also lead to the development of positive attitudes about and skills for working with the problems surrounding alcohol use and abuse.
- The sub-committee recognizes that for maximum effectiveness, any educational program must be flexible and appropriate for the various social groups with differing and sometimes opposing needs and special interests that exist in Alaska.
- An educational program of professional design which is broad enough in scope to address all sectors of the Alaskan public and which can be carried forward over a sufficient time-span to achieve effectiveness in depth, will require re-allocation of existing resources and the addition of new resources.
- The outcome of prevention efforts through education which attempt to create lasting changes of social attitudes, customs and values, must be assumed to require continued effort over a considerable period of time.

Therefore, the Subcommittee on Education recommends that consideration be given to the formulation and implementation of all of the following projects, for both the education of the general public and those in the schools.

1. TOWARD THE EDUCATION OF THE GENERAL PUBLIC

GOALS

1. The public will be made aware of the true extent of the socio-economic problems at State, community, family and individual levels, which emerge from the current levels and patterns of alcohol consumption use.
2. The public will be aware of the concept that alcohol is a drug in the true sense of the definition, that intoxication means being functionally incapacitated to some degree, and that such a state is not to be approached with impunity or humor.
3. The public will be disabused of the traditional misconceptions associated with alcohol.
4. The public will be aware of alternatives to drinking which are more rewarding and less physically dangerous.
5. The public will be aware of the purpose and direction of counter-media campaigns originated by the alcohol beverage industry.
6. The general public will sustain a measurable decrease in over-all consumption of alcoholic beverages.

Project A

To develop and implement a long-term on-going program of public information and education, utilizing all available media. The focus will be concerned with the above goals.

To insure the maximum efficiency of such a media program, the committee recommends that materials be developed which are appropriate to the needs of age and interest groups (i.e., urban/rural, native/non-native, aging/ young adults, etc.).

1. TIME FRAME

Twelve months will be necessary to effectively design and begin to implement the complete public education program. This program should be assessed at definite intervals, and its continuation based on objective evaluation.

2. RESPONSIBILITY BASE

The Department of Health and Social Services should be responsible for designing and operating the public education program. Within this department, responsibility might be assigned to The Office of Alcoholism and/or The Health Education Section of Public Health. State Departments must coordinate efforts with non-state agencies (e.g., National Council on Alcoholism/Alaska Region; ANCADA, etc.) so that duplication and gaps in public education do not occur. The Department may elect to fill temporary positions and/or sub-contract for the 12 months of some segments of the project, rather than establish permanent professional positions and personnel to accomplish this task.

3. FUNDING SOURCE

Those expenditures which are necessitated should be, as directly as possible, derived from an increase in revenue generated by additional taxes imposed on the sale and distribution of alcoholic beverages. It is recognized that such taxes may not be specifically dedicated, but the additional revenue which may accrue to the state

Project B

to promote within communities, the development of affirmative action plans for preventive education, by providing technical assistance on possible alternative programs and funding sources.

Professionals knowledgeable in community organization skills; types of preventive education programs; and planning, funding and evaluation strategies would use their skills by motivating and assisting local communities in developing and implementing affirmative action plans and programs for identifying causes and solutions to preventing their alcohol problems through educational means. One funding source for communities to use for the programs they design would be made available by creating a new category for this purpose in the Municipal Revenue-Sharing Act.

1. TIME FRAME

A pilot program, involving several communities, should be accomplished and evaluated for effectiveness within 2 years. The total effort in community education will become an on-going service.

2. RESPONSIBILITY BASE

Community guidance and support for alcohol education should be the duty of a Community Preventive Education Specialist located in each of the three Health Service Areas. Community Preventive Education Specialists may be based in either the Department of Health and Social Services or Community and Regional Affairs.

3. FUNDING SOURCES

From the increased revenue which may be generated into the State General Fund by additional taxes on alcoholic beverages, an alcohol-abuse prevention categorical base for municipal revenue-sharing

request. (under AS 43.10.010.010) should be formulated, which will provide funds by which the interested community may implement alcohol education on a local level. A minimum of \$2.00 per capita may be sufficient. Follow-up analysis should be useful in determining whether a different dollar amount is necessary. Unincorporated areas should receive funds by special legislation. State General Funds will be needed for three new positions.

4. LEGISLATIVE NEED

- a. Legislation which will provide authorization for a new category for alcohol education under the municipal revenue-sharing plan.
- b. Legislation which will provide State personnel positions and funding for three community preventive education specialists.

Project C

To design a program of public education which will provide information, elicit public response and issue feedback to the public, concerning all proposed alcohol related legislative measures and considerations.

This section of the total program, in addition to the formulation, implementation and analysis of public opinion polls and surveys, may utilize the Alaska Public Forum, the TV program "Alaskan Advocates" and other existing media channels.

1. TIME FRAME

This project is expected to be employed each time significant legislation on alcohol is proposed. This project should commence with the Governor's projected legislation resulting from the I.C.C. report.

3. RESPONSIBILITY BASE

The program will stem basically from the Office of the Governor, which will provide material on projected legislation and coordinate information-gathering and dissemination.

4. FUNDING SOURCES

The Office of the Governor.

4. LEGISLATIVE NEED

Favorable budgetary review of requests for expanded services, if necessary, which may arise as a result of needed support.

Project D

To promote the establishment of an informed policy on alcohol use by the leadership of government, business, industry and labor, and the dissemination of such policies to the general public.

The committee feels that the leadership of Alaskan government and industry are in a position, by the use of public statements and by the force of example, to become a strong influence toward setting the tone of public acceptance of preventive efforts in the field of alcohol-use.

1. TIME FRAME

The elicitation of supportive statements and policies should begin immediately and become a permanent factor.

2. RESPONSIBILITY BASE

The Department of Health and Social Services, working with individual business leaders and union officials, will be responsible for the elicitation and public dissemination of policy.

3. FUNDING SOURCES

Department of Health and Social Services.

4. LEGISLATIVE NEED

The passage of a Joint Resolution by the State Legislature, accompanied by a strong statement of support from The Office of The Governor (see Appendix).

11. TOWARD A SYSTEM AND POLICY OF EDUCATION IN THE SCHOOLS

GOALS

By completion of the elementary grades:

1. Students will know and demonstrate the importance of asking a responsible adult before eating or drinking anything unknown; and know dangers of putting foreign objects into mouth or other body orifice.
2. Students will be able to identify substances commonly used by individuals that may modify mood and behavior (e.g., candy, soft drinks, tea, coffee, cigarettes, alcohol); and know there are differences between alcoholic beverages and other beverages.
3. Medicines are helpful for maintaining health and should be treated with respect.
4. Medicines and other substances that are commonly used can be harmful if misused; know a variety of conditions which contribute to the misuse of medicines; are able to identify substances that can be harmful if misused; know dangers resulting from use of combinations of drugs.
5. Misuse of drugs often starts early in life. Individuals react differently to alcohol and other drugs. One can live a normal, full and happy life without misusing drugs. Personal goals and practices established early in life (e.g., self-respect for one's body, healthy standards of behavior and sound personal decisions) can help one to avoid the misuse of drugs. A positive self-image can be a factor in finding alternatives to the abuse of alcohol and other drugs.
6. Students will know some sources and results of authoritative research concerning the effects of alcohol use on the body; identify reasons individuals drink or refrain from drinking and ways that drinking can affect the performance of an athlete, hunter or fishing person, and know some of the ways alcohol advertising contributes to the use of alcohols.

7. Well-adjusted individuals are able to interact with others in a variety of situations. Various behaviors can produce various good and bad feelings in others. People react in different ways to various situations. Other people can affect one's self-image.
8. Students will be able to identify the qualities in themselves which they appreciate and those they would like to change; will be able to analyze their own feelings of pride; and will be able to describe ways to improve qualities and how to maintain those they value.
9. Students will be able to recognize and discuss effects of emotions on behavior; will be able to identify alternative methods of dealing with stress in one's own culture.

By the completion of junior high:

1. Students will know general physiological and psychological effects of drugs; know about alcohol, its history, nature, uses and abuses, and physical effects on the individual, the family and society; know reasons why individuals refrain from drinking; and can identify cultural similarities and differences in our society and how this pertains to alcoholism. Students can identify dynamics of decision making concerning use of alcohol and are able to list sources of social pressures which affect decisions; are able to evaluate alternate solutions to such problems and to name legal, psychological and physical consequences of given incidents involving use and abuse of alcohol. Students will know methods of discouraging illegal alcohol and other drug suppliers and ways in which individuals can be influential in the control of alcohol and other drug usage.
2. Alcohol and other drugs may cause immediate and harmful long-range effects. Many major health problems may be aggravated by misuse of these substances. Students know effects on pregnant women and new-born infants. Students know some social and economic problems resulting from substance misuse.
3. Students know basic physiological and psychological needs of human beings and are able to list ways substances have been used and misused to meet basic needs; know ways of avoiding alcohol and other drug abuse.
4. Students will understand that anxiety, fatigue, frustration and mild depression are normal tolerable parts of everyday life; know ways in which pressures can help or hinder behavior; know ways that the effects of pressure can be re-channelled; know ways in which trust in one's self and in others can serve as relief from anxiety; know how a crisis situation may affect the individual; and that individuals vary in their abilities to adjust to the demands of living.

5. Self-acceptance and acceptance of one's cultural framework is fundamental to sound mental health. It is an ability to identify appropriate ways of meeting one's own emotional needs that will be well regarded by others, both within immediate peer or cultural group and within the larger society, and ways of meeting those needs that will not be so regarded. Self-respect is built upon complex factors, including the concept of self in relation to "important others" and is related to the ability to accept success, failure and/or criticism.
6. Students will demonstrate basic steps in dealing with a problem; know ways in which feelings such as anger and fear may affect an individual's ability to cope with problems; will be able to identify acceptable ways in society to release and deal with hostility and anxiety; and know local resources that can assist individuals in solving complex problems.
7. Students will know ways in which self-discipline helps to adjust behavior and regulate emotions in a manner acceptable to oneself and to one's own culture.

By the completion of high school:

1. Students will know the historical background, characteristics and scope of the substance abuse problem in their immediate family, village or city, state, nation and world.
2. Various treatments and sources that are available for substance abuses will be known.
3. Students will be able to analyze alcohol and drug advertising for such qualities as subtle inferences, scientific accuracy and emotional appeal.
4. The essences of major state, federal and international laws and regulations relating to alcohol and other drugs will be known.
5. Students will be able to identify defense mechanisms which they and others use in adjusting and adapting to situations and experiences; will identify defense mechanisms which may be used in maladjustive behavior.
6. Values include the beliefs, ideals, rules and standards which guide one's actions. Influences in one's physical or social environment which help shape one's values are recognizable. Values influence human behavior in many ways.
7. Vocational and avocational interests and activities can fulfill psychological and creative needs.
8. Students will know ways in which major changes (e.g., changing jobs, marrying, having children, death in the family) can affect the individual's overall well-being.

Project A

To formulate an elementary and secondary school alcohol education curriculum package, which, while having as its central focus objective information about the substance, its use and abuse, will achieve its goal through helping young Alaskans learn to understand their values, needs and desires; to resist peer pressures; control impulses; make rational decisions; and learn problem-solving skills.

Such a program must be designed with great sensitivity to the variation in need and the capacity to assimilate that exists in any student body and particularly in Alaska. It must be constantly borne in mind that the youngest students are not so much in need of objective information about the substance as they are in need of the development of personal skills and ego-strengths to enable them to cope with the decisions and evaluations that they will face at later levels of socialization. Learning from drug education programs in the past, it must be recognized that as the older students arrive at the point of decision, they must also be armed with objective and factual information concerning alcohol and other drug substances which neither contains any element of coercion nor attempts to promote unrealistic goals or elicit unreasonable decisions. Such a program must be developed in a manner that is conducive to integration into a school's comprehensive health education curriculum.

1. TIME FRAME

An effective academic curriculum package which will address the specific demands of students as they progress from one level of need to another, will take one year to design and another year to field test, evaluate and adjust.

2. RESPONSIBILITY BASE

The State Department of Education may designate and assign appropriate experienced personnel to devise, test and evaluate the curriculum

guides, which will necessitate a temporary expansion of their present personnel and budgetary structure or funding allowing for such services to be performed on a contractual basis.

3. FUNDING SOURCES

Total cost of design, testing, evaluation and implementation of a curriculum package will be approximately \$100,000 (includes the make-up and distribution of teaching and resource kits for each of the 52 school districts). The funds should derive from State General Fund monies.

4. LEGISLATIVE NEED

Budgetary support for this special-purpose project.

Project B

To develop and implement a program for training teachers, school administrators, and school counselors in the purposes and methodologies of the alcohol education curriculum package.

There is a need to provide teachers with training courses which will provide them with up-to-date information and teaching skills, and will assist them in arriving at sound personal attitude-bases from which to operate. 7.

The University of Alaska is the natural place to develop and offer courses which will meet both these needs of teachers and school counselors. The Sub-Committee on Education strongly recommends that the Department of Education and the University give consideration to establishing a minimum of a three credit-hour course in alcohol education as a requisite to teacher certification or re-certification in this state.

1. TIME FRAME

This course (or courses) should parallel the development of and be aligned with the curriculum package. The Sub-Committee recommends that the Governor's Office recommend to the University of Alaska that this project be undertaken, in cooperation with the Department of Education, no later than September 1, 1977.

2. RESPONSIBILITY BASE

The responsibility should lie with a tri-partite cooperative group consisting of the Department of Education, Health and Social Services (e.g., Office of Alcoholism) and the University of Alaska (e.g., Departments of Education and Center for Alcohol and Addiction Studies).

3. FUNDING SOURCES

Cooperative State Departmental funding.

4. LEGISLATIVE NEED

Budgetary consideration to the requests of the University of Alaska, the Department of Education and Department of Health and Social Services, for additional funds for this training effort.

Project C

To develop a promotional program, directed to school boards and school administrators, which will insure the use of the alcohol education curriculum package.

1. TIME FRAME

persens, This effort should be continuous in time-span with the projects for curriculum package development and training efforts.

2. RESPONSIBILITY BASE

The Department of Education should be the lead agency, requesting and utilizing the services of others as may be indicated.

3. FUNDING SOURCES

No special funding is necessary.

4. LEGISLATIVE NEED

No special legislative back-up is foreseen presently.

SUMMARY

The seven projects outlined above are designed to reach the general public through top-quality media programs; community programs promoting self-responsibility; and the publicity of examples set by government, business, industry and labor policies; and they will reach the school-age population through the development of an appropriate curriculum package and the motivation and training of school personnel who will implement it.

None or very few of the necessary mechanisms (fiscal capacity or personnel) presently exist to a near-requisite degree in the Alaskan governmental structure or in Alaska itself. Even allowing for an extensive cooperative effort that may be extended by the involved state agencies, it will be necessary to allocate, to an extent not now fully determined, money and specialized personnel in order to implement this total set of projects.

It is the Sub-Committee's recommendation that in addition to the above, ~~that~~ at least twenty percent of all future state funding for the State Office of Alcoholism be specifically designated to be used in educational activities for primary prevention. This ^{would} ~~will most likely~~ require that the State Office of Alcoholism receive additional funds. ⁽²⁾ The prevention activities currently on-going through the State Office of Alcoholism are concentrated at the secondary level of prevention. The Sub-Committee members believe that a shift toward the direction of education and primary prevention will be more effective in the long term.

in order to successfully carry out this total program, there must be demonstrated a high standard of cooperative effort among involved inter- and -intra state and community agencies at all levels, in order to avoid duplication and dilution of effort and to offer necessary understanding and support. All preventive education projects must be ultimately coordinated with a central agency in order that this occur. That the State Office of Alcoholism be the coordinating body for preventive education is a possibility.

SUMMARY OF PROPOSAL FOR THE PRIMARY PREVENTION OF
ALCOHOL-ASSOCIATED PROBLEMS THROUGH LEGISLATION

APPROACHES	TIME FRAME	RESPONSIBILITY	FUNDING	LEGISLATIVE NEED
I. Education of the General Public				
A. Public Information and Education through the media	on-going	HSS; coordinate with non-state agencies	State General Fund	Support budget requests
B. Community affirmative action	on-going	HSS or CRA	State General Fund	a. New revenue-sharing category b. 3 new state positions
C. Public involvement in legislation	on-going	Office of the Governor	Office of the Governor	-
D. Government, business industry and labor policy on alcohol use.	on-going	HSS	HSS (no new funds)	Joint Resolution
II. Education in the Schools				
A. Development of Curriculum Packages	2 years	DOE	State General Fund	Support budget requests
B. Training teachers, school administrators and school counselors	on-going	University of Alaska, DOE and HSS	University of Alaska, DOE, and HSS	-
C. Promotional program for school boards and school administrators	on-going	DOE	None	-

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I. Problems

A. The Uniform Act

The Uniform Alcoholism and Intoxication Treatment Act (A.S. 47.37.010-.270) establishes:

1. The State's policy concerning alcoholism and public intoxication;
2. The Office of Alcoholism and its functions;
3. The elements of a comprehensive program for treatment;
4. Regulations for commitment of alcoholics for treatment.

However, the Uniform Act (Sec. 47.37.010) does not distinguish between the alcoholic and the alcohol abuser (or publicly intoxicated person) for the purposes of treatment.

It is essential for planning and implementation of treatment and rehabilitation programs that an adequate distinction be made between alcoholics and alcohol abusers.

The requirements for effective intervention for each of these groups are of a very different nature. The addicted individual is afflicted with a psychological, physiological and social problem which requires the attention of skilled professionals applying established treatment principles and methods. The individual referred to here as the "alcohol abuser", the "alcohol-related offender", the publicly intoxicated individual, the OMVI offender, etc., may or may not be suffering from a demonstrable addictive condition, and may therefore, not need all the services appropriate to the treatment of alcoholism. Though treatment and rehabilitation, and the present discussion of these areas, primarily addresses the alcoholic, there are some areas in the range of treatment components that may appropriately be geared toward dealing with the alcohol abuser, for example emergency medical crisis intervention sleep-off services and educational outpatient counseling.

B. Data Acquisition and Analysis

There is insufficient data upon which to formulate a complete, definitive plan for:

1. the distribution of monetary resources;
2. the selection and location of alcoholism treatment components; and
3. the success of treatment programs in meeting the assumed or verified need for treatment services.

The types of data which may be relevant to #1-3 above include the following:

1. Population distribution by region, district and local community.
2. Size of target population (number of alcoholics and alcohol abusers).
3. Existing alcoholism treatment resources in the region, district and local community.
4. Unit cost of care for each treatment component.
5. Maximum amount of State, Federal and local dollars available for alcoholism services.
6. Cost effectiveness of existing alcoholism services.
7. Number of clients successfully completing the program.
8. Long-term reduction in alcohol-related impacts (e.g., arrests and convictions, deaths, child abuse, emergency room services).
9. Client recidivism rates for alcoholism treatment programs.
10. Demographic profiles of geographical districts, local communities and target population.

Current efforts to acquire and analyze potential relevant data include the Office of Alcoholism's "Systems Analysis of Alcohol Problems" project, the Interdepartmental Coordinating Committee Task Force, the computer analysis of Client Data Base Forms and Monthly Program Activity Reports, and Office of Alcoholism program evaluations.

C. The Grant-in-Aid Funding Mechanism

We believe that grants-in-aid, unless used principally as initial seed money for limited periods of time, are counter-productive in the effort to develop and maintain quality alcoholism treatment and rehabilitation services. This view is supported by the statements and experiences of the Directors of Valley Hope Treatment Center (Norton, Kansas) and Chit-Chat Foundation (Wernersville, Pennsylvania). The Valley Hope and Chit-Chat alcoholism treatment programs are widely recognized as two of the oldest and most successful alcoholism rehabilitation services in the United States.

Third-party (insurance) reimbursements and client fees account for approximately 70% of the revenues generated by these two programs. Both of these programs generate sufficient income to not only meet their operational cost but also to expand their services and facilities.

The grant-in-aid statute, A.S. 47.30.475-477 as amended (1975) requires that grants be awarded in a ratio of 75% State money to 25% community money, except for those communities officially designated as poverty areas. The required ratio for these poverty areas is 90% State money to 10% community money. The current poverty areas as determined by the Department of Community and Regional Affairs are as follows:

Aniak	Bettles	Ft. Yukon	Kotzebue
Barrow	Cold Bay	Galena	McGrath
Bethel	Dillingham	Glennallen	Nome
			Tok

The grant-in-aid regulations (7AAC 10.050) provide for the use of in-kind contributions in meeting the non-State sharing of project costs. It should also be noted (AS 47.30.475 d) that other non-State (e.g.,

Federal) grants may be used to meet the required match.

Therefore, it can be seen that the grant-in-aid statute places the burden of financial support for program operation on the State.

In other words, a project is eligible for and may receive State grant-in-aid for an indefinite number of years at the 75:25 or 90:10 State/local ratio. This is in contrast to most Federal grants (NIAMA staffing, special projects, and public inebriate grants), which generally provide funding in decreasing yearly amounts for from three to five years.

This mechanism provides the opportunity for the Federal government to assist in establishing a greater number of alcoholism treatment programs. It also provides an incentive for existing programs to develop alternative financial resources and achieve a greater degree of self-sufficiency.

Decreasing, time-limited funding recognizes and encourages the local community's and the consumer's responsibility and authority in selecting and maintaining health care services. It also provides sufficient time for a program to establish the relevance and viability of its services and allows for an opportunity to develop the financial resources which will be required for its continuing existence.

Evidence for the contention that State grant-in-aid funding passively or actively encourages programs to rely on State monies may be deduced from the following table (FY 76):

<u>Project location</u>	<u>State funds</u>	<u>Other Cash or In-Kind</u>	<u>Ratio State/Non-State</u>
Nome	85,430	40,697	2.09
Dillingham	22,100	9,405	2.35
Kotzebue	36,507	15,719	2.32
Juneau	90,360	233,864	0.39
Wrangell	26,860	8,980	2.99
Unalaska	33,800	66,110	0.51

Seward	27,600	9,200	3.00
Petersburg	27,810	9,025	3.00
Yukutat	13,875	4,625	3.00
Anchorage	767,978	724,682	1.06
Fairbanks	309,546	156,740	1.97
Tok	13,700	114,900	0.12
NCA-AR	78,484	656,580	0.12
Bethel	93,500	38,714	2.42
Galena	14,000	4,667	5.00
Sitka	78,388	26,071	3.00
Kodiak	119,548	29,666	4.03
Ketchikan	74,474	84,046	0.89

The contention that the State's grant-in-aid mechanism discourages funding of new programs is reflected in the following tables.

<u>Fiscal year</u>	<u>Number of Programs/ Number of Communities</u>	<u>Total State-administered dollars</u>
1974	18/14	1,762,100
1975	20/18	1,958,300
1976	18/17	2,170,000
1977	17/16	2,056,700

<u>Program</u>	<u>FY 74</u>	<u>FY 75</u>	<u>FY 76</u>	<u>FY 77</u>
University of Alaska	X	X	--	--
City/Borough of Juneau	X	X	X	X
Rural Alaska Community Action Program	X	--	--	--
Yukutat	X	X	X	X
Petersburg	X	X	X	X
GAAB/Municipality of Anchorage Health Department	X	X	X	X
Seward	X	X	X	X
Bethel	X	X	X	X

Kodiak	X	X	X	X
Sitka	X	X	X	X
Nome	X	X	X	X
Kotzebue	X	X	X	X
Fairbanks	X	X	X	X
National Council on Alcoholism Alaska Region	X	X	X	X
Upper Tanana Regional Council on Alcoholism (Tok)	--	X	X	X
Unalaska	--	X	X	X
Wrangell	X	X	X	X
Castineau Council/ Castineau Manor	--	X	X	X
Alaska Native Commission on Alcohol and Drug Abuse	--	X	--	--
Drillingham	--	X	X	X
Fort Yukon	--	X	--	--
Galena	--	X	X	--

X = Funded

-- = Not Funded

D. Other Problems

1. Manpower and Staff development

Program evaluations conducted by the State Office of Alcoholism during FY 76 consistently identify the need for improvements in the level of alcoholism programs staff training and expertise. Staff training has also been consistently cited as a high priority need by the program staff themselves. The University of Alaska Center for Alcohol and addictions studies does not have resources sufficient to allow it to address the alcohol-related training needs in the State.

2. Administrative and Fiscal Management of Programs

State Office of Alcoholism program evaluations and DHSS fiscal audits

identify significant problems in the administration and financial management of local alcoholism treatment programs. These problems (e.g., improper billing, over and under-expenditure of line item budgets, inadequate bookkeeping and accounting systems, improper intermingling of funds) have resulted in numerous audit exceptions and program instability resulting from past due accounts, delayed billings and late payroll payments.

3. Public attitude and awareness

Little or no public survey data is available which measures community attitudes toward alcoholism or alcoholism treatment programs. However, there appears to be a variety of public concerns and misconceptions which impact on the funding and effectiveness of alcoholism treatment programs. These concerns and misconceptions center around the following issues:

- a. The acceptance of alcoholism as a treatable illness.
- b. The success of alcoholism treatment programs in reducing the number of visible alcoholics.
- c. The fundamental nature, limitations and capabilities of treatment programs for the alcoholic.
- d. The distinction between the alcoholic and the alcohol abuser and the treatment modalities appropriate to each.

II. Basic treatment and rehabilitation components

The following definition of treatment is quoted from the Uniform Alcoholism and Intoxication Treatment Act (AS 47.37.270 (12)):

"Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care which may be extended to alcoholics and intoxicated persons, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling.

Emergency, inpatient, intermediate, and outpatient care. The following standards, according to the 1981 Commission on Accreditation of Hospitals, suggested standards for Alcoholism Programs, as follows:

- A. Emergency care: Shall provide for twenty-four hour availability of the following services to all persons and their families with problems related to alcohol use and abuse: (1) immediate medical evaluation and care; (2) supervision of persons by properly trained staff until they are no longer incapacitated by the effects of alcohol; (3) evaluation of medical, psychological, and social needs, leading to the development of a plan for continuing care; and (4) effective transportation services.
- B. Inpatient care: Shall provide twenty-four hour supervised care under the direction of a physician in a hospital or other suitably equipped medical setting designed for the diagnosis and/or treatment of medical and/or psychiatric illnesses derived from or associated with alcohol abuse and/or alcoholism.
- C. Intermediate care: Shall be designed to facilitate the rehabilitation of the alcoholic person by placing him in an organized therapeutic environment in which he may receive diagnostic services, counseling, vocational rehabilitation and/or work therapy while benefiting from the support which a full or partial residential setting can provide.
- D. Outpatient care: Shall be designed to provide a variety of diagnostic and primary alcoholism services on both a scheduled basis and nonscheduled basis in a nonresidential setting to alcoholic persons and their families whose physical and emotional status allows them to function in their usual environment.

Additional treatment components may be designated as outreach, information and referral, drop-in, sleep-off, crisis center, halfway house or quarter way house.

The following services (or facilities) represent a comprehensive continuum of care for the alcoholic, according to the structure provided

above (A-D).

A. Emergency Care

1. Emergency Medical Services

The State currently provides for emergency medical services through the federally funded EMS program.

These services are typically provided on an as-needed basis by local community hospitals. It is important to note that most alcoholism programs do not have contracts or working arrangements with these hospitals to provide services necessary for their client population. The level and extent of emergency medical services for either the alcoholic or non-alcoholic, intoxicated individual appear to be inadequate.

2. Sleep-Off Center

Sleep-off centers should provide for the immediate care and custody of those individuals who are intoxicated and/or incapacitated by alcohol. These units should address themselves to acute problems that would require clients to stay no longer than 72 hours and should also provide triage, crisis intervention, case planning and disposition, motivation counseling and referral--particularly as a primary stage in the court commitment process. The staffing of such units would be provided by personnel trained in the acute care of alcohol (and/or alcohol/drug) problems. Sleep-off centers should not be confused with medical or non-medical detoxification services (see B below).

At present, comparable centers exist only in Juneau, Anchorage, Fairbanks, and Kodiak.

B. Inpatient care

1. Medical detoxification describes the hospital procedures applied in the treatment of alcoholic or intoxicated person required for the withdrawal from the physio-chemical presence and effects of alcohol in the system. The process of detoxification requires an average of from three to five days treatment. This treatment may require the administration

of sedatives, tranquilizing drugs, anti-convulsive medications, and therapeutic vitamin prescriptions.

There are at present no hospital-based or medical detoxification programs in the State. For the most part detoxification is offered by hospitals only for patients suffering from delirium tremens or purely medical problems incidental to addiction or intoxication. The State Office does provide funding for a number of programs which have been notably unsuccessful in obtaining third-party payments, client fees or other reimbursement for services. They have also been plagued by a variety of problems and dangers associated with the inability to provide medical coverage for clients needing such services. In addition, these non-medical detoxification programs have unfortunately had considerable difficulty in maintaining distinct client populations and distinct treatment components.

C. Intermediate Care

1. Thirty-day residential rehabilitation and treatment services.

This short-term, intensive treatment program is designed to provide education about alcohol and alcoholism and group and individual counseling or therapy within a highly structured and supportive environment. This type of service is designed to provide maximum exposure to the principles and practices required for the maintenance of sobriety.

The following chart lists those programs presently providing short-term residential treatment services.

<u>Program location</u>	<u>Number of available beds</u>
Fairbanks	29
Anchorage	30
Sitka	7 (Mt. Edgecumbe IHS Hospital program)
Ketchikan	12
Kodiak	6
	<u>84 Beds</u>

2. Halfway house services

A halfway house unit is a community-based intermediate residential

care facility. It provides room and board, informal counseling, and referral services to the recovering alcoholic in a sober environment. The average length of stay should be 90 days for halfway house clients. Since the major goal is the successful transition to fully independent community living, clients are encouraged and assisted to obtain employment and to arrange for medical, vocational, counseling, and other services as provided in the community (rather than in the halfway house unit itself.) It is expected that the halfway house will not attempt to duplicate the efforts of inpatient rehabilitation or outpatient counseling services.

The list of existing halfway house programs is as follows:

<u>Program location</u>	<u>Number of available beds</u>
Anchorage	
Studio Club	15
Phoenix House	17
Fairbanks	8
Juneau	15
Ketchikan	7
Kodiak	10
Sitka	10
Total	<u>82 Beds</u>

D. Outpatient care

1. Outpatient services

Outpatient services typically include client evaluation and referral, individual and group counseling or therapy, after-care, family counseling, crisis intervention, consultation, and court-related programs such as Driver Alcohol Information Schools.

Most of the programs funded by the State Office, and the majority of its funding, is devoted to programs offering a combination of outpatient, information and referral, and education services. Reliance on State grants

has been and continues to be even more typical of these programs than of those already mentioned. This relates to a number of factors, including the current limitation of Blue Cross and other medical insurance coverage and the problems associated with the State grant-in-aid mechanism as elaborated earlier.

2. Information and Referral services

Information and referral may be distinguished from outpatient services in that the former responds to requests for information about alcoholism, alcohol abuse, and alcoholism treatment services available in the community.

3. Education

Education activities have been a service traditionally offered by alcoholism treatment programs although such activities may be more appropriately considered to fall within the category of prevention or preventive education.

Alcoholism education efforts may be classified generally as one of three types:

1. Alcoholism education as part of the public school curriculum
2. Special lectures to interested groups within the community.
3. Communications media presentations.

E. Long-term Domiciliary Care

There are a variety of individuals requiring either long-term care or an indefinite period of care in a facility other than those already mentioned. These individuals include the older and/or severely debilitated, chronic alcoholic with serious organic and/or social impairment who has not responded favorably to other forms of treatment or care. Some of the individuals appropriate for placement in a long-term care facility are those with a very poor prognosis for recovery or for the ability to maintain themselves independently in the community and those who are chronic public inebriate

committed by the courts. This facility would also be appropriate for individuals with a better prognosis, but requiring a more extended length of stay (6-12 months) in a structured environment then is available in a rehabilitation program.

Applying the formula used in the "Allocation of Adult Alcoholics in Alaska", a 1973 study conducted by the State Office of Alcoholism, 9.2% of the state's adult population are alcoholics. Based on 1975 census figures of 404,000 total state population, we can estimate that there are 20,800 alcoholics in Alaska. According to accepted national standards, the chronic, "skid row", alcoholic constitutes 3-5% of the alcoholic population. It is primarily this group (approximately 1,000 persons) that would be appropriate for placement in a long-term care facility.

There is no long-term residential care facility for alcoholics currently operating in the State of Alaska.

Essential elements of such a program would include the following: work therapy (for example an institutional industrial program, production contracts, etc.); vocational rehabilitation including work evaluation, skill, training, vocational testing, and job placement; resocialization; referral to group or foster homes; physical therapy and rehabilitation; and affiliation with service and treatment resources in the community such as Vocational Rehabilitation, mental health, Alcoholics Anonymous, alcoholism treatment agencies, social services, etc.

Services emphasizing resocialization and physical and vocational rehabilitation are of primary importance for a client population whose occupational skills and general health and adjustment have deteriorated to a marginal level.

III. Recommendations

A. Based on the preceding elaboration of needs, problems, available treatment resources and the services necessary for the prevention and treatment of alcoholism and alcohol abuse, the following policy recommendations are offered.

* Amend the Uniform Alcoholism and Intoxication Treatment Act (AS 47.37.010-270)

for the purposes of: distinguishing more adequately between the alcoholic and intoxicated individual (alcohol abuser); establishing separate policies for the alcoholic and the alcohol abuser; defining the responsibility of the State Office of Alcoholism and the service providers with whom the office contracts with regard to the treatment of the alcoholic and the alcohol abuser; and simplifying the court procedure for involuntary commitment of alcoholics to inpatient treatment for 30 to 180 days after sleep-off.

(The present Uniform Act contains provisions which are far too costly, cumbersome and unwieldy with regard to involuntary commitment. Consequently, there have been considerable problems with implementation of this provision by the Courts.)

* Continue and complete the "Systems Analysis of Alcohol Problems" project in the Office of Alcoholism.

* Continue and augment the State Office of Alcoholism's program evaluation and data collection/analysis efforts.

* Amend the State Grant-in-aid Statute, AS 47.30.475-477, for the purposes of: establishing a progressively decreasing state/non-state funding ratio for grants, limited to a four year period from the date of program inception, establishing a reimbursement for services contract mechanism to provide funding for those alcoholism treatment services which fail to qualify for or have exhausted the grant alternative (such reimbursement should be provided for those services for which alternative funding or reimbursement is available); requiring that all match contributions be in the form of cash.

- * Recommend use of local sales taxes (either current possible or raised from a special tax) to provide increasing amounts of local support for programs.
- * Require that communities receiving revenue-sharing money from the Department of Community and Regional Affairs for "alcoholism program beds" match their SGF Office of Alcoholism Grant with an amount of cash equivalent to that revenue sharing support.
- * Allow an amount equivalent to 10% of the State's grant as "in-kind" match, for all years of State Grant-in-Aid financial support to local programs, to help offset local indirect cost expenses for local management of grants.
- * Alter existing Title XIX, Private Insurance and Vocational Rehabilitation regulations, to provide coverage for treatment of alcoholism.

B. The following Grant-in-Aid schedules are recommended:

- * Fund programs, already in existence, beginning in FY 78 at the following schedule:

FY 78	60% State; 40% Other (cash)
FY 79	40% State; 60% Other (cash)
FY 80	25% State; 75% Other (cash)
FY 81	State fee for service support only for those patients not covered by other resources.

- * Fund new programs at the following schedule:

Year 1	75% State; 25% Other
Year 2	60% State; 40% Other
Year 3	40% State; 60% Other
Year 4	25% State; 75 % Other
Year 4	State "fee for service" support only for those patients not covered by other resources

C. Emergency Care

1. Emergency Medical Services

The present Uniform Act requires that persons be afforded a continuum

of treatment beginning with Emergency Care. The required resources are not available to adequately provide that care. The Uniform Act also implies that severe medical emergencies induced by the abuse of alcohol will be treated by physicians in hospitals; yet physicians and hospitals are often reluctant to provide care for these persons.

- * Amend state law that physicians and hospitals are required to meet their obligations to provide emergency care to those individuals with acute medical conditions.

- * Recommend that alcoholism treatment agencies or community health authorities establish work agreements or contractual arrangements with public or private hospitals for the provision of emergency medical services.

2. Sleep-off Center Services

The public safety, health & welfare risks and costs associated with alcohol intoxication, alcohol abuse, and alcoholism in Alaska are so great that adequate measures must be taken to protect the community and the individual from those present and recurring behaviors which represent immediate and long-term threats.

- * Amend the Uniform Act (AS 47.37) to allow sleep-off facilities to hold "intoxicated persons" and/or "incapacitated persons" for up to 72 hours involuntarily.

- * Provide the funds to operate a statewide network of sleep-off facilities of the kind described.

- * Require all sleep-off facilities to employ at least one person with Emergency Medical Training on each shift seven days a week.

- * Require an initial medical examination within 24 hours.

- * Require hospitals and physicians to admit intoxicated persons to hospitals if they also present other severe complicating medical problems.

- * Require sleep-off facilities to conduct an evaluation for the purpose of disposition and referral of the patient prior to his release at the end of 72 hours.

- * Sleep-off centers are recommended for the following communities:

Juneau	Wrangell	Cordova
Ketchikan	Petersburg	Kotzebue
Valdez	Seward	Barrow
Yakutat	Unalaska	Kenai

Sitka, Kodiak, Anchorage, Fairbanks, Bethel, and Nome have facilities suitable for a sleep-off service.

Capital expenditure estimates are based on the approximate purchase and installation price for new double-wide trailers for Ketchikan, Juneau and Valdez and for new single-wide trailers in the remaining locations.

The smaller units should be able to accomodate up to 10 beds and the larger units up to 15 beds. An estimate covering the cost of furnishing and equipping these units are included in the following figures:

Capital Expenditures = \$439,050 (estimated)

Operating expenses (per annum) = \$2,195,750 (estimated)

(includes total staffing of 117)

- * Sleep-off centers might be recommended for Dillingham, Galena, Fort Yukon and Glennallen-Copper Center depending upon the results of a needs assessment and the availability of funds. Estimated capital expenditures for these four additional units would be \$119,275 and the estimated operating expenses would be \$675,000.

It can be anticipated, or conservatively assumed, that the probable levels of need, utilization, and/or required resources in most rural villages would not justify or allow for the establishment of sleep-off centers at this time. There probably would be, therefore, a number of communities with some level of need, which would have to depend upon the use of local jail or transportation to the nearest community with a sleep-off center.

- * Encourage communities without jails or sleep-off centers to develop statistics which could be used by the State to assess the need for and the

probable utilization of a sleep-off facility.

Source of funding

* The proposed sleep-off programs should be funded in the following manner:

A. For Capital Expenditures: State General Fund

B. For Operating Expenses:

1. Poverty area communities: renewable yearly grant-in-aid, 90/10
State to local cash ratio.

2. Non-poverty area communities: progressively decreasing State/
local grant-in-aid for four years (75/25; 60/40; 40/60; 25/75)
and "fee for service" reimbursement starting at year five for
those clients not covered by other resources.

* The Division of Corrections should provide sleep-off capability through
existing rural jails where feasible and necessary.

* The Division of Corrections should keep records of the degree of association
between crimes of which their inmates were convicted and a history of alcohol
abuse and/or alcoholism.

* The Division of Corrections should provide treatment for alcoholism within
the Corrections system.

* The Division of Corrections should provide a counseling program for
alcohol abusers within the Corrections system.

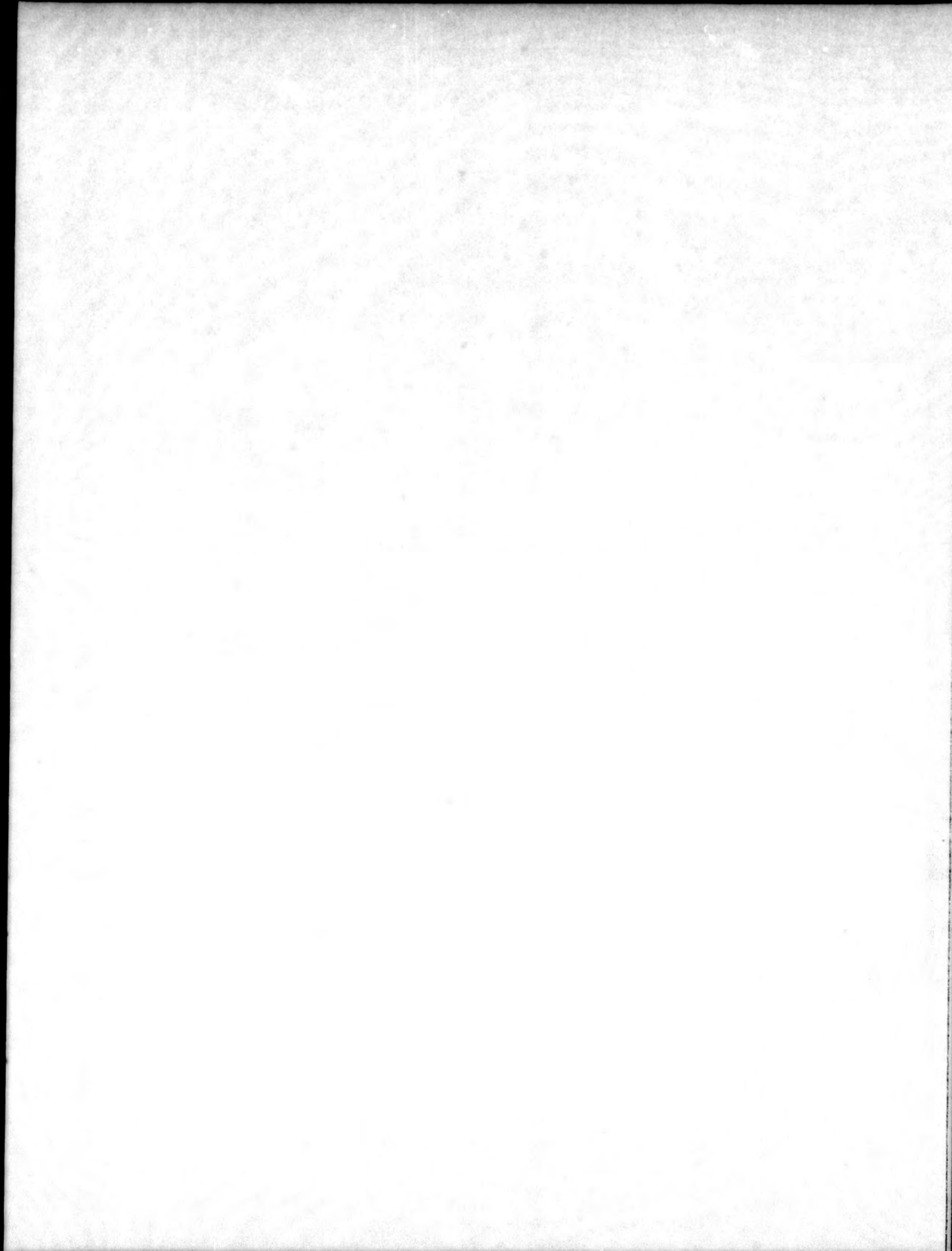
* The Division of Corrections should ensure that appropriate after-care
and follow-up are provided for all alcoholic inmates upon their parole.

* Referral for after-care and follow-up should be made available to those
inmates who have completed their full sentence.

These recommendations are made in view of the following considerations:

An alcoholic is, by definition, a person physically and/or psychologically
addicted to ethyl alcohol. (A person who cannot control his drinking
behavior).

A person who is alcoholic and commits a serious crime because of his



alcoholism, will be a continuing recidivism risk.

An alcoholic offender will be less of a continuing recidivism risk if, while in custody, he received treatment for his alcoholism.

A paroled alcoholic offender must be afforded some protection from his addiction at least during the initial stages of his parole. This should continue until he has successfully re-integrated into society. Otherwise, the chances are great that he will relapse into his former active addictive condition.

Alcohol abuser offenders, upon parole, will most likely not need protective rehabilitative care but should be provided continuing outpatient counseling for a period of time.

2. Inpatient Care

A. Medical detoxification

There are a variety of potential medical problems such as cardiovascular arrest; convulsions, respiratory failure, diabetic coma, delirium tremens, or other severe withdrawal symptoms associated with the process of detoxification. Because these medical risks and the difficulties with attendant liability are greatest with the operation of a nonmedical service by para-professionals.

* The State should encourage establishment and participate in the funding of medical detoxification services whenever possible.

* Medical detoxification services should be located in a hospital or in a facility that has the capability of responsible medical management. A major advantage of medical (rather than nonmedical) detoxification, in addition to quality patient care, is the potential for reimbursement through Title XIX, social security, and private medical insurance.

3. Intermediate Care

A. Thirty day residential treatment services

There is evidence nationwide that many of the most viable and most effective rehabilitation programs (for example Chit-Chat, Valley Hope, Hazelden) are those that do not use government grants for funding but which

rely primarily on reimbursement for services given.

The size and stability of currently existing rehabilitation programs in the state are not adequate to meet the needs of this type of service. Patients who can pay and/or who have insurance coverage for this kind of care are typically transported "outside". It would be a functional and economic benefit to the State to have such a facility/program available within Alaska. It would afford existing, smaller local programs with an inpatient resource within the State. It would also keep the money paid for treatment within the State.

It should be noted that the cost of care for approximately 70% of those clients participating in the Valley Hope and Chit-Chat treatment programs is provided by private health insurance payments and the cost of care for the remaining 30% is provided by other third-party payments (Veterans Administration, Medicaid, etc.) or absorbed by the program at no cost to the client (approximately 10% of all clients.)

* The State should provide funding for the establishment of a quality, short term residential, intensive treatment program which is directed primarily toward those rural and urban clients who are covered by public or private insurance or able to pay their own way.

* This facility should be centrally located but not directly adjacent to a large metropolitan area. There is ample evidence nationwide that far from being necessary to locate such a program in an urban area, it is a decided advantage to have this type of program situated at some distance from a major population center.

* This facility should not exceed 70 beds and should have an average patient stay of 30 days.

* This program should be available to residents from throughout Alaska and serve both urban and rural populations.

- * This program should also serve as a practicum training center for alcoholism and other professionals.

The Valley Hope and Chit-Chat alcoholism treatment programs, which are located in relatively remote rural areas, report that they have experienced no problems relating to referral or physical accessibility because of their location. To the contrary this location provides an attraction for those clients wishing to minimize the visibility of their being in treatment. Moreover, such location decreases the temptation and potential for leaving the program prior to the completion of treatment. It has also been the experience of Valley Hope, Chit-Chat and other comparable programs, that the independence from local government control considered to be essential for maintaining program integrity can be assured only by being located outside the boundaries of a large municipality.

The set of needs and conditions that a program of this size is designed to meet, and the therapeutic modalities which are necessary for meeting these needs determines that;

- * 30 day residential treatment services should be provided exclusively for the alcoholic and for the cross-addicted individual. The necessary goals and therapeutic functions required for the treatment of drug addicts drug abusers, the mentally ill and the emotionally disturbed who may require inpatient treatment are not the same as those required for the treatment of alcoholism.

Those 30-day treatment programs (Valley Hope, Chit-Chat, etc.) which have attempted to include drug addicts who have experienced a significant lack of success in working effectively with these clients. They report that the subcultural background, the life style, and the greater incidence of sociopathic pathology were not at all amenable to the kind of treatment they were able to provide. In addition, the drug addicted client was consistently found to disrupt the rest of the client community.

Residential treatment programs for drug addicts and abusers (Day Top Village; Freedom House, Inc.; Synanon; etc.) support this contention that distinct residential programs are required for the drug addict.

It would be inappropriate to include the mentally ill or the emotionally disturbed for the following reasons: 1) The average length of stay in an inpatient facility for psychiatric patients (e.g., at Alaska Psychiatric Institute) is at least fifty days, as opposed to thirty days. 2) The administration of psychoactive drugs (tranquilizers, anti-depressants, amphetamines, barbituates, etc.) is the most prevalent therapy of choice or therapeutic adjunct used by inpatient psychiatric programs. Chemotherapy, and the principles underlying its application, are antithetical to and/or incompatible with the drug-free environment of alcoholism treatment programs. 3) Most psychiatric patients requiring hospitalization suffer from acute (and often chronic) and severe mental and emotional disorders (e.g., paranoid schizophrenia, manic-depressive psychosis, and other diagnoses associated with symptoms of gross disorientation and dysfunction, e.g., hallucinations, delusions, and thought disorder). Most alcoholics, however, are well-oriented and psychologically unimpaired beyond the context of their addiction. 4) Successful thirty-day alcoholism treatment programs rely heavily on a variety of treatment modalities such as educational lectures on the nature of alcohol and alcoholism, the principles of recovery, and an orientation to the principles and methods of Alcoholics Anonymous. These modalities are inappropriate and irrelevant for the treatment of psychiatric disorders. Moreover, the traditional approach of in-depth psychotherapy views behavior as a symptom of underlying intrapsychic phenomena. This approach is greatly in contrast to the prevailing and accepted view that for the alcoholic, psychological (intrapsychic phenomena) and behavioral dysfunctions are symptoms of the underlying addiction.

* State support for this particular program should be provided on the following basis:

FY 78 75% State; 25% Other

FY 79 50% State; 50% Other

FY 80 25% State; 75% Other

FY 81 0% State; 100 Other

The annual operating expense for this 30-day treatment program is estimated at \$894,250. This figure is based on a \$35/day cost at full occupancy (70 beds) and includes rental expenses estimated at approximately \$7,000/month.

If new construction were required, the Department of Health and Social Services estimates the costs at approximately \$100,000/bed for a nursing-home type facility located in areas adjacent to the greater Anchorage vicinity. Additional cost estimates will be made, however, in an attempt to discover a less costly alternative.

The construction cost based on this figure for a 70-bed facility would amount to \$7,000,000. Purchase of an existing facility of adequate size and design might well reduce the necessary capital investment by one-half.

Halfway House Services - It is possible to determine, on the basis of available data, which communities need to establish halfway house facilities.

* The projected number of clients and the availability of resources should be evaluated in order to determine the locus and extent of State financial support required to provide appropriate numbers and types of halfway house services.

Outpatient Care:

A. Outpatient Services - The Division of Mental Health's July 1975,

Mental Health Service "Provider Survey" study reports that alcoholism (in terms of "additional services needed" and "most pressing problem") accounts for 62.3% of all areas of programmatic concern.

Because of the predominance of alcoholism problems in rural communities, because of the limitation on available resources in rural communities, and because of the importance of skilled help for the alcoholic:

- * It is recommended that the primary direction and identity of the Community Mental Health outpatient program be that of an alcoholism treatment service.
- * Rural alcoholism, drug abuse, and Mental Health professionals and para-professionals should be cross-trained in all three areas.

There is insufficient information at this time upon which to determine the justification for combined versus separate outpatient units for each program area (alcoholism, drug abuse, and mental health) in larger (nonrural) communities. There are a number of considerations, however, in favor of combining these program areas or colocating the separate services wherever appropriate and feasible. For example, the inclusion of alcoholism, drug abuse, and mental health professionals within a single physical setting should facilitate and improve effective screening, case assignment and client referral. Continuing education across disciplinary lines and the availability of specialized consultation should also result from this arrangement.

- * It is our recommendation that rural alcohol, drug abuse and mental health outpatient services maintain their separate identities and budgets but that they colocate in order to facilitate cooperation in patient care and facilitate cross-training for personnel in all three areas.

Information and referral services

- * The major responsibility for the local dissemination of information about alcoholism and alcoholism services should be in the hands of volunteer organizations (i.e. Local NCA affiliates).

- * The State should function as a clearing-house for research, treatment, and training information pertinent to alcoholism.
- * Existing local community alcoholism programs should provide information and referral services on an ongoing basis as part of their normal activities.
- * Existing local community alcoholism programs should be required to develop formal referral networks with all health, social services, judicial and law enforcement agencies in their local catchment area.

Long Term Care

- * The State should fund, and initially operate, a long-term domiciliary care and rehabilitation facility for the chronic public inebriate.
- * The primary client population for this program should be the court committed chronic public inebriate and/or those addicted individuals in need of long-term in-residence care who chose to commit themselves voluntarily for a period of 90 days or longer.
- * The State should initiate and operate this facility for a period of at least five years.

RATIONALE:

The major purpose of this program would be to care for those who are presently a public burden. State operation would ensure quality control and close supervision of the organization of the facility and the program and personnel necessary to implement this recommendation.

1. Trained management personnel will have to be recruited.
 2. Other personnel will have to be trained.
 3. Close cooperation will have to be maintained with the Alaska Court System. A state operated facility could more easily accomodate court referrals.
- * The program should have the capacity to care for at least 70 persons initially.

* A decision should be made at the end of five years of operation as to whether the program should be contracted to the private sector.

RATIONALE:

This decision should be based upon projections, information and statistical data relating to such considerations as the following:

1. The availability of third-party reimbursements for cost of care for a program of this sort.
2. The direct and indirect costs likely to be incurred by various state agencies (e.g., Vocational Rehabilitation, Public Safety, Corrections Judicial System) in using the services of this facility.
3. The willingness and capability of a community agency to effectively operate such a facility and to provide the required administrative and fiscal management.

* It is recommended that this long-term facility be operated exclusively for the alcoholic.

RATIONALE:

There are different and distinct medical needs of the chronically mentally ill (chemotherapy, psychotherapy, etc.), and the State currently operates a facility capable of meeting these needs. The population of drug addicts requiring or suitable for this kind of care is minimal.

* It is recommended that this facility be located in close proximity to a major metropolitan area.

RATIONALE:

This facility would serve as a statewide resource and might require the services of various community vocational, health, and social service agencies available only in the larger population centers.

The annual operating expense for this 90 day treatment program is estimated at \$894,250. This figure is based on a \$35/day cost at full occupancy (70 beds) and includes rental expenses estimated at approximately

\$7,000/month.

The Department of Health and Social Services estimates construction costs at approximately \$100,000/bed for a nursing home facility located in areas adjacent to the greater Anchorage vicinity.

The construction cost based on this figure for a 70-bed facility would amount to \$7,000,000. Purchase of an existing facility of adequate size and design might well reduce the necessary capital investment by one-half. Additional cost projections will be made in order to determine the least expensive alternative.

REVENUE PROJECTIONS FOR LOCAL COMMUNITY ALCOHOLISM PROGRAM

With the implementation of annually decreasing state grant support to local alcoholism programs, local programs will be required to provide an increasing percentage of total project costs. Traditionally, project income when available has been used to reduce the total project costs to a net project cost upon which the required local match is determined. Funds used to meet the required match have been federal grant funds, local government contributions, and community donations. Matching requirements have allowed for either hard cash or in-kind contributions.

A. Project Income: Project income is basically divided into client fees for services and third party reimbursement for services provided to eligible clients. The most generally available sources for third party reimbursement are Veterans Administration (VA), Bureau of Indian Affairs (BIA), Vocational Rehabilitation (V-R), Blue Cross/Blue Shield (BC/S), and Medicaid (Title XIX). However, the amount of income available from these sources is represented in general by an inverse relationship to program size and services offered. Therefore, generally only those programs sufficiently large to provide a comprehensive range of services recoup third party payments. Such payments are not available to those programs offering only self-help information, referral, educational, and preventive services. Outpatient counseling, intermediate

care (halfway house and short term rehabilitation), and long-term care generate this type of income. It is established that reimbursement for outpatient and long-term care is more limited (restrictive) than for intermediate care.

The charts below reflect the total amount of project income payments received by state-funded alcoholism programs in FY 76, amount by program projected for FY 77, and the projected FY 78 income based upon a minimal 10% increase.

<u>Income Source</u>	<u>FY 76</u>	<u>FY 77</u>	<u>FY 78 (10% Inc.)</u>
Client Fees	\$83,000	\$ 65,000	\$ 71,500
Third Party	83,000	223,500	245,850
Miscellaneous	19,000	23,000	25,300

Based on the second quarter information available from the VA, we can estimate that a substantial dollar investment is already being made in third party payment to various Alaska alcoholism treatment providers. The VA indicates a total of \$358,673 was spent on alcoholism treatment services in Alaska during the second quarter of FY 76. The VA estimates that 50 to 60% of these payments have gone for medical care, including doctors' visits and hospitalization for alcoholics. The current VA policy is to pay for 30-day alcohol rehabilitation services.

The Blue Cross of Washington and Alaska only reimburses for treatment in a state approved treatment facility or hospital. Since state licensure will be a reality in FY 78, we can anticipate that a portion of the money now going to hospitals will be used for treatment in State licensed alcoholism facilities. Blue Cross was unable to provide cost estimates for the amount of reimbursements made to hospitals for physicians for alcoholism treatment in Alaska. The State Division of Vocational Rehabilitation was unable to provide us with cost estimates for expenditures made in alcoholism treatment services.

B. Local Matching Funds: Local matching funds are generally comprised of federal grants, local government contributions, and contributions from the community itself. The following chart compares FY 76 and FY 77 contributions and projects a minimal 10% increase for FY 78.

<u>Funding Source</u>	<u>FY 76</u>	<u>FY 77</u>	<u>FY 78</u>
Federal Grants	\$ 485,190	\$ 607,821	\$ 668,603
Local Govt.	502,076	693,522	762,874
Community	10,000	122,753*	135,028
Sub-Total	995,266	1,424,096	1,566,505
In-Kind	383,244	252,410	277,651
Total	1,378,490	1,676,506	1,844,156

* Includes \$111,150 contributed by Salvation Army which was not contributed last year.

The availability of federal grants, local community donations and in-kind contributions to local community alcoholism programs might be expected to increase in the amount of funding available to local programs in many communities would be substantially greater if local community governments would utilize more substantial portions of the local retail alcohol beverage sales tax revenues to defray costs of their local alcoholism programs.

The following chart shows the estimated amount of locally taxed retail sales in 1975:

VOLUME/SALES (1975)*

	Consumption No. of Gals.	Wholesale Sales (Millions)	Retail Sales (Million) (EST.)
Liquor	1,236,976	27.5	66.7
Wine	801,665	5.9	14.9
Beer	<u>8,451,841</u>	<u>24.4</u>	<u>59.2</u>
	10,490,482 Gals	\$57.8	\$140.8

*(from: "Economic Benefits of Sale and Consumption of Beverage Alcohol"-
SAAP Report, 1976)

No study has yet been able to determine the actual amount of retail beverage sales tax revenues realized by local communities for 1975. The following chart displays possible amounts based upon the assumption that local communities collectively may be taxing up to the local limit of 3%

	1975 Gallons Volume	Est. 1975 Retail Sales (Millions)	Local Sales Tax Revenues (Projected in Millions)		
			1%	2%	3%
Liquor	1,236,976	\$66.7	0.670	1.330	2.001
Wine	801,665	\$14.9	0.149	0.298	0.447
Beer	<u>8,451,341</u>	<u>\$59.2</u>	<u>0.592</u>	<u>1.184</u>	<u>1.776</u>
Total	10,490,482	\$140.8	\$1.411	\$2.812	\$4.224

In other words, local communities collected somewhere between \$1.4 million and \$4.224 million from local retail sales taxes on beverage alcohol in 1975. Local community General Fund cash contribution to alcoholism program grants for FY 76 by contrast was \$366,186.

Based on distribution increases during 1974-75/1975-76 for Liquor (21%), Wine (32.7%), and Beer (22%) projected revenues for 1976 from sales taxes, if adjusted, become:

	%Inc	Est. 1976 Gallons Volume	Est 1976 Retail Sales (Millions)	Sales Tax Revenues (Projected in Millions)		
				01%	02%	23%
Liquor	(21%)	1,496,741	\$81.07	0.8107	1.609	2,420
Wine	(32.7%)	1,063,809	19.8	0.198	0.395	0.593
Beer	(22%)	<u>10,311,246</u>	<u>72.2</u>	<u>0.722</u>	<u>1.444</u>	<u>2.167</u>
		12,871,796	\$173.07	\$1.7307	\$3.448	\$5.180

In 1976 therefore, local communities will collect somewhere between \$1.730 million and \$5.18 million in local retail sales taxes on beverage alcohol. Total local General fund cash contribution to local alcoholism programs for FY 77 is \$501,484.

We therefore recommend that the deficits created by our proposed decreasing schedule of SGF grant support be made up locally in the following ways:

- * An attempt should be made to alter the 3% sales tax limitations so that local communities could tax beverage alcohol at a higher rate.

If local communities had been able to tax retail sales at 4% or 5% during FY 75 or FY 76, the total revenue locally available would have been:

<u>1975</u>		<u>1976</u>	
4%	5%	4%	5%
\$2.668	\$3.335	\$3.230	\$4.04
0.560	0.745	0.743	0.99
<u>2.368</u>	<u>2.960</u>	<u>2.888</u>	<u>3.61</u>
\$5.596	\$7.04	\$6.861	\$8.64

- * In the meantime, local communities should be encouraged to tax retail alcohol sales at the 3% level allowed by law.
- * In either case, local communities should be expected to utilize a portion of their local general fund revenue realized from local retail sales on beverage alcohol to maintain their alcoholism programs during and after state support declines at the rates proposed earlier in this paper.

E. Troubled Employees Program

- * The State of Alaska should immediately design and implement a Troubled Employees Program for state employees. This program would assist in the early identification, evaluation, referral, and treatment of state employees experiencing social, health, and behavioral problems. The program should concern itself solely with problems in the employee's work performance. The program should be designed to reduce turnover of personnel, maintain productivity, and reduce the use of sick time.

Similar state programs have been demonstrated to be of major importance in terms of employee retention, morale, and productivity and have been proven to result in a net cost savings in those organizations in which they have been

implemented.

Data from existing troubled employee programs indicate that over 50% of all clients referred into the programs have alcohol or alcohol-related problems. The National Institute of Alcohol Abuse and Alcoholism estimates that 95% of the individuals who are alcoholic or who have alcohol-related problems are family centered and employed. Until recently most of the help and attention in the area of alcohol abuse has been given to those visible alcoholics who are unemployed and have chronic drinking problems. The national trend is now shifting toward prevention and early identification for the employed and family centered population.

Since it is within the job function of the personnel department to concern itself with the development of policies and procedures, administration of fringe benefits, employee relations programs, and the maintenance of personnel records.

* The Division of Personnel should develop and administer the troubled employees program.

Since the emphasis of a troubled employees program is in the recognition, prevention, and treatment of alcohol and other social and health problems, it would be unrealistic to limit a troubled employees program solely to the area of alcohol abuse. It should also be emphasized that this program is not designed to "keep alcoholic individuals on the job". It is a program to assist employees with problems that cause job impairment and loss of efficiency in job performance. Unfavorable changes in work habits or behavior should be the indicator to the supervisor that the employee has problems that warrant attention.

It is essential when discussing the development and implementation of a troubled employees program that there be a clear understanding of the provisions of the group health insurance policy within the agency or agencies considering a program.

* The State should provide insurance coverage that ensures that treatment of alcoholism and other social health problems receive the same coverage provided any other illness.

* The treatment services covered by insurance should be all-inclusive, so that treatment can be provided on an outpatient as well as inpatient basis.

The following elements are basic to any sound troubled employee program:

1. Constructive Confrontation

The key to any successful troubled employee program is the supervisor's confrontation with his employee regarding unsatisfactory job performance. Evidence of the sub-standard job performance should be substantiated and serve as the sole criteria of an employee's referral to the program. The confrontation should be structured by the supervisor to be constructive rather than punitive. The supervisor should make known to the employee experiencing difficulties that a program of specialized referral for treatment is available.

If the supervisor's confrontation corrects the employee's deficient work performance, no further action is needed. But if the confrontation fails to restore performance to its previous level, the supervisor may feel that it is time for the intervention of a professional Employee Assistance Counselor.

The troubled employees program is not a "witch hunt" to identify alcoholics nor is it designed to make detectives or diagnosticians out of supervisors. The program relies on the supervisor's managerial skills and his ability to confront his subordinates with evidence of poor job performance. The supervisor should not be expected to investigate or analyze the cause of the impaired performance. This is the responsibility of the Employee Assistance Counselor and the community treatment resources. Although an inherent advantage of this program is its ability to structure and direct the employee's referral for treatment, it should be emphasized that a troubled employees program in

no way prevents the employee from going directly to the treatment resource of his choice.

2. Employee Assistance Counselor

The Employee Assistance Counselor is the professional individual who is responsible for counseling the troubled employee. He receives the referral from the employee's supervisor, counsels the employee, and may refer that employee into an existing treatment resource within the community. He should serve as the coordinator between employee, supervisor, and treatment resource. He must be familiar with the community treatment resources in order to make knowledgeable referrals. The Employee Assistance Counselor monitors the employee's progress during his treatment and maintains contact with the supervisor regarding the employee's job performance. If ongoing treatment is necessary, he is responsible for making appropriate arrangements with the employee's supervisor. He is also responsible for follow-up and coordination of inter-agency referrals.

It is essential that the Employee Assistance Counselor be adequately trained in the human relations field. In selecting this individual, consideration should be given to the following elements:

- A. Academic background - basic course work in the social sciences.
- B. Area of experience - social work pastoral counseling, counseling psychology, personnel counseling, and experience in a public or

private occupational program.

- C. Ability to relate to others and to conduct oneself in a professional manner, be objective, non-judgemental, maintain professional distance, and be experienced in the area of evaluation of behavioral problems including alcoholism.

The Employee Assistance Counselor should have the ability to conduct short-term counseling with employees and understand current treatment techniques and modalities. Confidentiality must be guaranteed to the troubled employee. He must view the counselor as an empathetic person and have confidence in his ability.

3. Community Resources

Each community will have some, if not all, of the social and health services needed to implement a troubled employee program. One of the initial steps in program development is the coordination of these services to serve as referral sources. Utilization of existing community resources eliminates the need for adding treatment personnel to the staff.

4. Policy Statement

Any bureau or agency, whether at the state or municipal level, should have a policy statement explaining their troubled employee program. The policy

statement is the nucleus and the framework of the program. It establishes the guidelines from which the program operates.

The following concepts and ideas present some general principles to be considered when an agency is developing a policy statement:

--That alcoholism and other social, health-related problems affect employee work performance.

--that these conditions are treatable and that there is help available for the troubled employee.

--that the agency's concern is limited strictly to an employee's job performance and that there is no intent to intrude upon the employee's private life.

--that the agency will not penalize any employee for seeking help for social health problems which are affecting his job performance and that he will receive the same consideration given an employee with any other illness.

--that management is responsible to initiate and implement the policy. Management has the responsibility to protect the confidentiality, job security, and promotional opportunities of the employee.

--that management is not responsible for diagnosis, but is responsible for making appropriate referral of an employee with deteriorating job performance.

--that the responsibility of the employee is to comply with the referral and make necessary corrections in his job performance and his behavior. Failure to do so may result in appropriate corrective or administrative disciplinary action, including dismissal.

--that alcoholism and other social health problems should receive the same insurance coverage provided for other illnesses.

--that the agency encourages an enlightened attitude and realistic acceptance of alcoholism and other social/health problems to motivate the employee to voluntarily seek help.

A State Troubled Employees Program would require the hiring of a counselor and secretarial position in the regional personnel offices in Fairbanks, Juneau and Anchorage. If the counselor were hired at range 20 and the secretarial position was a Clerk Typist II, the costs including \$10,000 travel for each counselor would total \$170,884 per annum. A \$10,000 travel budget for each regional counselor would allow for travel to outlying areas in their respective region to conduct supervisory training sessions and to consult with clients.

The possibility exists that an additional expense might be charged by Blue Cross for increased insurance coverage. This cost in other states has been minimal and

ment. This is
the calendar year. The relatively
low treatment cost in Washington results from
alcoholism treatment facilities rather than hospitals for the
majority of alcoholism treatment. The State of Washington also has a law that
requires all group health insurance plans to include alcoholism treatment.

- * The State should provide funds through the Office of Alcoholism for the establishment and operation of a statewide in-service training program on alcoholism and its treatment and prevention.

RATIONALE:

An in-service training program on alcohol abuse and alcoholism should be established for all judges, prosecutors, law enforcement officers, social workers, physicians, nurses, related health professionals, teachers, psychologists, counselors, and other human services personnel currently residing in the State of Alaska. This training program should focus on: the biology, physiology, sociology, and pharmacology of alcoholism and alcohol the manner in which alcohol abuse and alcoholism impact upon the law enforcement, judicial health, mental health, social services, and corrections,

systems in Alaska; appropriate intervention, treatment, support and rehabilitation roles that can be assumed by persons currently employed in these fields.

* A program of higher education, leading to degrees in and/or a major emphasis on alcohol abuse and alcoholism, should be established through the Office of Alcoholism in negotiation with the University of Alaska Center for Alcohol and addiction studies. This program should be funded by the State.

The thrust of this program would be to provide students with incentives to enter the field of alcoholism rehabilitation/treatment upon graduation, and to provide them with legitimate academic credentials for future certification as professionals in the area of addictions.

Counselor Training and Counselor Certification

* The Offices of Alcoholism and Drug Abuse working with the University of Alaska Center for Alcohol and Addictions Studies, should develop an "Alcohol and Drug Dependency Counselor Competence and Assessment Program."

Because of the unique problems posed by Alaska's geography of scattered, remote and small native villages and since there are but a few population centers spread hundreds of miles apart, counselor training and counselor certification procedures and standards are most difficult to establish.

The problem is two fold: (1) what standards should apply to counselors serving in various capacities throughout the state? and (2) how is training to be accomplished?

The counselor training and certification plan would be as follows: It is the responsibility of the State Office of Alcoholism along with the Office of Drug

Abuse to establish and operate through the University of Alaska and its community colleges the degree training program which provides the range of skills, knowledge, and attitudes demanded of the various people providing all levels of alcoholism and drug abuse services in the greatly divergent areas of the State. As an integral part of this degree program, the Office of Alcoholism and the Office of Drug Abuse working through the University of Alaska will develop an "Alcohol and Drug Dependency Counselor Competence Assessment Program" which provides state recognition of (1) individuals trained in and demonstrating competency in counseling alcohol and drug dependent persons and also (2) other individuals without prior formalized training but demonstrating "entry-level competency" in counseling alcohol and drug-dependent persons. Such a combination training program and counselor competency assessment program would be designed similar to the plan developed and implemented by the Minnesota Department of Public Welfare and State Merit System through Metropolitan State University.¹ Standards for training and for counselor certification would be agreed upon by a consortium of alcoholism and drug abuse professionals and certain other health care and social service providers working in various parts of Alaska and in consultation with certain professionals who have developed training and certification programs in other states with bicultural constituencies. Such standards would include an inventory or list of about ten major areas of competency (knowledge, skills, attitudes) that graduates of the training program should possess in order to function adequately in entry-level positions in the field. These professional

1. Metropolitan State University Chemical Dependency Competence Assessment Program, Minnesota Department of Welfare, December 1975.

entry-level competencies having been identified, the Counselor Competency Assessment Program would provide a mechanism whereby persons who had attained the same professional competencies through a variety of work and life experiences could be appropriately assessed, granted university recognition, and thereby be qualified under State certification standards. The ten major areas of competency would focus around the following:

1. Knows the interrelated physical, psychological, social, and spiritual dynamics of addiction-alcoholism and drug dependency as they relate to individual clients and the family social structure, and general approaches to the tasks of prevention and treatment.
2. Knows the "continuum of care" concept as a prevention and treatment strategy for addressing the problems of addiction and substance abuse in the community and in the overall State system, including specific treatment modalities, and is committed to using and expanding his knowledge.
3. Knows and can apply the basic principles and techniques of intervention, assessment (diagnostic) interviewing, and referral within the "continuum of care".
4. Knows the legal, ethical, and confidentiality considerations involved in the treatment of alcohol-(and drug) dependent clients and the processes relating to same.

5. Knows and can apply the principles and techniques of individual and group counseling within the alcoholism (and drug-dependency) treatment program.
6. Knows and can apply the principles and techniques of family (significant other) counseling.
7. Knows and can apply interpersonal communication principles and techniques in relation to bicultural (Eskimo, Indian, and Aleut) populations.
8. Knows and can apply written communication principles and skills in relation to developing client treatment plans, progress notes, and discharge summaries.
9. Knows and can apply oral communication principles and skills in relation to clients and other human service professionals.
10. Knows one's personal attitudes in relation to the alcoholism and drug-dependency treatment system and the clients it serves; knows how to develop effective attitudes and approaches and is committed to being an effective worker.²

Each of the ten major areas of competency would include a breakdown of those specific skills, knowledge, and attitudes (at least five in each area) required in order to demonstrate competency in that major area.

2. Minnesota Department of Welfare, "Chemical Dependency Specialist Competencies," December 18, 1975. Provided by Art Deegan, Ph.D., Management by Objectives, an approach to hospital management.

The assessment mechanism would follow the following procedure: The counselor candidate seeking recognition for life-work experiences and demonstrated competencies is asked to take the list of the ten major competency areas and for each area describe the significant life experiences (including work, volunteer activities, independent reading, workshops, papers, etc.) in which the candidate has engaged that have provided the opportunity for the candidate to obtain the competency. Then for each competency the candidate is to propose two persons (approved by the University training program) to evaluate the candidate in relation to the competency. The candidate is also asked to propose assessment procedures (measurement techniques) to be used by the evaluators. Such procedures may include any of the following: observation of the candidate in the work setting, simulation or role-playing exercises, oral examinations or interviews, reviews of reports by the candidate, objective or essay tests, etc. At least two assessment techniques should be offered for each of the specific skills cited under each of the ten major competencies.

Once the assessment procedures are approved, the candidate proceeds with the collection of evidence to support his claim to each of the ten competencies. Many candidates will be able to verify some but not all of the ten competencies. In such cases diagnostic feedback will be provided so that the candidate will be able to engage in appropriate training activities. At first it will be difficult to insure consistency in the objectivity of evaluators, but as the training and assessment program matures, a pool of expert evaluators will evolve who will meet periodically to discuss the standards and assessment procedures which

they are employing. In like manner the ten major competency area statements will be refined by the State Office of Alcoholism and by the State Office of Drug Abuse as a result of feedback offered by the training program teachers, the counselor competency evaluators, and the program evaluators from these two offices. Within two years, efforts to develop an advanced level of competencies for Alaska's alcoholism and drug abuse programs including supervisory competencies will be realized, and certification along these levels will be instituted.

Information about the training program and the Counselor Competency Assessment Program will be distributed widely in the small villages as well as in the larger population centers in order to attract a wide range of individuals into training and into jobs providing direct services in the local communities.

The framework of the University of Alaska training program would provide for training in three parts: (1) All alcoholism and drug-dependency workers would receive some training at one of the University of Alaska community colleges and at the two centralized treatment facilities: the inpatient intensive treatment facility and the long-term care facility. (2) In-service training would be provided in the local programs by program training staff. (3) Local program directors who have been intensively trained would take responsibility for providing certain levels of training for alcoholism and drug-dependency service providers in their local areas.^{3,4}

-
3. Training program of State of Colorado Alcohol and Drug Abuse Office, which includes training for Indian counselors serving in a large number of Indian communities throughout Colorado.
 4. The local alcoholism services program in Nome, Alaska, administered by the Norton Sound Health Corporation provides for ongoing training for counselors serving a network of fifteen small Eskimo villages plus Nome on such a training program framework with favorable results reported.
-

VI. POLICY RECOMMENDATIONS FOR MANAGEMENT

A. MANAGEMENT PROBLEMS

1. There is currently no state mechanism in place which will allow us to routinely continue to monitor alcohol related costs in increasingly more sophisticated and reliable ways or to determine the reasonableness of costs either as a whole or in individual Budget Request Units (BRU's).

However, the State's "PPBS" budgeting system does hold potential for more sophisticated and continual cost - revenue comparisons.

It is apparent that the state's alcohol related "cost center" have never been considered as parts of a programmatic or budgetary whole, nor have they been realistically related to the annual revenue available from the sale and distribution of beverage alcohol, federal funds, local contributions, private third party payments, public third party payments or other potential sources of revenue.

There is no overall budget policy for alcohol related programs. There is no set of budget directives reflecting that policy. Individual alcohol related BRU's are treated as discrete units and not as a programmatic whole, reflective of an overall policy. Therefore, there is no routine and accurate way for the state to measure its alcohol related costs/revenues, nor the efficacy and interrelation of its countermeasures.

This state has been not unlike many others in that it has suffered from a severe deficiency in both baseline and operational data from which to derive adequate and accurate measures of "where it is" and "where it's going" in the area of alcohol abuse and alcoholism.

The Executive Budget Act (AS 37.07.080) attempts to set up a rational data base and planning mechanism for the development of state programs. We are given to believe that it is largely not functioning as intended.

All departments and division with alcohol related BRU's are required to submit annual budgets in compliance with the Executive Budget Act which requires statements of "Public Needs To Be Addressed", "Agency Goals and Objective" (to meet those needs), "Agency Activities" (to execute the goals and objectives) and "Progress measures which show whether the need is in fact being met by the execution of goals and objectives at the projected levels of accomplishment and within the projected costs. In fact, this system does not appear to ensure that alcohol related agencies are working toward the accomplishment of a policy, through agreed upon goals, in a cooperative and coordinated manner. Hardly any reliable base-line or management information (M.I.S.) data is available to or generated by agencies that would allow them to make this system function.

In addition to the data needed by agencies to properly execute the state budgetary system, individual alcohol related agencies frequently have to develop non-comparable data sets to comply with different federal reporting requirements [there are both base line data planning requirements and MIS data reporting requirements mandated in different forms and contents by different federal agencies for; Social Services Division, Office of Alcoholism, Corrections, Traffic Safety, Criminal Justice Planning, Medical Assistance Division, Office of Drug Abuse, the Judicial System, Comprehensive Health Planning (Office of Planning and Research), and others.]

Baseline data for these plan requirements is often incomplete to the degree that it is useless for realistic planning and programming

purposes. M.I.S. data collected by various agencies is non-comparable and incomplete and therefore of limited value for program monitoring or cost evaluation purposes. Annual and Quarterly Performance Reports required of each BRU are usually useless for the purpose of measuring program effectiveness, mutual support toward agreed upon goals, or cost efficiency.

II. The field of "health planning" is no more chaotic anywhere than in Alaska. Much of the chaos is the result of various federal laws and activities which have created disparate organizations, mutually independent, but each with some level of health planning authority and responsibility. Trying to make sense of the current situation is a trying task.

For example, the following federally mandated agencies, over which the state has very little, if any, control, have alcohol-related health planning and/or programming responsibilities: The Alaskan Area Native Health Services; The Alaskan Federation of Natives (Health Affairs Division); The Veteran's Administration; The Regional Health Corporations (non-profit branch of AFN); The Regional Emergency Medical Services Systems and the Regional Health Services Agencies (areas and boards).

The Federal Government funds directly, through its National Institute on Alcohol Abuse and Alcoholism grant-in-aid program, the following: The Alaskan Native Commission on Alcoholism and Drug Abuse, The National Council on Alcoholism - Alaska Region, local alcoholism treatment programs in Anchorage, Juneau, Ketchikan, Fairbanks and Tok and the Center for Alcohol and Addictions Studies at the U. of A. in Anchorage. There are local boroughs and municipalities in Alaska which have either assumed health powers, (planning and programming)

within their domain under Alaska State Law, or developed into the principal managerial agency for alcoholism treatment programs (as in Anchorage and Juneau).

Finally, the State, through the Department of Community and Regional Affairs, the Office of Alcoholism, the Office of Drug Abuse, the Division of Mental Health, the Division of Traffic Safety, the Division of Corrections, the Criminal Justice Planning Agency, the Manpower Office and the Division of Social Services and Medical Assistance, fund local community alcoholism programs either directly or indirectly through grants-in-aid and/or reimbursable fee payments.

III. There is no state organization at present with sufficient resources and authority to coordinate the activities of the disparate organizations within Alaska that will plan for, fund, or provide alcohol - related services.

Given the conditions described above, the management problems inherent in coordinating the thrust and direction of alcohol related programming in Alaska are relatively complex. Additional complexity inherent in Alcoholism programming is added by the heavy involvement of the Judicial and Enforcement Systems of both the State and local communities, considerable involvement of the private medical profession and hospitals who provide most of the emergency and trauma care

Management Recommendations:

- * Adopt the policy that alcohol abuse and alcoholism are inextricably linked to the per capita consumption of beverage alcohol, the sales and distribution of beverage alcohol and public attitudes toward its use.

A. Require that an annual state plan be developed that recognizes these relationships and addresses each of them and its proposed countermeasures.

* Retain an identifiable state "lead agency" for the coordination of prevention treatment and control of alcoholism and alcohol abuse for at least five more years. (Either the Office of Alcoholism or an Office of Substance Abuse)

* Alter the composition of the Interdepartmental Coordinating Committee:

The following persons should be members:

Commissioner of Health and Social Services

Director of Division of Policy Development and Planning

Director of Budget and Management

Commissioner of Administration

Commissioner of Public Safety

Commissioner of Community and Regional Affairs

Commissioner of Education

Commissioner of Revenue

Commissioner of Labor

Director of Criminal Justice Planning Agency

Department of Law

Representative from the Alaska Court System

* Charge the Interdepartmental Coordinating Committee with monitoring responsibility for all alcohol-related state government efforts.

A. Monitor the preparation and content of an Annual State Alcohol Abuse Countermeasures Plan.

B. Ensure interdepartmental and interdivisional cooperation and coordination in the implementation of the Annual State Alcohol Abuse Countermeasures Plan.

* Require all affected State BRU's to develop a combined annual alcohol abuse countermeasures plan through the annual budget process.

A. In those Division and Department where significant levels of activity related to alcohol abuse have been identified, budgets

should be developed which periodically monitor these problems and coordinate with related activities in other Divisions and Departments.

A. The ICC, SHOP, and Budget and Management should review annual alcohol-related budgets and plans as a programmatic whole.

* Implement centralized management information system that allows the state to measure the volume, effectiveness, costs and benefits of all its alcohol-related activities through time.

A. Develop and implement a centralized data system that can gather, analyze and synthesize reports on all alcohol-related activities and problems affecting State government. (Could pull together data from DNR, IHS, Corrections, Department of Health & Social Services, Traffic Safety, etc., on a routine basis.)

* Amend the Uniform Act (AS 47.37) to create a permanent "Federal-State Coordinating Council for Alcohol Abuse:

A. Council to provide liaison between the State and Federal agencies for the purpose of coordinating alcohol-related policy development, planning, and program implementation statewide.

B. Membership to include members of the ICC, a representative from the National Institute of Alcohol Abuse and Alcoholism, Director of the VA, Director of IHS, representatives from the Military (Coast Guard, Army, Air Force), AFN, NCA-AR, ANCMIA, The Regional HSA's and The State Health Coordinating Council (SHCC).

* The State should provide the ABC Board with staff and dollar resources sufficient to allow it to fulfill its regulatory mission.

A. Budget and Management should immediately review the ABC Board budget request for FY 78 and ensure that appropriate resources will be provided to upgrade the ABC Board function.

ANNUAL REPORT TO THE LEGISLATURE

1984

**OFFICE OF ALCOHOLISM
AND DRUG ABUSE**

**DEPARTMENT OF HEALTH
AND SOCIAL SERVICES**

**JOHN R. PUGH, COMMISSIONER
MATT FELIX, COORDINATOR**

FORWARD

On behalf of the dedicated people working to prevent, treat, and solve Alaska's alcohol and drug abuse problems, I wish to thank the Legislature for their commitment and appropriations which allow Alaskans to receive care in this difficult area of human concern. The system of Health treatment services alone provided care to over 11,000 individuals in 1984 and many more Alaskans benefited from non-treatment related activities.

The Legislature has recognized and funded substance abuse services since 1972. In 1981 a major initiative was implemented with the recognition that alcohol abuse, alcoholism, and drug abuse were not symptoms but health problems themselves. Furthermore, these health problems were pandemic and epidemic in Alaska. Further research clearly demonstrated that alcohol abuse and alcoholism contributed with various intensity to many of the State's other health and social ills. This brief annual report gives evidence that the State is clearly making progress in the areas of prevention and treatment of substance abuse. I am confident that SOADA has met and will continue to meet the legislative mandate and that substance abuse may eventually be relegated to a less serious concern in Alaska.

As mandated in AS 47.37, AS 47.30, and AS 44.29 the program of the Office of Alcoholism and Drug Abuse is implemented by use of the grant-in-aid mechanism of funding. By existing law, this agency does not have any other mechanism for funding prevention and treatment services.

State support for services are provided with grants to 25 private non-profit agencies, 11 city or boroughs & 12 native health corporations.

The grant proposals submitted by these agencies not only define their areas needs, but address locally defined methodology to meet these needs. Thus, the State does not dictate service levels or design.

The grants are awarded after a careful review by staff and public advisory boards. The Commissioner of the Department of Health and Social Services makes the final award after considering all recommendations including public testimony. SOADA employs four full time surveyors and a program development specialist to insure all grant goals and objectives are met. Programs are surveyed (inspected) annually and measured against national standards. All programs are fiscally audited at least bi-annually. In summary, the grant-in-aid system can be utilized by State government to provide cost effective, quality treatment despite the generally perceived view of grants.

Clearly, all of the services mandated by federal, state, and local law cannot realistically be provided by government institutions or agencies, thus grant-in-aid programs most likely will continue to operate. More specifically, the benefits to this agency continuing to use the grant-in-aid mechanism at this point in time appear to outweigh alternative methods of funding.

1. By statute and practice, SOADA funded grants are required to demonstrate evidence that local planning and input has gone into the development of the program. By this process, a sense of "ownership" develops within the local community. Even though the project may be mostly funded with State dollars, client fees and program income is required.

2. A local policy or advisory board is required of all projects again ensuring that, although the State is funding the project, the direction, scope of services, and management is locally derived.

3. The community program grants issued by this agency are required to leave a minimum of 10% financial match. With many programs, local financial match is 50% or more. This is yet another method of sustaining local interest in the program.

4. Local governments and private non-profit corporations usually have lower salary and fringe benefit rates than State employees. Smaller organizations often enjoy other economies with an ability to be much more flexible than State government.

5. The Office of Alcoholism and Drug Abuse grant-in-aid programs are held accountable through annual on-site program evaluations and by bi-annual fiscal audits. This practice has enabled the quality of services provided to Alaskans to steadily improve each year. Although program deficiencies and audit exceptions do occur occasionally, the programs generally are very well managed.

SOADA maintains staff/patient data through a mature central MIS operated in Juneau. This system not only allows SOADA a unique tool for statewide program oversight, but returns management information to programs on a monthly basis with quarterly summaries. The MIS at SOADA has added greatly to the credibility of data presented in this report.

The data and recent research results have created an atmosphere of hope and pride at SOADA. I can assure the Legislature of continuing dedicated efforts from our office and programs. Should you have any questions with the information contained in this report, please feel free to call me personally.



Matthew Felix
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Office of Alcoholism and Drug Abuse
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SELECTED ALASKA SUBSTANCE ABUSE FACTS

Improved alcohol emergency services has resulted in Alcoholism deaths being reduced from 31 in 1977 to 17 in 1978, to 13 in 1979, 16 in 1980, 11 in 1981, 11 in 1982 and 8 in 1983. (4)

*Alcoholics have a 30 times greater risk for suicide; 80% of successful suicides are alcohol related; Alaska had 56 suicides in 1983. (3,4)

In 1982, the latest year for which figures are available, the equivalent of 4.58 gallons of absolute (pure) alcohol was sold per person over age 19 in Alaska. Translated into alcoholic beverages this is about 1452 12 oz. cans of beer or 189 fifths of table wine or 58 fifths of distilled spirits.

*The 98 traffic fatality accidents in 1983, resulted in 53 alcohol related fatalities. Each fatality is calculated to cost \$364,000 resulting in a total cost of \$19,295,000. (2)

Selected 1982 Mortality Data (4)

<u>TOTAL DEATHS</u>	<u>ALCOHOL RELATED</u>
---------------------	------------------------

118 - drownings ---	80
56 - suicide -----	45
8 - alcoholism---	8
41 - cirrhosis ---	25
19 - fires -----	10
143 - traffic fat.-	94
54 - homicide ----	44

439	306 (60%)
-----	--------------

Total drug charges filed by Special Metro Drug units have decreased from 1016 in 1977, to 821 in 1978, to 566 in 1980, to 430 in 1981, to 307 in 1982; value of seizures doubled 82-83 and 378 in 1983. (6)

In 1984 there was one liquor outlet for every 211 persons in Alaska aged 19 and older, and one for every 302 people of all ages. (5,8)

*The per capita consumption of absolute alcohol in 1981 Nationally was 2.77 gallons. In Alaska it was 4.10 gallons or 33% higher. (3)

*During the period June '83 to July 84 45% of SOADA clients were referred by the criminal Justice System. (5)

The national rate of suicide was 12.5 per 100,000 persons in 1980. The Alaska rate in that year was 18.17 per 100,000 or 45% higher than the U.S. rate. The specific rates of suicide for males and Natives are considerably at 27.69 36.96 per 100,000 respectively. (3,4)

In 1982 survey of 3,609 Alaskan students grades 7-12 it was found that the level of lifetime experiences with psychoactive drugs was high. This is shown vividly when the rates are compared with results of a national survey of the same age group. (5)

Drug	Alaskan Students	National Students
Marijuana	49.5%	26.7%
Hallucinogens	8.7%	5.2%
Cocaine	18.3%	6.5%
Heroin	2.2%	6.1%
Stimulants	27.2%	6.7%
Depressants	14.3%	5.8%
Tranquilizers	11.5%	4.9%

*In 1983, 42% of all drug arrests were of youth aged less than 18 or 368 out of 871. 323 (88%) were for possession of Marijuana. (6)

*During 1979-83 youth aged 0-20 accounted for 24% of all alcohol related fatalities and 22% of alcohol related accidents while comprising only 2.9% of all licensed drivers. (2)

*55% of all crime in Alaska has been determined to be alcohol related. 21% of FY'82/83 felony court filings were for drug charges. 40% of all non-traffic misdemeanors were for D.W.I. and 10% were for other drug/alcohol charges. (3,7,12)

*33% (6601) of all arrests (20,081) in 1983 were for alcohol related offenses of Driving Under the Influence 22% (4377) Liquor Law 11% (2224). (2,6)

Estimated value of drugs seized during 1983 in Alaska by special drug units was \$4,067,000. (6)

HOW MUCH DO THESE PREVENTION AND TREATMENT EFFORTS COST?

STATE OFFICE OF ALCOHOLISM AND DRUG ABUSE REVENUES FY'84, FY'85 and FY'86

The Alaska constitution is very specific in not allowing revenues the State collects from being designated for a specific use. While there has not been any formal effort to match the funds allocated to SOADA to the amount of alcohol excise tax collected by the State the amounts have correlated closely in recent years.

<u>SOURCE OF REVENUE</u>	<u>FY'84</u>	<u>FY'85</u>
SOADA Administration	\$1,442,200	\$1,374,000
Drug Grants (SGF)	1,550,000	2,080,000
Alcohol Grants (SGF)	9,495,600	10,176,000
Capital	100,000	- 0 -
Capital	-0-	- 0 -
Federal Block Grant	1,504,400	1,504,000
RSA Commissioner's Office	<u>175,000</u>	<u>- 0 -</u>
TOTAL	<u>14,267,200</u>	<u>\$15,136,000</u>

Amount of alcohol excise tax collected.

FY'83	\$10,400,000
FY84	13,000,000
FY'85 (projected)	15,000,000
FY'86 "	15,500,000
FY'87 "	16,000,000

SERVICES BY COMPONENTS

PREVENTION SERVICES

Education & Prevention Services

Includes dissemination of relevant information specifically aimed at increasing the awareness, receptivity and sensitivity of the community and stimulating social action to increase the services provided for people with problems associated with alcohol and other drugs, and activities designed to alter societal conditions and address the needs of potential alcohol and drug abusers before abuse begins and negative consequences occur.

Youth Alternative Programs

- Sitka
- Petersburg
- Ketchikan
- Craig
- Anchorage
- Fairbanks
- Juneau
- TCC Regional
- McGrath
- Aniak
- Yukon Kuskokwim Delta
- Minto
- Tanana
- Aleutian-Pribilof Islands
- Bristol Bay
- Tyonek

Special Projects in Education & Prevention

- Community action workshops in prevention in 10 Native Corporation regions.
- Villager to villager project.
- Data collection on alcohol problems in selected communities.
- Alcohol Awareness Week.
- Youth projects in community programs statewide.
- Here's Looking at You, K-12 alcohol and drug curriculum to 300 schools (45000+ students)
- School suspension counseling program
- Natural Helpers Program
- Prevention Plus Program
- Alcoholism Awareness Campaign
- Betty Ford Dinner
- AVAIL - RuralCap
- Youth Refusal Skills Program

INTERVENTION SERVICES

Projects listed above are designed to address problems of alcohol/other drug abuse early in their development and before addiction or other serious consequences occur. Also includes intervention services to clients needing institutional care.

Employees Assistance Programs

- Employee Assistance Programs - Anchorage, Fairbanks, Juneau, Ketchikan, Mat-Su, Sitka, Kodiak

Student Assist Program

- Homer Schools North Starr Project
- Fairbanks Schools
- Mat-Su Schools
- McGrath/Anvik

Alcohol Safety Action Program (Drunk Drivers)

- | | |
|-------------|--------------|
| - Anchorage | - Kotzebue |
| - Fairbanks | - Dillingham |
| - Juneau | - Bethel |
| - Ketchikan | - Nome |
| - Kenai | - Barrow |
| - Kodiak | - Mat-su |
| - Wrangell | - Petersburg |
| - Seward | |

Corrections Counseling Program

- | | |
|-------------|-------------|
| - Anchorage | - Kenai |
| - Fairbanks | - Ketchikan |
| - Juneau | - Nome |
| | - Mat Su |

TREATMENT SERVICES
URBAN

Treatment Services Description

Combinations of outreach, public education, outpatient diagnosis and treatment, and aftercare are available in all large urban areas of the State. These same services are also found in all rural hub centers and through those programs to the surrounding villages.

Anchorage

- Emergency Service Patrol
- Detoxification 20 Beds
- Inpatient - Charter North
40 Beds (Private, Youth & Adult)
- Intermediate - intensive
 - Youth - 12 Beds
 - Native - 12 Beds
 - Womens - 12 Beds
 - Adult - 49 Beds
- Intermediate - Halfway
Adult - 12 Beds
and Drug Free Counseling
- Outpatient Alcoholism and Drug Abuse
- Methadone detoxification & maintenance
and drug free counseling

Ketchikan

- Intermediate/ Intensive 8 Beds
- Outpatient Alcoholism and Drug Abuse

Kodiak

- Detoxification Service 1 Bed
- Intermediate/Intensive 14 Beds
- Outpatient Alcoholism and Drug Abuse

Sitka

- Inpatient (PHS Hospital) 16 Beds
- Intermediate/ Halfway 16 Beds
- Outpatient Alcoholism
and Drug Abuse

Wasilla

- Long term care 30 Beds
- Outpatient Alcoholism and Drug Abuse

Fairbanks

- Emergency Services Patrol
- Detoxification 10 Beds
- Intermediate Care 20 Beds
- Halfway House 20 Beds
- Outpatient Alcoholism
and Drug Abuse
- Methadone Maintenance/Detox
and Drug Free Counseling

Juneau

- Emergency Service Patrol
- Detoxification 3 Beds
- Intermediate/ Intensive 12 Beds
- Intermediate/ Halfway 21 Beds
- Outpatient Alcoholism
and Drug Abuse

Bethel

- Intermediate/ Intensive 14 Beds
- Outpatient Alcoholism and Drug Abuse
- Rural Village Counselors

Nome

- Intermediate/ Intensive 12 Beds
- Outpatient Alcoholism and Drug Abuse
- Rural Village Counselors

Kotzebue

- Intermediate/ Intensive 9 Beds
- Outpatient Alcoholism and Drug Abuse
- Rural Village Counselors

Kenai

- Outpatient Alcoholism and Drug Abuse

TREATMENT SERVICES RURAL

Each community listed here has at least 1 full time alcohol/drug abuse worker. Many of the above grantees offer services in areas surrounding their specific locations and some of these programs have letters of agreement with Regional Center programs for services not provided by them.

* Village Based Counselor/Education Coordinator supported by State.

** Served on itinerate basis.

*** Position funded by IHS supported by SOADA.

Subregional/Rural Hub Centers/Village Programs

- | | | | |
|------------------------------------|----------------------|--------------------|-----------------------|
| - Norton Sound (Nome) | - SEARHC | - Maniilaq | - Copper River Native |
| - Mat-Su Council on Alcoholism | - Haines* | - Buckland* | - Gulkana** |
| - Seward | - Klukwan* | - Shungnak* | - Copper Center** |
| - TCC-Tok | - Hoonah* | - Selawik* | - Glenallen** |
| - Dot Lake*** | - Angoon* | - Noorvik* | - Chitina** |
| - Tanacross*** | - Hydaburg* | - Kobuk* | - Cantwell** |
| - Northway*** | - Skagway* | - Noatak* | - Paxson** |
| - Eagle*** | - Kake* | - Kivalina* | - McGrath |
| - Tetlin*** | - Yukon-Kuskokwim HC | - Point Hope* | - Anvik** |
| - Petersburg# | - Mountain Village* | - Ambler* | - Holy Cross** |
| - Wrangell | - Hooper Bay* | - Deering* | - Grayling** |
| - Aleutian Pribilof Islands Assoc. | - Mekoryuk* | - Kiana* | - Sageluk** |
| - St. Paul*** | - Toksook Bay* | - Bristol Bay H.C. | - Nikolai** |
| - Dutch Harbor* | - Nunapitchuk* | - Point Heiden* | - Telida** |
| - Sand Point* | - Napaskiak* | - Goodnews Bay** | - Takonta** |
| - False Pass** | - Akiachak* | - Togiak** | - Ft. Yukon |
| - Cold Bay** | - Akiak* | - Platinum** | - Circle** |
| - Akutan** | - Quinhagak* | - Aleknogik** | - Arctic Village** |
| - Ketchikan | - Alakanuk* | - Manokotak** | - Beaver** |
| - Craig* | - Kwethluk* | - Ekwok** | - Birch Creek** |
| - Klawock* | - Atmautluak* | - Portage Creek** | - Chalkyitsik** |
| - Cordova | - Kasigluk* | - Clark's Point** | - Venetie** |
| - Yakutat | - Pilot Station* | - Ekuk** | - South Katchmak |
| - North Slope (Barrow) | - Tununak* | - Koliganek** | - Seldovia*** |
| - North Pacific Rim | - Pitkes Point* | - New Stuyahok** | - Pt. Graham*** |
| - Chenega** | - St. Marys* | - King Salmon** | - English Bay*** |
| - Tatitlek** | - Emmonak* | - Naknek** | |
| - Valdez | - Chevak/Scammon Bay | - S. Naknek** | |
| | - Kuskokwim Native | - Illiamna** | |
| | - Chuathbaluk** | - Pedro Bay** | |
| | - Stony River** | | |
| | - Crooked Creek** | | |
| | - Red Devil** | | |
| | - Lime Village** | | |
| | - Aniak** | | |
| | - Upper Kalskag** | | |
| | - Lower Kalskag** | | |
| | - Sleetmute** | | |

SUPPORT SERVICES/ADMINISTRATION

Regional Training Offices - Counselor Certification & Coordination

- Fairbanks
- Bethel
- Sitka
- Community College Courses

Special Training Projects - Statewide

- Annual Summer School
- Justice Treatment Interface
- Alcohol/Drug Abuse Prevention Symposium
- Cocaine Conference
- Children of Alcoholics Conference
- Statewide Teleconference (monthly)

Training Courses - Counselor Certification

- Basic and advanced levels, statewide
- Counselor Certification Manual
- Counselor Certification testing

Training & Research Projects

The projects listed above are FY '84 services funded from SOADA's grants component. Co-training of allied service providers and interagency grants have been available through coordination with the Village Public Safety Officer Programs, Community Health Representatives and Health Aids, The Family Violence Program, and other service providers.

Evaluation

- Management Information System development - automated client and program activity tracking system.
 - Follow-up study of alcohol treatment program clients to determine outcomes of treatment services in Anchorage, Fairbanks, and Juneau.
 - Ongoing outcome study of the Alcohol Safety Action Program (ASAP) which follows rearrest rates for problem drinking and non-problem drinking ASAP clients.
 - Study of the villages utilizing Title 4, option to change the status of alcohol availability. Focusing on social, criminal and health outcomes from the change.
- Alaska licit and illicit drug availability study

Evaluation Projects

The SOADA's Administration component provides funds for the above-described projects.

SUPPORT SERVICES/ADMINISTRATION

Basic Support Services

The SOADA's Administrative Component provides for all staff administrative and technical activity for three functional units of the central office (physically in two offices). The office provides all fiscal and quality control and accountability as well as support services to direct service providers.

(Juneau Office)

Administrative Unit (Fiscal Control)

- State Office Budgeting & Administration
- Grants/Contracts Administration
- Clerical Support
- Fiscal audit of each project every two years

Policy and Program Development

- Planning/Program Development
- Research and Coordination
- Information Systems
- Substance abuse awareness activities

(Anchorage Office)

Field Operations Unit (Quality Control)

- Monitoring
- Technical Assistance
- Training
- Annual on-site evaluation of each project

CLIENT DATA

TOTAL CLIENTS SERVED BY PROGRAMS

Of the Statewide total of 10,335 clients seen from July 1, 1983 through June 1 1984, 9,849 received services in only one program during the period; i.e., a 95.3% unduplicated client count. Numbers are listed by community that serves as the administrative or treatment facility base but clients are drawn from traditional service areas.

Juneau	863
Ketchikan	381
Metlakatla	79
Petersburg	65
Sitka	326
SEARHC/Rural Southeast	117
Wrangell	207
Yakutat	<u>11</u>

SOUTHEAST REGION 2049

Anchorage	3,056
Bethel	830
Kenai	387
Copper River/Copper Center	84
Kodiak	401
Kuskokwim Native/Aniak	45
Mat-Su/Wasilla	457
NSHC/Nome	239
Nugen's Ranch/Wasilla	112
Seward	168
Valdez	109
So. Kachemak	70
Aleutian-Pribilof	51
Yukon-Kuskokwim Health Corp.	88
Dillingham	<u>122</u>

SOUTHCENTRAL REGION 6,290

Barrow	137
Fairbanks	1,329
Galena	44
McGrath	19
Kotzebue	220
Ft. Yukon	40
Tok	53
KILA, Inc.	<u>154</u>

NORTHERN REGION 1,996

STATEWIDE TOTAL 10,335

SUBSTANCE ABUSE TREATMENT CLIENTS: July 1, 1983 to June 30, 1984

About 75% of all admissions were males, and about 25% were females. This 3 to 1 ratio of males to females was consistent throughout the State. By comparison, the composition of the total State resident population, was 54% male and 46% female.

Total Clients by Sex.

	Male	%	Female	%	TOTAL
1. Statewide	9616	75%	3267	25%	12,883
2. Southeast	1759	74%	621	26%	2,380
3. Southcentral	5615	75%	1901	25%	7,516
4. Northern	2242	75%	745	25%	2,987

Approximately 45% of the client population was composed of Alaska Natives (Eskimo, Aleut, Tlingit, Haida, Athabaskan, and American Indians) about 50% of the clients were White and 2% were Black. These percentages reflect client population composition on a Statewide basis, there was considerable variation in the racial/ethnic composition of the clientele on a regional basis. This corresponds to the distribution of the various racial/ethnic groups across the State.

Total Admissions by Race/Ethnicity.

	Caucasian	Alaska Indian	Eskimo	Black	Other	Total
1. Statewide	6419 50%	3129 24%	2690 21%	205 2%	435 3%	12878
2. Southeast	1184 50%	1048 44%	14 1%	11 1%	120 4%	2377
3. Southcentral	3999 53%	1062 14%	2093 28%	160 2%	215 3%	7529
4. Northern	1236 35%	1619 45%	583 16%	34 1%	100 3%	3572

It appears from this data that Alaska Natives are significantly over-represented (44%) in the client population of alcoholism and drug treatment relative to their representation (20%) in the State's total resident population.

During this period 72% of the clients were between the ages of 18 to 40, whereas only 43% of the State's resident population falls into this age classification. About 3% of the client population was aged 61 years and older, while at the other end of the age scale 6% of the client population was in the 17 years and younger age group.

Total Clients by Age.

	17 & Under	18-25	26-40	41-60	61+
1. Statewide	739 6%	3382 26%	5973 46%	2427 19%	325 3%
2. Southeast	176 7%	761 32%	955 40%	414 17%	55 4%
3. Southcentral	417 6%	1935 26%	3569 47%	1386 18%	182 3%
4. Northern	146 5%	686 23%	1449 48%	627 21%	88 3%

Based upon 12,479 admissions for which legal status was determined at admission it appears that approximately 45% of admissions are as the result of involvement with the Alaska legal system. Further 38% of those admitted had been or were incarcerated immediately prior to treatment.

Admissions by Legal Status Statewide.

NO Involvement	Deferred Prosecution	Sentance Deferred	Probation Parole	Furlough Rehab./Leave
4,605 37%	404 3%	696 6%	3,849 31%	135 1%

Involuntary Commitment	Incarcerated	Status Unknown	Total
117 1%	332 3%	2,344 18%	12,479 100%

RESEARCH

Alcoholism Treatment and Client Functioning Follow-Up Study

Anchorage Fairbanks Juneau

Inpatient - Outpatient

This agency received a substantial increase in funding in FY 81 with a mandate that considerable emphasis be placed upon program evaluation. This study represents an important part of our effort to evaluate the effectiveness of treatment services. In total the findings of the study are quite positive in that client functioning does improve as a direct result of treatment. Additionally this study poses new challenges for persons managing alcoholism and drug abuse treatment programs in Alaska. Sub groups of the researched population had differing rates of recovery.

The contents of this study have already been presented to administration officials and to the staff at the three treatment centers that participated in the study by Dennis Kelso, Ph. D. Additionally, Governor Bill Sheffield and Commissioner John Pugh released the study at a press conference in Juneau in December, 1984.

In the coming months I am hopeful that we will have additional opportunities to discuss this study with many concerned individuals like yourself, and to use these findings to continue to improve upon the quality of care we offer through our programs.

**SUMMARY OF INDICATORS OF CLIENT FUNCTIONING
FOR INPATIENT/RESIDENTIAL AND OUTPATIENT TREATMENT**

Client Functioning Indicators	Inpatient/Residential Treatment Clients (276)		Outpatient Treatment Clients (220)	
	Before	After ^a	Before	After ^b
Abstinence				
None	59%	25%	60%	46%
1-6 Months	41%	75%	40%	54%
All 6 Months	0	21%	4%	16%
Month 6	0	44%	14%	31%
Alcohol Consequences Associated with Drinking Composite Scale ^c				
0-11	17%	49%	31%	43%
12-16	33%	12%	25%	17%
17-20	26%	20%	20%	19%
21 +	24%	19%	24%	21%
Employment Status				
Weeks Employed:				
None	35%	45%	9%	13%
1-12	20%	20%	8%	14%
13-25	19%	18%	17%	24%
26	26%	17%	66%	49%
General Health				
Poor	24%	10%	3%	4%
Fair	32%	24%	13%	12%
Good	33%	39%	55%	46%
Very Good	11%	27%	29%	38%
Psychological Disposition				
Anxiety Scale	16.2	13.2	12.2	11.0
Depression Scale	16.4	13.4	12.8	11.2
Overnight Stay in Hospital	21%	15%	9%	6%
Accident Involvement	31%	17%	31%	18%
Public Agency Contacts				
Criminal Justice System	49%	35%	78%	30%
Social Services	55%	59%	34%	36%
Medical/Health Care	59%	59%	44%	44%
Social Conflicts	53%	34%	37%	25%
Criminal Arrests (ever)	41% (84%)	27% (N/A)	68% (92%)	18% (N/A)
Other Treatment Episodes				
Detox	44%	24%	13%	6%
Formal Agency	13%	34%	9%	(N/A)
Alcoholics Anonymous (Any Treatment Ever)	48% (82%)	70% (N/A)	23% (66%)	36% (N/A)

^a Six months after inpatient treatment discharge/termination.

^b Six months after admission to outpatient treatment.

^c Drinking Consequences Composite scale composed of measures of physical impairment, behavioral impairment, police problems and accidents, job problems, job consequences, health worries, loss of control, and problems with relationships.

BRIEF PROGRAM OVERVIEWS WITH DESCRIPTION OF SERVICES

FY85 ALCOHOLISM AND DRUG ABUSE GRANTS

<u>PROGRAM</u>	<u>BRIEF DESCRIPTION</u>	<u>FUNDING SOURCE</u>	<u>FY 84</u>	<u>FY 85</u>
Tanana Chiefs Conference 1st & Hall Streets Doyon Building Fairbanks, AK. 999701	The TCC Regional Prevention Project provides information, education, and preventive services in the northern region. This year the project is divided into five separate program components: Youth Prevention, Broadcast Services, Fetal Alcohol Syndrome Prevention, Village Local Option Support, and Provider Conferences.	Drug	\$150,000	\$150,000
Fairbanks School District P.O. Box 1250 Fairbanks, AK. 99707	This program will implement the "Here's Looking at You Two" comprehensive drug/alcohol curriculum in the Fairbanks North Star School District. The groups which will be specifically targeted for instruction are Junior High School students, their teachers and their parents.	Drug	\$10,000	- 0 -
Craig Youth Center Box 148 Craig, Alaska 99921	The Craig Youth Center offers its services to all area youth from ages 6-18 years of age. The specific service components offered are as follows: Structured and recreational activities; educational information to all area youths identified as "at risk" concerning alternatives to substance abuse; improved parenting skills presentations to youth and their families community awareness presentations targeted to community members and parents of youth.	Drug	\$35,000	\$375,000
Anchorage Behavioral Hlth. Treatment Center 825 L Street Pouch 6-650 Anchorage, Alaska 99502	Through various sub-contracts the municipality provides the following drug abuse services: outpatient detox, methadone maintenance, drug-free counseling, intermediate care, residential drug-free therapeutic community, information/education, youth outpatient, youth residential treatment.	Drug	\$647,500	\$889,500
NCA - Juneau 147 S. Franklin Juneau, Alaska 99801	Provides a drug abuse prevention specialist for the school-age youth of Juneau to deliver prevention/ education, intervention and outreach services. Also provides individual, vocational and educational counseling, and Alaska Safety Action (ASAP) services.	Drug	\$56,000	\$123,573

			<u>FY 84</u>	<u>FY 85</u>
KILA, Inc. 3098 Airport Way Fairbanks, AK. 99574	Provides outpatient detox, methadone maintenance, outpatient drug free counseling, prevention education in Fairbanks area. Specially targeted groups are abusers of heroin, amphetamines and barbituates.	Drug	\$210,000	\$237,400
Fairbanks Native Assoc. Youth Alternatives to Drug Abuse 950 Cowles Fairbanks, AK. 99701	Provides prevention and education information regarding drug abuse to Fairbanks youth through a variety of delivery settings. Maintains drop-in center and provides drug-free recreation alternatives in 5 low income housing projects.	Drug	\$120,000	\$128,165
Ketchikan Youth Services Box 7202 Ketchikan, AK. 99901	KYS provides drug abuse prevention/education, information/referral and alternative activities for youth. Also maintains operation of youth drop-in center and related youth activities.	Drug	\$155,000	\$157,494
Petersburg Youth Program, Inc. 212 Indian Street Petersburg, AK. 99833	Operates a drop-in center and provides special drug-free alternative activities and academic tutoring to high risk youth. Provides drug-abuse prevention information for area community and schools.	Drug	\$ 89,000	\$ 89,000
Sitka Teen Service Box 1714 Sitka, AK. 99835	Provides drug abuse prevention education through drug-free recreational alternatives and skill development to youth ages 13-19 in Sitka.	Drug	\$ 77,500	\$ 80,000

<u>PROGRAM</u>	<u>DESCRIPTION</u>	<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
Alaska Council on the Prevention of Alcohol and Drug Abuse 7521 Old Seward Hwy, Suite A (Statewide)	The ACOPADA provides statewide prevention services via several programs. The "Here's Looking at You" alcohol education curriculum implementation project has been on going for three years and the evaluation continues each year. This project will be continued as well as Media and Alcohol Awareness Week efforts. The ACOPADA will also continue to provide technical assistance, materials, speakers, and public information as requested by other programs, groups or the general public on a staff/material available basis. Assistance to Employee Assistance programs will also be continued.	Alcohol	\$800,000	\$918,343
Anchorage Behavioral Health Treatment System 825 L Street Anchorage, AK. 99502	Provides for delivery of alcohol services in Anchorage through sub-contracts for the following services components: emergency care, outreach, intermediate care, outpatient care, aftercare, ASAP and justice system services, corrections services, corrections, information and education. Target groups include women, youth, parents of abused or neglected children, convicted OMVI offenders, alcohol abusers, chronic public inebriates, elderly and employed persons. (See back pages for list of subcontractors.)	Alcohol	\$2,900,000	\$2,950,000
Aleutian/Pribilof Islands Assoc. Inc. 1689 C Street Anchorage, Alaska 99501	A/PIA is also providing training, travel and associated costs for one community paraprofessional from each community in the region. The trained individuals will return to their homes and provide outreach, consultation and education services to individuals, families and the community. A/PIA also will provide for referral and transportation services from the Chain to Anchorage for individuals suffering from acute problems related to alcohol abuse and in need of emergency treatment.	Alcohol	111,100	\$100,000

		<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
North Pacific Rim 903 W. Northern Lights Blvd. Suite 203 Anchorage, Alaska 99503-2496	Provides community organization activities based on the community identified needs. Prevention of substance abuse using community developed strategies.	Alcohol	- 0 -	\$ 10,000
Barrow Alcohol Program P.O. Box 69 Barrow, Alaska 99723	Services include alcohol education, information and referral, EAP coordination and prevention, outpatient, aftercare counseling, ASAP and justice system services.	Alcohol	\$205,000	\$250,000
Ikayugtut, Inc. P.O. Box 730 Barrow, Alaska 99723	Services - include outpatient counseling services, aftercare, consultation, treatment, family therapy.	Alcohol	- 0 -	\$ 8,000
Bristol Bay Area Health Corporation Box 10235 Dillingham, Alaska 99575	Provides service to 22 villages and the City of Dillingham in the form of outpatient counseling, follow-up, outreach, aftercare, ASAP and justice system services, referral, alcohol information school, information education and prevention.	Alcohol	\$160,000	\$205,600
Center for Alcohol & Addiction Studies U of A 3211 Providence Avenue Anchorage, Alaska 99504	Provides quality control for Level I and II counselor certification training, curriculum orientations to residential trainers. Also provides specialized training to subcontractors, publishes a resource catalog of certification training materials, and conducts Annual School of Alcohol and Addiction Studies. Conducts special research projects.	Alcohol	\$84,000	\$840,000
Chevak Alcoholism Program Box 6083 Chevak, Alaska 94563	Community education, individual, group and family counseling, crisis intervention, mental health and public health Antabuse Program, out-patient treatment, after care, outreach, prevention.	Alcohol	- 0 -	\$ 57,000

		Funding		
		<u>Level</u>	<u>FY 84</u>	<u>FY 85</u>
Cook Inlet Council on Alcoholism Benco Building Kenai, Alaska 99611	Program includes ASAP and justice services, outpatient, aftercare, information/education, and youth alternative services. Serves both Homer, Kenai and Tyonek areas with emphasis on youth, women, misdemeanor/felony offenders.	Alcohol	\$180,000	\$303,000
Copper River Native Assoc. Human Services Division Copper Center, Ak. 99573	Copper River Native Association offers alcoholism services such as: Outpatient counseling, referral, outreach aftercare, OMVI, information/education and crisis intervention. Eight villages are served by the program in the Copper River area.	Alcohol	\$83,000	\$ 88,810
Cordova Community Services Community Hospital Cordova, AK. 99574	Provides information, counseling, consultation, education outpatient treatment, aftercare, outreach and prevention education consultation.	Alcohol	\$45,000	\$ 58,000
Fairbanks Native Assoc. Comprehensive Alcoholism Program First & Hall Doyon Building Fairbanks, AK. 99701	Provides comprehensive alcoholism services such as: Emergency care, detox, short-term intermediate care, halfway house for men and women, ASAP and justice system services, outpatient, aftercare, outpatient counseling and education prevention services for Fairbanks area.	Alcohol	\$950,000	\$1,107,40
Galena Alcoholism Program P.O. Box 17 Galena, Alaska 99741	Provides outpatient counseling, aftercare, family therapy outreach, prevention education, consultation to residents of Galena.	Alcohol	\$54,000	\$ 54,000
Juneau Alcoholism & Drug Abuse Central Agency 210 Admiral Way Juneau, AK. 99801	The program provides comprehensive services such as emergency care, inpatient care, intermediate and long-term care, outreach, outpatient, aftercare, ASAP and justice system services, and prevention education to entire Juneau community. Prevention activities are aimed primarily at youth.	Alcohol	\$675,000	\$ 700,000

		<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
Ketchikan Comprehensive Alcoholism Program 3131 Tongass Ketchikan, Alaska 99901	Program provides intermediate care services, emergency care, outpatient, outreach, aftercare, referral, quarterway, halfway house, prevention education, ASAP and justice system services, and employees assistance program.	Alcohol	\$265,000	\$ 350,800
Kodiak Council on Alcoholism Box 497 Kodiak, Alaska 99615	Provides intermediate care, outpatient counseling (individual and group), family counseling, information and education diagnostic screening and referral, alcohol information school and ASAP and justice system services.	Alcohol	\$265,000	\$ 308,000
Kuskokwim Native Assoc. Alcohol Abuse Awareness Program P.O. Box 106 Aniak, Alaska 99557	Provides alcoholism services for 11 villages served by corporation. Services include education/prevention, emergency services assessment and referral, outpatient program, alcohol abuse groups, aftercare/follow-up and support services. Services to the villages are provided on an itinerant basis to everyone with special targeting of episodic binge drinkers, chronic drinkers, women ages 14-30 and parents of abused or neglected children.	Alcohol	\$92,000	\$100,000
Mat-Su Council on Alcohol- and Drug Abuse Wasilla Business Park Box 656 Wasilla, Alaska 99687	Mat-Su Council offers outpatient counseling, aftercare, information, referral, ASAP and justice system services, alcohol information school, and outreach to residents of Mat-Su Valley.	Alcohol	\$180,000	\$272,300
Northwest Regional Alcoholism Program Manilaq Association P.O. Box 256 Kotzebue, Alaska 99752	Services - Emergency care, outreach, outpatient care, aftercare, alternatives, residential treatment, prevention education and referral in surrounding villages.	Alcohol	\$553,600	\$700,700
McGrath-Anvik Mental Health and Drug Abuse Box 16 F McGrath, AK 99627	Community Education, individual and group counseling, crisis intervention, outpatient, aftercare, outreach, prevention and Mental Health Services.	Alcohol	\$ 85,000	\$100,000

		<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
Norton Sound Health Corp. Comprehensive Alcoholism Program P.O. Box 966 Nome, Alaska 99762	Serves Norton Sound area by delivering the following services: emergency detox, individual family group, outpatient, outreach, aftercare information, ASAP and justice system services, prevention/education and intermediate care. Specially targets women, youth, misdemeanor offenders and public inebriates.	Alcohol	\$500,000	\$629,000
Inter-Cap Box 00349 Nenana, Alaska 99760	Inter-Cap will provide a comprehensive and unique alcohol training curriculum. This training will provide Rural Alaska Natives with a community-based, culturally relevant prevention and treatment approach to alcoholism; coupled with college degrees and a working relationship with parent communities, we will begin to answer the documented needs of Rural Alaska.	Alcohol	- 0 -	\$ 19,890
Petersburg Council on Alcoholism 215 Indian Street Petersburg, AK. 99833	This program provides outpatient and group counseling, aftercare and outreach services to the community of Petersburg and residents of Mitkof Island as well as prevention education, ASAP and justice system services, information/referral, drop-in center.	Alcohol	\$71,000	\$ 81,000
Phillip Alcoholism Treatment Center PACT Building Box 388 Bethel, Alaska 99559	Provides services to Bethel areas that include: intermediate care, outpatient, outreach, aftercare, prevention education, misdemeanor/felony diversion and ASAP justice system services. Specially targets youth and chronic public inebriates.	Alcohol	\$575,000	\$621,000
Rural Alaska Community Action Program (Rural CAP) 327 Eagle Street Anchorage, AK. 99501 (Statewide)	Coordinates a community run, school based cultural heritage program for emphasizing that it is "good to be Native". Also provides technical support to AVAIL and publishes a statewide newsletter and operates a tele-conference series for village based counselors.	Alcohol	\$100,000	\$ 83,000

		<u>Funding</u> <u>Source</u>	<u>.. 84</u>	<u>FY 85</u>
Seward Life Action Council 502 Adams Street Seward, Alaska 99664	Operates alcohol program services in combination with mental health program. Services include emergency care, outpatient, outreach, aftercare, ASAP and justice system services, information and referral, detox and recover, and prevention education for community of Seward.	Alcohol	\$100,000	\$123,000
Sitka Council on Alcoholism and Other Drug Abuse 100 Katlian Street Sitka, Alaska 99835	Sitka Council provides a comprehensive alcoholism program which consists of an inpatient unit, intermediate care, outpatient, outreach, emergency care, aftercare, community information education, and ASAP and justice system services. Special target groups are women, youth, public inebriates and OMVI offenders.	Alcohol	\$350,000	\$415,600
Southeast Alaska Regional Health Corporation 2055 Jordan Avenue Juneau, Alaska 99803	Will provide education, referral and outpatient services in 7 villages. Target groups are youth, women, families, children and elderly in villages. Information and referral, crisis intervention, individual and group outpatient counseling, aftercare and family counseling.	Alcohol	\$160,000	\$160,000
South Kachemak, Inc. P.O. Box 197 Seldovia, AK. 99663	Provides for travel for counselors from Port Graham and English Bay to Seldovia for training meetings. Also for supervisor's travel to communities and travel for board members to meetings. Program services currently funded by Indian Health Service.	Alcohol	\$7,000	\$ 10,000
Upper Tanana Regional Alcoholism Program Box 155 Tok, Alaska 99780	Provides alcoholism treatment services to the populations of Tok, Tanacross, Tetlin, Dot Lake and Eagle. Services offered are outreach, outpatient, counseling, ASAP and justice system services, education and prevention, aftercare, and follow-up.	Alcohol	\$50,000	\$ 52,500
Upper Yukon Behavioral Health Project TCC/Ft. Yukon Doyon Building Fairbanks, AK. 99701	Provides alcohol and mental health services for the community of Ft. Yukon and surrounding villages. Service delivery includes outpatient, aftercare and prevention education, outreach and referral.	Alcohol	\$78,000	\$ 81,900

		<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
Valdez Counseling Center P.O. Box 307 Valdez, Alaska 99686	Program services are offered in a combined mental health program. Provides outpatient, outreach and aftercare, prevention/education, and ASAP and justice system services. Special target groups are misdemeanor/felony offenders, OMVI and family violence and youth.	Alcohol	\$45,000	\$ 67,000
Wrangell Council on Alcoholism and Related Drug Abuse 216 Front Street Wrangell, AK. 99929	Provides information and referral, individual and group outpatient, aftercare, outreach, family counseling, Driver Alcohol Information School (DAIS), Alcohol Information School (AIS), youth education, emergency care, employee assistance and prevention education.	Alcohol	\$67,000	\$ 75,000
Yakutat Alcoholism Program Box 6 Yakutat, Alaska 99689	Program offers outpatient counseling, information, referral and alternative activities primarily to reach youth, women, public inebriates and accident victims in the Yakutat community.	Alcohol	\$40,000	\$ 42,000
Yukon-Kuskowim Health Corp. P.O. Box 528 Bethel, Alaska 99559	Operates a program utilizing a group of village based counselors to provide alcoholism information and education, and limited counseling to residents of the Yukon-Kuskokwim Delta. Incorporates early intervention, referral, outpatient, prevention, and education services.	Alcohol	\$285,000	\$285,000
Fairbanks Native Assoc. Northern Regional Training Program 950 Cowles Avenue Fairbanks, Alaska 99701	Provide level I and level II counselor certification training, plan technical assistance, internship program, specialized and education to community.	Alcohol	\$80,000	\$102,000
Alaska S.E. Regional Training Program ASERT Box 963 Sitka, Alaska 99835	Provide level I and level II counselor certification training, plan technical assistance, internship program, specialized and education to community.	Alcohol	\$80,000	\$102,000

		<u>Funding Source</u>	<u>FY 84</u>	<u>FY 85</u>
Southwestern Regional Training Project Box 528 Bethel, Alaska 99559	Provides level I and level II counselor certification training, plan technical assistance, internship program, specialized training and education to community.	Alcohol	\$114,000	\$114,000
Nugens Ranch Box 1545 Wasilla, Alaska 99687	Provide approximately 35 beds in a ranch setting which will allow treatment through work therapy, individual and group therapy, recreation therapy, nutritious foods, medical supervision and daily experience in group living. Also daily AA meetings. This facility is for the long term care and rehabilitation of those who are the most severely affected by alcohol abuse.	Alcohol	\$550,000	\$550,000
*Municipality of Anchorage Sub-contracts				
Akeela House, Inc.	Provides 45 adult residential treatment beds for substance abusers and provides adult outpatient counseling. Also provides outpatient counseling to youth and women as specific target groups.			
Narcotic Drug Treatment Center	Provides outpatient detoxification, methadone maintenance, and outpatient substance abuse treatment to adults.			
Volunteers of America	Provides a residential substance abuse treatment program for youth ages 12 to 16.			
Salvation Army	Provides community service patrol, detoxification services <u>20 beds</u> , substance abuse service in two Anchorage correctional facilities, women's residential program <u>12 beds</u> , <u>30</u> intermediate care treatment beds, transitional residential care unit (halfway house) and outpatient adult treatment.			
Cook Inlet Native Assoc.	Provides special outreach efforts in the Native community and provides 10 intermediate care beds in Eklutna.			

INMATE SUBSTANCE ABUSE PROGRAMS

A multitude of data implicates substance abuse as a major factor in the high rate of criminal recidivism. This new program attempts to reduce multiple incarcerations by treating individuals during the last part of their sentence and during their parole. A combined counseling and chemotherapy program is used.

Cooperative Agreement with Department of Corrections

It will be our joint policy to provide substance abuse treatment programs in all adult correctional facilities in Alaska. Programs shall be operated in conformance with established statutes, regulations and policies of both agencies.

Participating Grantees

*FY 85 SOADA Funds
**FY 85 Corrections Funds

Ketchikan Comprehensive Alcoholism Program		18,302*
Fairbanks Native Association		60,000*
Mat-Su Council on Alcoholism		28,273*
Cook Inlet Council on Alcoholism		27,491*
Bethel (PATC)		48,398*
Salvation Army	273922	225,524**
Southeast Regional Resource		32,003**
Norton Sound Health Corporation		17,298

NEW RURAL YOUTH INITITIVE

SOADA has funded youth inititives as alternatives to substance abuse for many years in Southeast and Southcentral Alaska. Last year the inititives were expanded to the northern and western regions of the state. Programs are preventive in structure and content.

Rural Youth Programs (established by Legislative Intent) in FY 85

Services - Structured and recreational activities will be offered to all area youth between the ages of 6-18. Consultative and educational information will be targeted to all area youths identified as "at risk" concerning alternatives to substance abuse.

<u>Program Providers</u>	<u>Funding Source</u>	<u>FY 85 Funding</u>
Kuskokwim Native Association	Drug	20,000
Aleutian Pribilof Islands Association	Drug	38,000
Yukon Kuskokwim Health Corporation	Drug	23,750
Bristol Bay Area Health Corporation	Drug	44,500
Cook Inlet Council on Alcoholism	Drug	24,000
Village of Minto	Drug	32,000
McGrath-Anvik Alcoholism	Drug	36,113
City of Tanana	Drug	26,000

References

1. Division of Adult Corrections - Information from Corrections Master Plan Data Base utilized in making determinations of alcohol related crime rates and identifying inmate population.
2. Department of Highway Safety - Total accidents including mortality, personal injury and property loss and ratio of alcohol relatedness.
3. National Institute of Alcoholism & Drug Abuse - "Alcohol and Health" Information regarding the ill-health effects of alcoholism such as increased risk of mortality.
4. Department of Health and Social Services - Division of Vital Statistics Death statistics for selected causes.
5. State Office of Alcoholism and Drug Abuse - General documentation and unpublished research on Alcohol and Violence.
6. Department of Public Safety - Annual Drug Reports
7. Alaska Judicial Council - Felony Sentencing Data.
8. Alcohol Beverage Control Board - Total gallonage consumed by Alaskans.